

A HISTORICAL STUDY OF THE OKLAHOMA SUPREME
COURT'S DECISIONS INVOLVING OKLAHOMA'S
PUBLIC SCHOOLS: 1930-1999

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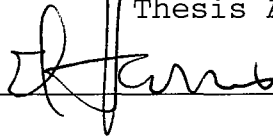
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CHAPTER I

INTRODUCTION

The topic of this study is educational law. More precisely, this study examines case law. This study chronologically analyzes the Oklahoma Supreme Court cases involving public school issues that were adjudicated from 1930 to 1999. In addition to the Oklahoma Constitution (specifically Article 10), educational law has existed since statehood in the form of statutes and policies and procedures produced by the state legislature and other governmental agencies. With the creation of the state also came the creation of the Oklahoma Supreme Court. The law created by the Oklahoma Supreme Court, known as case law, has been vital to the development of educational law in Oklahoma. And this development began as early as statehood with the first Oklahoma Supreme Court case concerning a public school issue in 1907, School District No. 57 v. Eager. Eager was the recipient of an incorrectly signed check by the school treasurer. Complicated by the closing of the bank upon which the check was written, the Court determined that the debt owed Eager was valid.

In 1933, the Oklahoma State Department of Education published an analysis of the Oklahoma Supreme Court's decisions for the years spanning from statehood to 1930. This publication, titled Supreme Court Decisions Relating to Schools in Oklahoma, provided an analysis of the cases that established precedence primarily for issues

involving Oklahoma's schools. This study analyzed the succeeding 70 years of the Court's history in deciding legal questions involving Oklahoma's public school districts.

School law has impacted society and the operation of schools in multifarious ways. This has been true at both the federal and state levels. For example, at the federal level, the U.S. Supreme Court greatly impacted public education in the 1896 case, Plessy v. Ferguson (163 U.S. 537). Although the decision immediately affected railway car transportation, it certified the inane and inadequate social practice of separate schools for Blacks and Whites. In essence, the Court legitimized the practice.

School law in general has been a growing area of activity since the 1950's when the Court, in a somewhat rare occasion, reversed itself. In the 1954 case, Brown v. Topeka Board of Education (347 U.S. 483), the Court not only changed the fabric of the social structure of public schooling by declaring that separate schools for races were "inherently unequal," it also brought a spotlight to school issues in the courts.

The U.S. Supreme Court has impacted the operation and functioning of public schools in very general and specific ways. In a landmark case in 1969, Tinker v. Des Moines (393 U.S. 503), the Court declared that students "do not shed their Constitutional rights at the schoolhouse door." In the 1970's the Court ruled that students were entitled to the same basic due process afforded adults. In the 1975 case, Goss v. Lopez (419 U.S. 565), the Court mandated the elements of due process in cases of student suspensions from school. The Court stipulated the circumstances in which schools became entangled with religion in the 1971 case, Lemon v. Kurtzman (403 U.S. 602). In a 1988 case, Hazelwood v. Kuhlmeir (484 U.S. 260), the Court clarified restrictions placed on school administrators and teachers to censure school newspapers. At the time of this study, the

U.S. Supreme Court again considered a case that would affect the daily operation of schools across the county in Falvo v. Owasso. The U.S. Supreme Court ruled on whether or not students exchanging papers and calling out grades for a teacher to record was constitutional and violated the Family and Educational Records Privacy Act (FERPA). The Court decided there was no violation of the U.S. Constitution nor FERPA.

The growth in the number of educational issues litigated in the courts over the years has, in many ways, mirrored the importance of the topics of the cases. This was important because the courts established law in their decisions that transcended the specific schools in the cases. Once published, the decisions of the courts of last review affected the operation of all schools. Any public school law obviously affected the schools in one or more ways. Case law carried the same effect as statutory law. Case law at the national level has grown in significance to the body of law since the 1950's, and its impact on the operation of public schools has been tremendous. Many of the cases have changed the daily operation of schools.

While the decisions of the U.S. Supreme Court impacted all public schools, other court decisions also impacted the operation of Oklahoma's public schools. These were the decisions of the Oklahoma Supreme Court.

For educational researchers the importance of the study of educational law may vary depending on the topic. As a byproduct, this study demonstrates that educational law in Oklahoma creates its own significance, whether intentional or unintentional, in a wide variety of ways and on a wide variety of topics through the decisions of the Oklahoma Supreme Court. Legal research in the area of educational issues enriches the knowledge base for educators and provides valuable tools for understanding the operation

of schools (Morris, et al., 1997). Considering the history of the judicial system in educational issues at the national level, understanding the case law of the federal courts became a necessity. Understanding the case law of the Oklahoma courts bears the same necessity for those who operate Oklahoma's public schools.

This study reviews chronologically the involvement of the Oklahoma Supreme Court in educational issues from 1930 to 1999. In this period of time over 242 cases involving Oklahoma's public schools were heard by the Court. Understanding the case law developed by these cases is just as important to the school administrator as understanding the more commonly known statutory law and the policies and procedures of governmental agencies. In Oklahoma the first significant rise in the number of cases occurred in the 1930s. For example, eight cases were heard from 1907 to 1909. From 1910 to 1919, 32 cases were heard. From 1920 to 1929, 37 cases were heard. The Court heard 56 cases in the 1930s. Increases in the numbers of cases in Oklahoma also mirrored the national trend that occurred in the late 1950s (Pacific Reporter).

As a matter of curiosity and practical information, this study included in its analysis the circumstances that involved the schools in the precedential cases of the Court. Considered are the circumstances that made schools the plaintiff or defendant; these variables correlated with the outcomes of the cases, and the success rates, or number of wins and losses in court by school districts.

To the practicing school administrator, knowledge of case law has become a fundamental requirement. Considering the rise in court cases involving schools and the basic requirement for schools to conform to the rudiments of case law, the need for school administrators to understand and have access to case law has been fundamental to

the successful operation of their schools and the daily operation of their jobs. This study was an attempt to compile a guide to the case law.

Development of the Oklahoma Supreme Court System

The Oklahoma Supreme Court was created in 1907 with the ratification of the Oklahoma Constitution. Shortly after statehood, the first Supreme Court was established with five justices. Because the increasing number of cases heard by the Court, the number of justices was increased to nine in 1917. Originally the Court heard all appeals filed in the state, both criminal and civil. An increasing number of criminal cases created the need for an adjustment to its composition (Oklahoma Supreme Court Network, 2001). In 1918 the Criminal Court of Appeals was created, separating a function of the Supreme Court in the state's judicial system. In the 1960s, Oklahoma's Court system became one of only a few in the United States to have a dual appellate system; that is a dual court system of last review (Oklahoma Supreme Court Network, 2001). The Criminal Court of Appeals hears all criminal appeals. The Supreme Court has jurisdiction over all civil appeals.

Created in the 1960s because of the growing population in the state and the number of cases filed in the Supreme Court, the Court of Civil Appeals has evolved to where it hears the vast majority of appeals from the state's district courts (Oklahoma Supreme Court Network, 2001). Before the creation of the Court of Civil Appeals, the Supreme Court heard all appeals of a civil nature in the state. The Court of Civil Appeals is made up of twelve judges who are divided into four divisions. Two divisions of three judges each are located in Oklahoma City with the same arrangements in Tulsa.

Article 7, Section 5 of the Oklahoma Constitution, provided that all litigating parties who lose in a lower court are entitled to an appeal before an appellate court. Appeals to the Oklahoma Supreme Court must first originate at one of the lower courts or legal administrative agencies in the state such as in one of the 77 district courts, the Workers' Compensation Court, the Court of Tax Review, the Oklahoma Tax Commission, the Department of Public Safety, the Department of Human Services, and the Oklahoma Corporation Commission (20 O.S. Section 30). The only exception to this rule was when the Court agreed to assume original jurisdiction in a case. Though unique, the Court assumes original jurisdiction in cases of high or immediate necessity and public importance and, at times, in cases between state agencies (Mann, 2002).

The Court of Civil Appeals has been assigned to hear most of the appellate cases in Oklahoma since its inception (Oklahoma Supreme Court Network, 2001). As a matter of practice, the Supreme Court assigns all cases presented for appeal from the district courts. The Court either keeps the case for its purview or forwards the case to the Court of Civil Appeals.

The significance of a decision made by the Court of Civil Appeals, in terms of its precedential value, depends on whether or not the Supreme Court validates the decision by a vote of the Justices. Chapter 20, Section 30 of the Oklahoma Statutes mandates the process by which a decision of the Court of Civil Appeals may carry the weight of establishing precedent.

The Court of Civil Appeals shall effect disposition of cases assigned to it by a written opinion . . . No opinion of the court of Civil Appeals shall be binding or cited as precedent unless it shall have been approved by the majority of the justices of the Supreme Court.

If the Supreme Court approved the decision of the Court of Civil Appeals, the decision was published in the official reporter (the Pacific Reporter, Second Edition) in the name of a Supreme Court decision with a notation that it was written by justices of the Court of Civil Appeals. Cases heard by the Court of Civil Appeals that were not given precedential status by the Court were published in the Oklahoma Bar Journal (Oklahoma State Supreme Court Rule 1.200 c. 1.). Such decisions were described as having “persuasive” rather than precedential value (Mann, 2002). Decisions in this category were not included in this study.

The Court hears appeals through three different means. The first is by a writ of certiorari, which is the method by which all cases decided by the Court of Civil Appeals are appealed to the Supreme Court. If granted, the Supreme Court hears the appeal. The second is by a writ of mandamus. Mandamus is the method used by the Court to require a case to be heard directly by the Supreme Court from a lower court, usually a district court. The last occurs in cases where the Court has original jurisdiction in a legal dispute. This most commonly occurs when two state agencies disagree and seek relief from the Court (Morris, et. al., 1997).

Statement of the Problem

It is the duty of public school administrators to operate their schools in the most effective manner possible. It is impossible to operate schools effectively without observing the laws of the state. For the most part, four types of “laws” govern public

schools in Oklahoma: constitutional law, statutory law, policy and procedures adopted by state agencies, and case law.

Case law in Oklahoma has played a vital role in the formulation of law. Case law, comprised of decisions made by a court, has been important to observe as it acted the same as statutory law in its authority to all within the jurisdiction of the court making the decision. The authority of the Oklahoma Supreme Court extends to the entire state. Supreme Court case law related to school issues became important to the school administrator due to the legal concept of *stare decisis*. *Stare decisis*, or precedent, is important to school administrators in cases involving school issues as “the rule announced by the court is binding on all lower courts and area within its jurisdiction” (Morris, et al., 1997).

As discussed above, the trends at the federal level suggest that the court system will continue to provide important revisions and updates to law on an every-increasing basis. Since the 1950s, the federal courts have made a large impact on the operation of public schools. For example, schools have been integrated, students’ rights have been clarified, and censorship implications have been analyzed. This study looked at the impact that the Oklahoma Supreme Court has made on the public schools in Oklahoma. Whether or not the same trends were found in the Oklahoma Supreme Court as were found in the federal courts, while interesting, did not diminish the fact that the decisions of the Court were important. The decisions of the Court constituted law, thus ultimately impacting the operation of schools.

Various publications provide reference materials related to statutory laws and the policies and procedures of governmental agencies. The case law of Oklahoma, however,

was published only in the decision issues of the Oklahoma Supreme Court. Specifically, the decisions of the Oklahoma Supreme Court were published in West Publishing Company's Pacific Reporter, Second Edition and on the Oklahoma Supreme Court's World Wide Web site (www.oscn.net). In addition, the Court's decisions have been periodically published or discussed in newspaper articles at the time the Court decides a case and in occasional professional publications, such as the Cooperative Council of Oklahoma's School Administrator's publication, Better Schools.

Case law has occupied a key component of the total law of a state. As such, the ability of school administrators to reference the material has been just as important to the effective operation of schools as has been referencing statutory law or governmental policies and procedure. No such reference existed for school administrators for the years after the 1930s. The goal of this study was to provide such a reference. In all respects, this goal was especially true to the researcher if to no other.

Purpose of the Study

The primary purpose of this study was to examine chronologically the civil cases involving Oklahoma's public schools that were adjudicated in the Oklahoma appellate courts from 1930 to 1999, with a focus on discerning the court cases that established precedence in case law or had significant results for the operation of schools in Oklahoma. Examined by decade, this study focused on the chronological development of case law affecting schools while also determining the rates at which schools were successful and unsuccessful in terms of winning or losing in the Court.

A secondary purpose of this study was to develop a chronological history of the Oklahoma Supreme Court cases involving public schools for future researchers, teachers, and school administrators. This study may serve as an educational reference for educators in Oklahoma.

It is incumbent upon school administrators to have access to relevant information to effectively operate schools. Access to the case law of the Oklahoma Supreme Court that affects public schools provides insight into the meaning of school law and the direction of the Court as it relates to school law issues in Oklahoma. Without the knowledge of the Court's decisions, school administrators may very well break the law.

Organization of the Study

This study was organized in a manner that easily established a baseline for research and analysis. All of the Oklahoma Supreme Court cases from 1930 to 1999 were categorized by decade. This approach was chosen to allow the researcher to review the cases within a time frame and refer to the writing and decision making of the court during similar time periods. With this approach, relevant legislation passed prior to and during the decades discussed enlightened the researcher in relation to the issues addressed by the Court. During every decade, the Oklahoma Legislature passed laws that impacted education. Examples are the periodical revisions of the Oklahoma School Code, the Open Meetings Act in 1959, the Oklahoma Bond Issues Proceeds Act in 1967, the Political Subdivision Tort Claims Act in 1978, various school annexation and consolidation acts, and the Teacher Due Process Act of 1990. Upon reviewing the cases

in toto, the researcher determined that such an organization was necessary for the study to better understand the Court in its decisions and the precedent-setting history of the Court.

Research Questions

The Oklahoma Supreme Court cases adjudicated from 1930 to 1999 that involved the public schools were examined in order to answer the following research questions:

1. What issues involving Oklahoma's public schools were considered by the Oklahoma Supreme Court from 1930 to 1999?
2. As a measure of success, did Oklahoma's public schools win or lose as plaintiffs and defendants in the cases adjudicated by the Oklahoma Supreme Court from 1930 to 1999?
3. What were the precedent-setting cases decided by the Oklahoma Supreme Court from 1930 to 1999?

Limitations to the Study

1. The usefulness of the study depends on two variables: first, the researcher used the methodology of content analysis in reviewing the cases. As such, a certain amount of subjectivity in determining the significance of cases may vary from one researcher to the next. Second, the study focused on precedent-setting and significant cases decided in each decade. Many of the cases heard by the Court considered not only issues involving the Oklahoma Constitution but also existing statutory law at the time of the case. The extent to which the cases remain relevant to current school

administrators rests with the Court in continuing the case law by the practice of stare decisis and the changing nature of the Oklahoma statutory law and Constitution. Three types of decisions were considered “precedential” in this study: those that overturned a previous decision of the Court, those that interpreted the Oklahoma Constitution, and those that, when viewed in the context of the decade and in relation to other decisions made by the Court, were considered important to understanding the total case law of the Court by the researcher.

2. This study was limited to the review of the Oklahoma Supreme Court cases in the context of their significance to case law in the area of public school issues. While this study traced the development of case law it did not take into consideration the political and social issues contemporary to the decisions of the court. This study is limited to a legal history of the cases heard by the Court.
3. A number of cases were chosen in each chapter to demonstrate the significance of a decade in the development of case law related to public school issues. In some instances different cases adjudicated by the Court also demonstrated the same development of case law. Therefore, a certain amount of bias is found in this study as the researcher chose to include one case to demonstrate case law development while another may have just as well demonstrated the same point.
4. Studying the decisions made by the Court from during the period prevented the researcher from considering the entire history of the

Oklahoma Supreme Court and its total influence on the operation of public schools. This study was limited to the Court's impact developed from 1930 to 1999.

Definitions of Terms

The following terms were used in this study. While many legal terms were used in the study, the following were found in many cases, and, at times, occupied different meanings, given the context in which they were used. As a guide to their meanings, the researcher included the definitions to provide added clarity to the work.

Adjudicate: To settle in the exercise of judicial authority; to determine finally (Black, 1998).

Affirm: To make firm; to establish; to ratify or confirm the judgment of a lower court (Gilmer, 1986).

Appeal: An application to a higher court to correct or modify the judgment of a lower court (Gilmer, 1986).

Appellant: The party who takes an appeal from one court or jurisdiction to another (Black, 1998).

Civil Case: A lawsuit which has for its object the protection of private or civil rights or compensation of their infraction (Gilmer, 1986).

Ex Rel.: On relation or information (Gilmer, 1986).

Laches: Negligence or unreasonable delay in pursuing a legal remedy, whereby a person forfeits his right (Gilmer, 1986).

Levy: To assess, impose, or require a tax by a school district (Gilmer, 1986).

Plaintiff: A person or group who brings an action; the party who complains or sues in a civil action and is so named on the record; a complainant (Black, 1998).

Remand: To return a lawsuit to the court from which it came for trial or other action (Gilmer, 1986).

Reverse: To set aside a judgment on appeal and enter a contrary decision (Gilmer, 1986).

Separate School: A school in Oklahoma organized for and occupied by Black students only (Pottawatomie County v. Chicago R.I. & RY Co (29 P2d 587)).

Statutory Law: An act of the legislature, adopted pursuant to its constitutional authority (Black, 1998).

Tort: A civil wrong (Gilmer, 1986).

Writ of Certiorari: An order by the appellate court which is used when the court has discretion on whether or not to hear an appeal (Black, 1998).

Writ of Mandamus: To confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it its duty is to do so (Black, 1998).

CHAPTER II

OKLAHOMA SUPREME COURT CASE LAW

REGARDING PUBLIC SCHOOLS: REVIEW

AND ANALYSIS FOR THE 1930s

Introduction

The decade of the 1930s in Oklahoma has been best characterized in a similar fashion as most of the United States during the decade. Following the Stock Market Crash of 1929, it was a decade of poverty, uncertainty in financial markets, high unemployment, political and social scandals, and, as most often described, the period in our nation's history known as the Great Depression (English & Calhoun, 1989). In particular reference to this time period, Oklahoma has been referred to as the "Dust Bowl," a moniker made prominent in the minds of most Americans in the award-winning novel, The Grapes of Wrath by John Steinbeck. While a work of fiction, parts of Oklahoma and, to some degree, the exodus of Oklahomans to California were aptly described in the work. In 1933 summer temperatures soared, precipitation was scarce, and winds followed. Western Oklahoma, primarily an agrarian-based area, was devastated by failing crops combined by low prices for crops at the market. Farms, owned primarily by families, were taken over by banks. Families left Oklahoma by the thousands for states such as Arizona and California (Duvall & Boeger, 1985).

The economy of the state was tied to property during the 1930s. Farming, raising livestock, and oil production dominated the economy. The depression negatively impacted Oklahoma's economy. Farm crops sold at markets for less than it cost to grow them. The torturous climate of the state brought livestock producers to bankruptcy and the oil industry suffered massive losses as the price for a barrel of oil lost sixty-five percent of its value (Baird & Goble, 1994).

The political climate of the 1930s was a direct reflection of the devastation of the Great Depression. The primary topic of legislation during the decade surrounded methods of taxation and reducing the burden of taxes on property owners (English & Calhoun, 1989). Governor William H. Murray (1931-1935) was elected to office in 1931 on the platform of property tax reform (English & Calhoun, 1989). As a result of his efforts to change the tax structure and operation of tax collection in the state, the Oklahoma Tax Commission was created. Upon election, Governor Murray was successful in reducing property taxes for farmers and oil producers. As a result, the state lost the largest source of revenue needed to operate services (Baird & Goble, 1994). Schools predominantly survived financially from property taxes. Propositions to change the structure of the income tax failed. Other taxes were created, however, to make up for the lost revenue created by the reduction in property taxes. Gross production taxes, inheritance taxes, and corporation licensing fees were created to generate revenue (Baird & Goble, 1994).

The social, political, and economic climate of Oklahoma during the 1930s properly fit within the characterization made by Steinbeck. The state was in turmoil and, at times, despair. This was primarily the result of the poor economy and how political

pundits and society addressed the depression. The vast majority of cases heard by the Oklahoma during the 1930s specifically addressed finance issues, a finding of no surprise considering the economy of the state. Legal battles were fought over property taxes and tax levels for schools. Other battles surrounded ways that those outside of school could reduce taxes paid to schools.

Court battles over school district annexations and consolidations were found during the decade. Such would, as some argued, reduce the tax burden for property owners. Issues not directly tied to the economy or the circumstances of the depression were litigated, too. The economy of the 1930's directly impacted the litigation involving public schools, however.

Introduction of the Supreme Court Cases in the 1930s

The Oklahoma Supreme Court heard 56 cases involving Oklahoma's public schools during the decade of the 1930s (See Appendix A, Tables I & II). The significance of this number was two-fold: first, 32 percent of the cases heard by the Supreme Court involved public schools (Pacific Reporter, 2d); second, a single issue appeared in the majority of cases. Issues of school district finance, including taxation, expenditures, school fund maintenance, and estimates of needs dominated the court cases involving public schools. Finance issues were not the only issues litigated during the decade, however (See Appendix A, Table III). The categories of issues litigated in the Supreme Court in the 1930s included: finance, personnel, district, and district v. district.

School districts were successful in the Supreme Court during the 1930s by winning 75 percent of the 56 cases. School districts were plaintiffs in 24 and defendants

in 29 of the cases. As plaintiffs, school districts won their cases an astounding 79 percent of the time. Likewise, as defendants, school districts won 75 percent of the time.

Oklahoma school districts lost only 12 of the cases in the decade (See Appendix A, Table IV). Though school districts were taken to court as defendants 29 times, they were highly successful in demonstrating competency and legal adequacy in conducting school affairs.

The major areas identified above were derived from the 56 cases adjudicated in the Oklahoma Supreme Court involving public schools. While many of the cases dealt with issues of a similar nature, some were unique and decided issues peculiar to those cases, the situations in the cases, and the people, agencies, or businesses subject to the cases. This fact presented the reality that while the decisions did develop precedent, it was, in many cases, very particular precedent.

Finance Issues

Issues of finance dominated the cases litigated in the Supreme Court. Over fifty-five percent of the cases during the 1930s involved an issue of school finance. This is significant, especially considering the second most litigated issue concerned personnel at 20 percent of the cases (See Appendix A, Table III). School districts were plaintiffs in 26 percent and defendants in 28 percent of the cases involving finance issues.

Out of the 31 cases in the area of finance, three major issues were litigated. The first was the authority of county excise boards in authorizing estimates of needs. Second, several cases addressed the attempt by disgruntled and/or terminated teachers to recover their salaries from districts. Third, several cases addressed the problems districts had

with maintaining school funds or when funds were expended from wrong accounts or out of accounts without balances to cover the expenditures.

The primary involvement of the Oklahoma Supreme Court in Oklahoma's public schools during the decade of the 1930s was in the area of school finance. Private citizens, school districts, small and large businesses and corporations, and state officials all contributed to the rather large number of litigated issues surrounding school finance. The issue of school money was involved in 31 of the 56 cases decided during the decade.

The most litigated issue in the area of finance was the role and authority in approving the estimate of needs by county excise boards for school districts. Of the 31 cases involving finance issues, 20 cases considered, at least in part, the legitimacy of a school district's estimate of needs and the role the excise board played in the approving the estimate.

The first case, State ex rel. Joint School District No. 102 v. Excise Board of Payne County (1932), was important as it firmly established the role and authority of the county excise board in approving a school district's estimate of needs. The Payne County school district brought suit for mandamus against the Payne County Excise Board to compel the excise board to approve the district's estimate of needs. The Court granted the writ of mandamus.

The district prepared an estimate of needs based on its estimated budget and a fifteen mill levy approved by its voters. After completion, it was submitted to the excise board for approval. At its meeting the excise board reduced the estimate of needs and the millage levy from fifteen mills to thirteen mills. No reason for the reduction was given. In its decision, the Court stated:

An estimate made by a 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 school district under statutory and constitutional limitations is sufficient to produce the amount of the estimate of needs.

The Court established a clear precedent in stating that a school district's estimate of needs shall be approved if the levy approved by the district's voters was sufficient to generate the money needed to cover the projected budget in the estimate of needs. The Court left no area open for discretion on the part of the excise board in this matter. Rather, the Court maintained that the excise board's responsibility was to certify sufficiency of the millage level producing the amount requested, not to provide discretion as to the amount of the levy or the estimate of needs.

During the decade, the Court established the role of the county excise board in approving supplemental estimates of needs and appropriations. In State ex rel. Board of Education v. Morley (1934) the Tulsa City School District filed suit to compel the Tulsa County Excise Board to approve its revised estimate of needs and supplemental appropriations. As provided by law, the district submitted to the excise board a statement of financial condition in mid-year, along with a revised estimate of needs and request for a supplemental appropriation, which outlined a cash surplus of revenue in its general fund. The surplus was a result of delinquent taxes collected during the current fiscal year but owed the previous fiscal year. As the district received the revenue, a request to include the money in its appropriations was made to the excise board.

Upon its consideration, the excise board refused the request of the district and cited for authority that it had discretionary power in authorizing supplemental

appropriations for school districts. The Court disagreed with the excise board. In a snappish opinion, the Court stated:

The state has a sovereign interest in the maintenance of common schools throughout the state and might by reason of this interest delegate to the excise board the power to determine the necessity for supplemental appropriations of school districts. However, it has not seen fit to do so. On the contrary, the Legislature, in its wisdom and in recognition of the propriety of local self-government, has deemed it best to vest in a large manner the power to control and manage the public schools in the people of the locality in which such schools are situated.

Quite clearly, the Court maintained that excise boards were not in existence to exercise value judgments on the necessity of an estimate of needs, levies, or appropriations.

Rather, the legitimate function of the excise board was to determine the correctness of the statement submitted by the school district and the existence or nonexistence of a surplus of revenue. Concisely, the local district was vested with power to determine the necessary use for funds, not the excise board.

In the 1930s the Supreme Court established the legitimacy of a district's estimate of needs as the estimate relates to a district's separate schools. In Board of Education v. Fry (1932), the Court considered the authority of an excise board to reduce a district's estimate of needs, levy, and appropriations based on the district's treatment of its separate schools in financial statements. In Fry the Guthrie City School District filed suit in the Oklahoma Supreme Court for mandamus to compel the county excise board to approve its estimate of needs as submitted. The school district included in its estimate of needs a budget and appropriation request to operate its separate schools in the district. The excise board reduced the district's estimate of needs in the area of the separate schools and, as a

result, also reduced the levy requested by the estimate that was approved by the voters of the district. In its decision, the Court stated:

It is the duty of the excise board to approve the budget and estimated expenses submitted to it by the board of education of the city of Guthrie for the support and maintenance of separate schools in and make such appropriation as will provide for the support of the separate schools in the district for a school term equal in length to the white schools and with like accommodations and facilities.

The Court maintained that it was unconstitutional not to provide “separate but equal” finances and educational accommodations to the separate schools in the state. Reducing the estimate of needs in the area of the separate schools was not within the power of the excise board.

The Court also rationalized that “the duty of the excise board in any county is to make a levy sufficient to raise money necessary to maintain separate schools.” By reducing the estimate of needs, the excise board also reduced the levy level requested in the estimate. This act was not in their authority to do. The Court continued on this subject by stating that the excise board must approve the levy level in an estimate of needs for separate schools “regardless of how many mills on the dollar’s valuation will be required, so long as it is within the maximum constitutional limitation.” With this statement, the Court made it clear that the millage level established in the estimate had to be approved, regardless of its level compared to the “white” schools, to address the equity issue between the “white” and separate schools.

Six of the 31 cases adjudicated in the Supreme Court in the area of finance during the 1930s involved the salaries of employees, and the district was the defendant. All of these cases involved, to some degree, discussed the legitimacy of the manner in which

employees were paid, how they were paid, from which fund they were paid, and whether or not they should be paid at all. The districts won all of the cases except one.

Three of the six cases established precedence for the operation of Oklahoma's public schools. These issues were:

1. Whether or not a teacher's contract that stipulated a salary for a school year outweighed the outcome of the approved estimate of needs approved by the county excise board?
2. The legality of a Board of Education of an Independent School District utilizing funds of a separate school to pay for part of a superintendent's salary and the other part paid by the independent district's funds?

The first issue was especially interesting as the Court provided two different decisions to the issue yet provided clarity with a marked distinction. In the case, Burton v. School District Number 78 (1936), a teacher filed suit for mandamus in the Oklahoma Supreme Court to guarantee her salary as stipulated in her contract with the Board of Education. At a meeting of the county excise board, the teacher's salary was reduced in the estimate of needs. The excise board approved the millage levy passed by the voters of the district that was sufficient to meet the requirements of the estimate of needs submitted by the school district. Yet, the excise board reduced the teacher's salary.

As was mandated by the Court in State ex rel. Board of Education v. Excise Board of Payne County (1932), the court once again stipulated that the excise board is without authority to reduce an estimate of needs, through itemization or otherwise, if the levy level approved by the voters of a district sufficiently produced the revenue necessary to meet the estimate. The excise board argued that the teacher was not a real party of

interest and cannot, in her own name, maintain the action. As argued, such was the responsibility of the school district, not an individual teacher. The court disagreed and affirmed the county court by stipulating that the teacher shall receive the salary negotiated in her contract, as the excise board had no authority to reduce the estimate of needs.

In the case, Stockton v. Excise Board of Payne County (1932) the court concluded in a different manner. This case involved the same issue as the Burton case. The teacher in this case filed suit in the Oklahoma Supreme Court for mandamus to compel the excise board to approve the teacher's salary as stipulated in her contract with the school district and submitted to the excise board in the district's estimate of needs. At the time of submission, the excise board reduced the amount itemized for the teacher's salary as well as others. At the time of approval, no legal steps were taken by the teachers affected or the district to compel the excise board to approve the estimate of needs as submitted. The decisive point of the Court in this case involved timing. The pleadings submitted by the teacher were almost two years after the contractual year in question. The Court reasoned as follows:

The plaintiff had knowledge of the fact at least not later than the day school began that the excise board reduced the district's estimate of needs regarding teacher salaries and if she was not willing to accept the proportionate share of the amount of the estimate allowed and approved for teachers' salaries as full compensation for their services, it was her duty as soon as the amount of the estimate was known to her to take immediate and appropriate action.

In essence, the Court scolded the teacher for not acting on the issue of her salary when she first discovered the discrepancy between her contracted salary and the amount approved by the excise board.

The Court further acknowledged that the provisions of the teacher's contract stipulated the possibility of a reduction in salary in the event the excise board reduced the district's estimate of needs. While this was not grounded in statute or in precedent involving the requirements of excise boards to approve estimate of needs as submitted by districts, the Court maintained that such a disclaimer was valid in this case. The teacher's contract stipulated:

Provided that neither the school district nor any member of the school district board shall be liable for any amount of difference between the amount of this contract and the amount of the estimate made and approved by the excise board.

The teacher lost this case on two points: first, the teacher waited over two years before filing a claim calling for the excise board to approve a district's estimate of needs regarding teachers' salaries. This amount of time, the Court reasoned, was too long. Second, the Court found that the teacher had no recourse against the district, as she was contractually notified and agreeable by her signature that the district and board members were without liability in cases of the excise board reducing the district's estimate of needs.

The second issue regarding employee salaries was adjudicated in Pottawatomie County v. Chicago R. I. & P. RY. Company (1934). In this case the Chicago Railroad Company filed a protest in the Oklahoma Court of Tax Review to protest the manner in which a school district appropriated its superintendent's salary. The school district appropriated from its separate school fund a part of the superintendent's salary. The superintendent acted as the superintendent for the district and the separate schools in the district. In its decision, the Court rationalized that superintendents of school districts with

separate schools were simply the superintendents of all the schools in the district. The responsibility for hiring and paying the superintendent, however, was with the school district board of education and the district's funds. Though the maintenance and supervision of the separate schools remained the responsibility of the board of education and the superintendent, the law did not authorize the expenditure of funds for a superintendent of the separate schools or the use of separate school funds for a superintendent's salary. In its decision, the Court specifically noted that:

It is the duty of boards of education to prepare separate budgets of the amount of money that will be required to be raised by taxation for the support and maintenance of the separate schools within an independent school district, such budgets shall not include any amount for the compensation of superintendents of separate schools employed by the boards of education. We find no authority for such employment to be paid for out of the separate school funds, and since no provision has been made, the inclusion of the amounts in question in the amount appropriated was without authority of law and is void.

The Court established the point of law that school districts with separate schools were held with the responsibility of supervising separate schools with superintendents employed and paid by the district without the aid of separate school funds.

Three of the 31 cases adjudicated in the Supreme Court in the area of finance during the 1930s involved errors in the manner in which school funds were expended and maintained. Though this area was not a heavily litigated issue this decade, it was fundamental in the nature of operating school districts. As functionaries of the state in the disposition of public funds, it was paramount to the legitimacy of schools that school fund maintenance function in the open, under the scrutiny of the public, and operate according to law. School districts lost two of the three cases involving errors in maintaining school funds. The significance of this area of litigation concerned the

precedence established by the Court in terms of procedures when errors in school fund maintenance occurred.

One case in particular illustrated the importance of school fund maintenance: Board of Education v. Board of Commissioners of Muskogee County (1934). At issue was the legality of using money from one fund to purchase warrants and reimbursing that fund with money from another fund. Specifically, the district issued warrants from its sinking fund and the fund was without the necessary money to cover the warrants. To cover the warrants, the district used the separate school fund. In its decision, the Court noted

there is no authority of law for a school district to place separate school funds in the sinking fund of the district. School funds were created for specific purposes. School districts must strictly adhere to those purposes as is required by law for school districts to follow. To do otherwise is an act against the public trust.

While statutes existed defining different types of school funds and the ways in which they may be expended, the fact that funds existed served as a reminder that mixing them, under most circumstances, violated the intent of the funds and most often the law. The precedent established in this case clearly established the issue of fund maintenance and the legal error of using one fund to make up for the liability of another.

Personnel Issues

Personnel issues, the second most litigated area during the decade, were litigated in the Supreme Court in 11 cases (See Appendix A, Table III). The district was the defendant the vast majority of the time, ten times a defendant and a plaintiff once. Ten of the cases were won by the school districts. In 11 cases, the issue most litigated was the

validity of employee contracts, especially in terms of the date they were approved and how they were approved. Other personnel issues litigated included:

1. The authority of the county superintendent to oust district board members for misconduct and
2. The legitimacy of the number of board members in city school districts.

One of the cases in the area of employee contracts was also one of the most important cases adjudicated by the Oklahoma Supreme Court regarding public schools in the 1930s: Wilkinson v. Hale (1939). At issue was the date a teacher's contract was approved and the Teacher Tenure Law of 1937.

In August of 1937 the teacher was notified by the board of education that her services were not needed for the school year. This was done in spite of the fact that the teacher was told by the superintendent during the previous spring of her desired employment by the district as a teacher for the next school year. The Court reasoned, based on previous Court decisions, that the teacher's contract with the district was void because it was never acted upon by the board of education after July 1 of the fiscal year. This was the only conclusion available to the Court as "school districts [were] prohibited from entering into contracts for a fiscal year outside the fiscal year." This case law was established during the 1930s in Board of Education v. Montgomery (1936) and Anderson v. Miller (1934). In Anderson the Court found that "school district boards shall not have any authority to enter into contracts, including contracts with teachers, until after the beginning of the fiscal year for which said contract was entered." In Montgomery the Court reasoned that boards of education were the only legal entity able to ratify a contract and an agent, whether the superintendent or other, carries no authority without the

approval of the board upon ratification in a board meeting on or after July 1, the beginning of the new fiscal year.

In Montgomery a custodian found that his contract was void as the board did not ratify the contract although a fellow custodian had informed him that his services would be needed for the next school year. The board never intended to offer a contract, rather it desired to employ the custodian on a monthly basis. The fact that another custodian, acting as an agent of the district, notified the employee of his desired employment with the district for the school year did not guarantee or provide for a legal contract with the district.

In Wilkinson, despite finding the contract void, the Court continued to consider the Teacher Tenure Law of 1937 as presented as a defense by the teacher. The Teacher Tenure Law was passed and approved by the Governor in May of 1937 with an emergency clause. Cited as Article 16, Chapter 34, S.L 1936-37 (also known as Senate Bill 139), the Teacher Tenure Law of 1937 was enacted, according to the Court to “afford a measure of security to teachers employed by school districts situated in the sections of the state with large populations and large school districts, such as Tulsa and Oklahoma City.” The Law provided for the classification of teachers in accordance with their past experience, employment, and it provided that they could not be discharged or replaced without cause. Specifically, the Teacher Tenure Law of 1937 stated:

In all counties in the state having a city therein of over one hundred thousand (100,000) population . . . is hereby established a legal procedure for the proper selection in the employment of teachers in the public school of the several districts within said counties and the condition under which they may be discharged or demoted.

According to the teacher's defense, she was not subject to discharge or demotion as the district was within Tulsa County and no cause was demonstrated or stated for her discharge.

At issue with the Court was whether or not the Teacher Tenure Law of 1937 violated the Oklahoma Constitution, specifically Section 46, Article 5 which "prohibits local or special laws regulating the management of public schools" and Section 59, Article 5 which provided "that laws of a general nature shall have a uniform operation throughout the state, and that where a general law can be made applicable no special law shall be enacted." The Court found the Teacher Tenure Law of 1937 unconstitutional based on the conclusion that "the law [was] placed in operation only in those school districts situated in Oklahoma and Tulsa counties, to the exclusion of districts situated in all other portions of the state." The Court reasoned that such a law was special in nature and "capricious in application" as "no substantial difference distinguishes a school district in a large county from a school district in a small county and the task of employing teachers." As the law was deemed special in nature and had no affect as a general law, the only conclusion of the Court was an unconstitutional determination.

The importance of this case was that it struck down the first teacher tenure law in Oklahoma as unconstitutional. Given the strong teacher tenure laws enacted during our state's legislative history (House Bill 1017 in 1990 for example), this case provided not only precedent for the operation of schools relating to employing teachers but also provided a fundamental starting point for future legislation in the area of teacher tenure.

District Issues

District issues and policies were litigated in the Oklahoma Supreme Court in six cases (See Appendix A, Tables I & III). School districts were the defendants in four of the cases and the plaintiff in two. Likewise, the school districts won four of the cases and lost two.

Though a small area of litigation in the 1930s, the importance of the cases heard impacted school district operations, some confirming their operations and others requiring districts to change the way policies were implemented and carried out. Issues litigated included student bussing plans, the authority of county superintendents to create new school districts, school consolidation, school elections, annexation, detachment, and school boundaries. One of the most interesting issues addressed by the Oklahoma Supreme Court involved the process of determining the ownership of school property (See Appendix A, Table II). In this case, the Court considered it lawful for an individual to be forced to sell his property to a school district.

Two of the cases best illustrate the involvement of the Court concerning these issues. In the first, Dowell v. Board of Education of Oklahoma City (1939), the court considered whether or not a county superintendent had authority to create a new school district. In the second, Kirk v. Union Graded School District No. 1 (1937), the court queried the issue of school property ownership.

In Dowell, the Oklahoma City Board of Education brought suit against the Oklahoma County School Superintendent seeking a writ of prohibition and injunction to restrain the county superintendent from detaching a part of the Oklahoma City school

district and creating a new school district. The events that occurred leading to the order by the county superintendent took place during the term of his predecessor. Nevertheless, the newly seated county superintendent acted upon a petition signed by 60 percent of the registered voters in the area of detachment, as prescribed by law, and ordered the detachment from Oklahoma City Public Schools and the creation of a new school district.

In its argument against the action taken by the county superintendent, Oklahoma City schools made two points of contention: first, the law which allowed the detachment of an area of a school district was voided by a new law. Second, the Oklahoma City schools argued that the law which allowed for county superintendents to detach areas of a school district and create new school districts as a result of a county superintendent declaring the action “proper and to the best interests of the school of such school or town” (70 Okla. St. Ann. Section 182) was also void due to the replacement of the law by a new law.

During the process of generating a petition for the detachment and creation of a new school district, a new law respecting such issues was passed by the Oklahoma Legislature, referred to as the School Law of 1937 (70 Okla. St. Ann. sec. 189). The Legislature also attached an emergency clause to the new law, thus making it effective the day signed by the governor and not the usual waiting period of ninety days (Section 58, Article 5 of the Oklahoma Constitution). The section of the School Law of 1937 pertinent to this case stipulated that the . . .

JK7town and by a majority of a special meeting of the legal voters in the territory petitioning to be attached to the district, summoned by the county superintendent and voting by secret ballot on ballots furnished by the county superintendent who shall issue an order attaching such territory to such city or town for school purposes.

This new law provided a fundamental change in school law in that the change omitted and deleted the passages of the law allowing for detachments of areas of a school district and creating a new school district. The new law also removed the section of the law that provided the county superintendent discretion in determining the need for such a detachment and creation of a new school district. The Court reasoned that since the new law Remove provisions for detachment and creating a new school district, the actions of the county superintendent in this case were without authority of law despite the petition in favor of the action by the voters in the area. Thus, in affirming the case of Oklahoma City schools, the court specifically removed the power of the county superintendent to authorize detachments of areas from all school districts in the state.

The second case in the area of school district issues was rather unique. No other case in the history of the Oklahoma Supreme Court exists quite like it. The Kirk case found its way to the Oklahoma Supreme Court via appeal from the District Court of Sequoyah County. S. E. Kirk, a teacher employed by the Union Graded School District, developed a plan to build a facility on the school grounds for the purpose of having a place for “the kids to play ball.” The record of the school district demonstrated that Mr. Kirk presented the plan for the building to the Union Graded School District at a regularly scheduled board meeting, after which the board of education approved the plan as presented. Several days later, Mr. Kirk drafted a contract and took it to the homes of two of the board members for signature. Both board members, the director and clerk of the school board, signed the contract. During the same school year, Mr. Kirk paid for and erected the facility on school property.

The contract written by Mr. Kirk and signed by two of the board members was entered into the Court record as follows:

Roland, Oklahoma
Oct. 7, 1930

Know All Men by the – Presents:

Sch. Dist. U. G. No. 1 party of the first part and S. E. Kirk party of the second part.

This contract entered this 7 day of Oct. 1930 party of the first part, Sch. Dist. U. G. No. 1 agree that S. E. Kirk, party of the second part builds a house on school ground of said U. G. No. 1, to be used for school purposes and games, said building to be S. E. Kirk's party of the second part until cost shall be returned to him.

Entered by party of the first part and party of the second part this Oct. 7, 1930.

Frank Howell, Director
J. K. Carr, Clerk
S. E. Kirk

The Supreme Court heard this case as a result of Mr. Kirk filing an appeal from the district court. In the district court, the Union Graded School District filed for an injunction against Mr. Kirk from removing the building from school property as the district claimed it was on school property and the building was school property. Mr. Kirk pleaded that it was his property for disposition. The county court agreed with the school district and approved the injunction.

On appeal, Mr. Kirk disagreed with the findings of the district court. The district court found that the contract was invalid as it was signed out side of a board of education meeting, and, as such, only two board of education members signed it. This contention, the district court claimed, was supported by School District v. Shelton (109 P.2d 67, 1930). In Shelton, the Oklahoma Supreme Court held that “the acts and declarations of

individual members of a school board, independent and apart, as distinguished from actions by the members as a board in its capacity as such, will not create an enforceable contract.”

In his appeal, Mr. Kirk also objected to the decision of the district court that held the contract invalid due to its violation of the Oklahoma Constitution, specifically Section 26, Article 10. This section of the Constitution disallowed school districts from becoming “indebted in any amount exceeding, in any year, the income and revenue provided for such year.” In other words, the district court held the contract invalid due the failure of the district to list such budget item for a contract on its estimate of needs for the year the building was constructed or any subsequent year thereafter. Therefore, since the district or the county excise board did not enter an encumbrance or appropriation of funds for the purpose of satisfying the costs of the contract, the contract was invalid.

The district court further reasoned that since the contract was invalid and the building was on school property, the building was school property, not Mr. Kirk’s. This made the building under the complete control of the school district.

The Oklahoma Supreme Court disagreed with both findings of the district court in this matter. On the issue of the contract’s validity in relation to its ratification by the board of education, the Court reasoned that “the contract was approved in open session at a board meeting, and actual signature of the contract need not occur during the board meeting.” Furthermore, the Court found the contract valid by years of public demonstration and common knowledge that Mr. Kirk owned the building. The Court wrote:

Repeatedly at regular meetings of the board, according by the testimony of board members themselves, it was admitted that the defendant owned the building. As one illustration, testimony was given that the board approved the janitor to collect admission to the building when basketball games were being played so that some check could be kept upon the amount of receipts and possible use such at a later date to be applied to the cost of reimbursing Mr. Kirk for the building. These instances, and a number of other events, clearly illustrate the fact that the board, both within and without its meetings, permitted themselves and Kirk to retain the impression that the building was his. It is contended throughout the brief of the plaintiff that Kirk, was holding the building over the heads of the school district in order to compel the district to reelect him each year. The record does not bear out this contention, but the contention does serve as an admission that at all times all parties treated the building as belonging to the defendant. According to the principles of natural justice and equity, the defendant should have his building, which he built and paid for.

Regarding the contention that the contract was void due to the fact that funds to satisfy the cost of the contract were not properly budgeted, the Supreme Court also disagreed with the district court and found in favor of Mr. Kirk. The Court reasoned that, in its original approval of the contract, the board did not obligate the district to any financial condition. As stipulated in the contract, both parties agreed that the building remained the property of Mr. Kirk until and if such time the district reimbursed Mr. Kirk for the cost of the building. Such an agreement is not a financial obligation. It is an obligation, the Court reasoned, to consider a financial obligation in the future. Since the board had never considered the financial obligation, no violation of law had occurred and the building remained the property of Mr. Kirk.

District v. District Issues

Issues, which found their way into the Supreme Court between two or more school districts as the plaintiff(s) and defendant(s) occurred eight times during the 1930s. Interestingly, the plaintiffs won six of the eight cases, or 75 percent of the cases (See Appendix A, Tables I & II). Three of the eight cases involved the issues of school district boundaries and how they were determined to be the proper boundaries. Other issues adjudicated in this area included the legitimacy of student transfers and transfer fees from one district to another, the proper ownership of property after school annexations and detachments, and the process of annexation petitions.

In the area of school district boundaries one case in particular settled a legal question queried since statehood; that is, how were school district boundaries settled when disputes over boundary lines concerning districts that were created at the time of or in existence prior to statehood? The Oklahoma Supreme Court case, School District No. 1 v. School District No. 2 (1934) answered this question.

In School District No. 1 the plaintiff school, School District No. 2, filed suit in the District Court of Marshall County for the purpose of requiring the court to mandate that a portion of property in the town of Madill belonged to School District No. 1, not school districts No. 2 and No. 46, both of which were claiming ownership. The primary motivation for this plea by School District No. 1 was that the county removed the property from the tax rolls of the district during the previous year and placed it on the tax rolls of School Districts No. 1 and 46, as those districts had requested. At issue was the legitimacy of the students living in the disputed area as to where they attended school;

just as important, however, was the fact that a railroad track ran through the disputed area thus affecting its valuation. The rightful owner of the property, in terms of district boundaries, received the taxes from the property.

To determine the correct boundary for the disputed area and the district in which it belonged, the Court reviewed three distinct legal actions affecting the establishment of school district boundaries in Oklahoma at the time of statehood.

1. The Curtis Bill, enacted on February 5, 1902 by United States Congress, authorized the United States District Court for the Southern District of Indian Territory in Ardmore to decree and incorporate towns in its jurisdiction.
2. Pursuant to the Curtis Bill, plats of towns were prepared and approved by the United States Secretary of the Interior.
3. A statute created by the First Legislature of Oklahoma, Oklahoma Statutes 1931, Section 6771, gave county superintendents the authority to create school districts immediately following statehood.

The importance of the Curtis Bill was twofold: first, the legislation directly resulted in the creation of the township of Madill, Oklahoma. The City of Madill and its boundaries became the area of School District No. 2. Secondly, the Curtis Bill authorized the Secretary of the Interior to produce the plat for the town of Madill. The reason these issues were important to the creation of School District No. 1 was that the county superintendent, immediately following statehood, established School Districts Numbers 1, 2, and 46, and he described School District No. 2 in the following manner:

This district shall embrace and consist of the incorporated town of Madill and no other territory is included by terms of organization.

The problem the Court had in determining the legitimate boundary for School District No. 2 involved the poor workmanship of the county superintendent who created the school districts. According to his statutory duty, the county superintendent was to

divide the county into a convenient number of school districts and to change such districts when the interest of the people may require it, by making them conform to existing topographical or physical conditions. The county superintendent shall keep in a book a description of the boundaries of each school district and part of district in his county with a plat of same, date of organization, and date and full record of all changes of boundaries.

The record of the county superintendent became disputed for the failure to make a plat of the district that went along with the description. In this case, school districts Number 2 and 46 interpreted the description to place the disputed area inside their boundaries.

In its decision the Court relied on the orders of the United States District Court and the plats developed by the United States Secretary of the Interior to determine the township boundaries of Madill and combined them with the pronouncement of the county superintendent that boundaries of School District No. 2 would mirror the township of Madill. In drawing this conclusion, the Court found in favor of School District No. 2 and held that the disputed area was originally and rightfully within the boundaries of the school district.

The significance of this case underscored the importance of accurate recorded keeping by officials for posterity and for the use of interested parties for the purpose of answering questions and settling disputes. Here, the Court also demonstrated a clear line of logic to follow in settling boundary disputes for districts created at the time of statehood.

CHAPTER III
OKLAHOMA SUPREME COURT CASE LAW
REGARDING PUBLIC SCHOOLS: REVIEW
AND ANALYSIS FOR THE 1940s

Introduction

The Great Depression experienced by all of the United States in the 1930s continued to affect the economy, politics, and public policies of Oklahoma in the early years of the 1940s. Many Oklahomans suffered the depression as Oklahoma remained predominantly an agrarian state during the decade. Crop prices and the demand for crops continued to be low. Family farms suffered as most were lost due to foreclosure or taken over due to the failure to pay property taxes (Baird & Goble, 1994). The oil industry, also heavily dependent upon rural communities and the land that surrounded them, also suffered. Oil production increased at its highest levels during WWI and after, especially due to the demand for gasoline as automobiles became more affordable after WWI. The depression changed that need. Prices per barrel of crude fell drastically, affecting all Oklahoma oil producers, even Oklahoma's wealthiest, such as the Kerr, Marland, Phillips dynasties (English & Calhoun, 1989).

Two events brought Oklahoma out of the depression and restored its economy. Both events spurred the imaginations of politicians as well. The first involved the

legislation surrounding President Roosevelt's New Deal programs. Governor Murray, a staunch opponent of Franklin Roosevelt, refused at every opportunity to support the initiatives of the New Deal. His successor, E. W. Marland, won election on the platform of Oklahoma's "Little New Deal" which promised to bring jobs and programs to the state. The programs were highly successful in bringing jobs to the state as workers in the Works Progress Administration built roads, government buildings, schools, and state parks (Baird & Goble, 1994).

While Marland's "Little New Deal" did spur the Oklahoma economy and provided jobs, it was very expensive. The federal programs were predicated on the fact that the state had to match the federal funds. Oklahoma's tax collections were abysmal, much like that of other states, and the state created a debt of over \$26 million (English & Calhoun, 1989). Marland's successor, Leon Phillips, despised the New Deal Programs, primarily due to his philosophy that a state or the federal government should not spend money not in the coffers. Spurred by this philosophy, Oklahoma passed the first "balanced budget" amendment to its Constitution. In a very clear way, the state of Oklahoma mandated that its government would not ever operate in debt again.

The second event that led to Oklahoma's recovery from the depression was the entry into WWII. Much like the county as a whole, Oklahoma greatly benefitted from the war effort. Federal dollars and jobs poured into Oklahoma, and over 41 military establishments were created, including air bases, Army camps, and even naval bases. The state's oil fields, mines, and industries, including the workers in these areas, greatly benefitted from the war effort, producing raw and finished materials (Duvall & Boeger, 1985).

Several issues specifically relating to education were legislated during the 1940s. In 1942, Governor Robert S. Kerr was successful in winning a referendum vote for free textbooks for schools. In 1941, a board of state regents was created to operate and take the politics out of the operation of the state's major colleges. Two significant legislative events changed the nature of education in the 1940s. First were the beginning steps of desegregating education. A black student, Ada Lois Sipuel, was denied admission to the law school at the University of Oklahoma. Despite the refusal, the federal court mandated that she and other blacks must be admitted and allowed the opportunity to pursue studies in graduate education. This issue effectively began the desegregation of Oklahoma's colleges (Baird & Goble, 1994).

The second was the passage of the Oklahoma School Code in 1949 (S.L. 1949, Chapter 1A). The aim of the legislation was to reorganize the laws of the state concerning education in a manner that clearly fulfilled the constitutionally imposed duty for the "establishment and maintenance of a system of free public schools" (Oklahoma Constitution, Article I, Section 5). The most significant part of the legislation, the creation of the State Department of Education, stipulated that the Department was charged with the obligation to determine policies and supervise the public schools. Along with the new Department came the creation of state regulations, interpretations of school law by the Department, standards for schools, and student and budget accounting systems. Issues regulated by the Department, such as annexations, the reduction in the number of school districts in the state, accounting procedures, student transfers, accreditation standards, and the like, became the subject of litigation in Oklahoma's court system.

Introduction of the Supreme Court Cases in the 1940s

The Oklahoma Supreme Court heard eighty-eight cases involving Oklahoma's public schools in the decade of the 1940s (See Appendix A, Tables V & VI). Two types of cases were heard most frequently during the decade: these decided issues regarding taxation and the processes involved in the taxation for schools, and those involving annexation, attachment, and detachment of schools. (See Appendix A, Table VI). While these types of cases were dominant in the Court's proceedings, other categories of school issues were litigated: finance, district, and personnel.

Finance issues adjudicated by the Court included cases involving taxation, contracts, school financial accounting, warrants, and school bonds. School district issues involved school annexations, detachments, attachments, and the school elections. Also included in this category were issues of school property and safety. Personnel issues that found their way to the Court included employee contracts and issues surrounding the appropriate conduct by board of education members. Whether or not board of education members legitimately held their positions was also litigated.

The litigation of school issues increased during the 1940s. A striking difference occurred in the number of cases heard by the Oklahoma Supreme Court in the 1930s and 1940s. Fifty-six cases were adjudicated in the 1930s while an increase of 22 cases were heard and decided by the Oklahoma Supreme Court in the 1940s; this latter number represents an increase of 28 percent. This increase in education-related cases was representative of the overall caseload of the Court, as the Court experienced a 12 percent increase in the rate of cases. (Oklahoma Supreme Court Network, Supreme Court of

Oklahoma, 2001). Comparatively, increases in education issues were more than double the other areas combined.

School districts continued their success in terms of winning percentages in the 1940s. Fifty-six (68 percent) of the 78 cases involving public schools were won by school districts. School districts were the plaintiffs in 23 and the defendants in 59 of the cases. As the plaintiffs, school districts won their cases 48 percent of the time, but as the defendants, they won their cases 76 percent of the time. School districts lost 26 of their cases.

Though there was an increase in the number of cases adjudicated during the decade, school districts continued to demonstrate in the Court the competency of school district operations, positions, and processes. Though overwhelmingly getting “sued” much more than doing the “suing,” school districts continued to win court cases in the 1940s.

In general terms, the cases considered by the Court reviewed unique and particular issues between a school and a second party or between two schools. While instructive, the relative impact of such cases on establishing precedence in the area of educational law in Oklahoma was minor. However, several cases adjudicated established important precedence for Oklahoma schools. As such, all of the cases were categorized in the areas identified above as a method for analysis and discerning precedent.

Finance Issues

Over half (53 percent) of the cases decided issues surrounding school finance.

Over seventy percent of the cases involved school districts as the defendants. In only 11 of the cases were the school districts the plaintiffs.

In the area of school finance, the Court heard a variety of cases (See Appendix A, Table VI), including issues surrounding state aid for schools, the collection of bond revenue by schools, the legitimacy of contracts with schools for products and services, school district accounting and bookkeeping policies and procedures, tax protests, the fiscal validity of school warrants, bond fund uses and accounting, and the right of school districts to dispose of school property. Though such a diversity of issues was addressed, three important areas were litigated the most and produced precedence for schools: protests from schools against the state to discern the adequacy and inadequacy of state aid appropriations to schools, contracts with schools were considered by the Court, and bond fund accounting and the use of bond funds. Contract cases involved the legitimacy of the contracts with vendors and whether or not the school and the school's employees and board of education members were liable for alleged violations of the contracts.

State aid appropriations to schools in Oklahoma was the primary topic of litigation in 11 cases. At issue was the application of the state aid formula law specifically addressing revenues to school districts. Known as the State Aid School Law (70 O.S., Chapter III, Sections 1-12), this legislation was first passed by the Oklahoma Legislature in 1943 and amended in each of the two successive biannual legislatures. The intent of the State Aid Law was to provide a mechanism the state to provide equity in school

funding among the school districts by providing the “difference between the minimum program cost and the minimum program income” of school districts (70 O.S., Title III, Section 1, 1943). Litigation by the Court during the 1940s centered primarily on the legislative intent of (or meaning of) a “minimum program cost” and a “minimum program income.” The Court’s involvement led to the discernment of practical applications of the legislation. Also considered by the Court was the relationship state aid played as a part in the budgets of districts with separate schools.

The first case in this area, State ex rel. Board of Education v. State Board of Education (1947), considered whether or not the state had authority to reduce a district’s state aid based on the district’s actual collections of local revenues. The Court considered whether or not the reduction in state aid to the City of Sapulpa School District was legal. Specifically, did the state have the authority to reduce state aid to a district based on the actual difference between the cost of a minimum program and the minimum program income?

According to the State Aid Law of 1943 (70 O.S. Supp. 1943 Section 651), the difference between the cost of a minimum program and the amount of the minimum program income determined the amount of state aid for a school district. The “minimum program cost,” the total costs of a district to operate its schools, such as paying employee salaries and purchasing textbooks, was certified by its board of education and filed with the county excise board. A district’s “minimum program income” was determined by adding all of a district’s income sources, such as local taxes, transfer fees, federal grants, and state and county revenues apportioned to school districts. If the income exceeded the

cost, no state aid was disbursed. If the cost exceeded the income, the district was entitled to \$7.50 per student in the district.

In this case the City of Sapulpa School District was originally certified by the state to receive \$94,949 in state aid for the year. As the school year progressed the school district received from its state apportionment sources (automobile licensing fees and State School Land Commission fees) an increase of \$7,961 in revenue. The state correspondingly reduced the amount of state aid to the district by \$7,961.

The Court agreed with the state and determined that state aid could be reduced based on increased school revenues. In its decision, the Court reasoned that

it can be clearly seen that the purpose and intent of the Legislature in enacting these laws was to provide funds to supplement those already allocated or earmarked for school purposes, sufficient to enable all public schools to maintain a minimum program of education. It was not the purpose of the law-making body that said State Aid should be used to build up a cash surplus.

While defining the practical application of state law in this case, the Court firmly established that state aid was for the purpose of meeting “minimum” needs of a school district; in this sense, the minimum meant the amount that was needed by a school district in order to meet its financial obligations for the year as was prescribed on its estimate of needs to the county excise board. The Court made it clear in this decision that it was not the job or the desire of the state to fund cash surpluses in school districts.

The second case to explore the decision of the state in denying state aid to a school district, Board of Education of Oklahoma City v. State Board of Education (1946), this case pitted the Oklahoma City School District against the state in the interpretation of the State Aid Law of 1945. The primary issue revolved around whether or not the

average daily attendance of students attending the separate schools in a school district was a part of the state aid formula. As a matter of calculation, all school districts that met the requirements of the State Aid Law were statutorily entitled to seven dollars and fifty cents for every student in its average daily attendance report. The issue that made this case unique was the Court's consideration of the average daily attendance of students in separate schools in the calculation of state aid.

The state contemplated the meaning of Title 70, Chapter 15 (1945) in its application of state aid. This statute, cited as 70 O.S., Chap. 15, Sections 1-18, provided for the maintenance of separate schools within a school district; as such, separate schools could not exist on their own. Furthermore, the state argued that Section 8 of the State Aid Law of 1945 authorized the inclusion of separate schools in determining the "minimum" program of a district with separate schools but did not allow such inclusion for the calculation of the "minimum program income." The Court argued that the interpretation of the state was incorrect as this statute addressed the district in determining the minimum program income. The district, not the separate schools apart from the district, determined the minimum program income. Those districts with separate schools were to include such needs in their calculations. The Court wrote:

The act proposes to underwrite by state aid a part of the costs of a minimum standard for all public schools therein shown, including separate schools. That minimum standard is known therein as the minimum program. They also provide that when such minimum program is met, the cost thereof in excess of the amount raised by the "minimum program income" will be paid by the state. The payment of such excess cost to be by the state.

The outcome of this case directed the state to include the average daily attendance of the students attending separate schools within school districts in its calculation of state

aid for school districts with separate schools. In a practical manner, the Court directed the state to accept the school's calculations of its minimum program income with the inclusion of the average daily attendance of its separate schools. Prior to the decision in this case, districts with separate schools were not allowed to include the average daily attendance of their separate schools.

In finance issues, the Court considered nine cases that adjudicated contractual disputes between vendors and schools (See Appendix A, Table VII). As in the decade of the 1930's, disputes over the validity of contracts continued to find their way to the Supreme Court, specifically over the terms making a contract with a school district valid. In the 1940s, however, the Court considered the personal liability of school board members in obligating school district funds by entering into contracts with vendors for a school district. This was a new area explored by the Court.

In 1945 the Court heard American Asbestos Products Company v. Independent School District No. 14, the first case in which the Court explored the notion of liability on the part of board of education members in obligating school district funds in the absence of a valid contract. The president and clerk of the board of education issued and signed a purchase order with the American Asbestos Company for paint and other products in the amount of \$240.60. Though signed by the board of education members, the purchase order did not stipulate the fund from which the purchase was to be made nor the unencumbered balance in the fund obligated for the bill. The Court heard two issues. Considering an established precedent, the Court affirmed the lower court's decision that a contract (purchase order in this case) was not valid unless it was approved in advance by the board of education and in the fiscal year in which the funds obligated by the contract

were expended. The expenditure also had to stipulate the unencumbered balance of the fund from which purchase was to be made and that it was sufficient to cover the cost of the purchase. If a contract (or purchase order) did not meet this requirement, it was not valid and the school district was not obligated for the expense of the contract (Board of Education of Town of Carney v. News Dispatch Printing & Audit Company (1915)).

The precedent setting nature of this case stipulated that the board of education members, with the same implication for school employees, were personally liable for purchases they authorized but did not meet the requirements of a valid purchase order. In its decision, the Court stipulated the following:

Legal indebtedness against an independent school district can be incurred only by its board of education in regular session, certified by the proper officer as being within the unencumbered balance of an appropriation made for the purpose. The purchase orders which were attached as exhibits to plaintiff's petition disclose that these two members of the board of education did not have said purchase orders approved by the board of the district, nor did they, after such approval by the board, cause the same to be certified as within an unencumbered balance of an appropriation made for the purpose. These two ministerial acts are mandatory requirements of our law. The board members who sign such a written order and procure delivery of the supplies ordered thereby are personally liable thereon.

The decision of this case was reasonable. Those who failed to properly obligate public funds suffered the responsibility of the obligation. With the decision of this case, however, the precedent established firmly a principle of public policy. Such a decision noted for all board of education members and school employees that the process prescribed by law for obligating school funds must be followed; and, if not, board of education members could suffer the personal liability.

School taxes was the most litigated issue in of school finance. Fifty-two percent of the cases heard by the Court in school finance involved school taxes in one form or another. Cases involving the legitimacy of school levy elections, the accuracy of schools' estimates of needs, the legitimate use of bond funds, the legitimacy of carrying over bond funds from one year to the next, and the millage levels required to meet school districts' estimate of needs were heard by the Court (See Appendix A, Table VI). The vast majority of these cases were decided using established precedent by the Court or by using particular or unique circumstances of the case or the litigants.

Two school finance cases established important precedence for schools. The first, Oklahoma County v. Kurn (1941), considered the legality of using bond money approved for erecting school buildings to also equip and furnish the new school building. The second, Lone Star Gas Company v. Bryan County Excise Board (1943), queried the legality of accumulating bond funds for the same purpose from one bond election and approval to the next.

In the Kurn case the Court considered the issue of whether or not bond money approved by the voters in a school district was legally spent on items other than those specifically needed for erecting a school building. As a matter of background, the issue before the court was the following provision of the Oklahoma Constitution, specifically Article 10, Section 10:

For the purpose of erecting public buildings in counties, cities, and school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefore.

On initial reading of this section of the Constitution, the reasonable conclusion voiced by the protester in this case was that the Constitution did not allow for the purchase of items with bond money originated for the purpose of erecting a school building.

In the Kurn case the Oklahoma City School District utilized bond funds originating from a bond election for the purpose of building two additional classrooms to an existing school building. Upon completion of the classrooms, the district utilized funds from this bond account to equip the classrooms with desks and chairs. On the succeeding school year's estimate of needs submitted to the Oklahoma County Excise Board, the estimate of needs showed the balance of bond fund account as reduced by the purchase of the desks and chairs. The protestor in the case, St. Louis-San Francisco Railway Company, asked the Court to void the warrant and return the funds to the bond account, thus reducing the amount of bond funds needed and asked for in the succeeding school year. This scenario would have reduced their tax obligation.

In considering the issue, the Court relied on legal principle and exercised common sense. Finding in favor of the practice exercised by the district, the court found that the purchase of such equipment was necessary to the proper use of the classrooms and was within the powers implied from the express powers granted in the Oklahoma Constitution. In other words, the Constitutional provision allowing the direct levy to erect a school building includes the implied power to equip such a building from the same levy, at least to the extent necessary to place the building in a condition to use it. In stipulating the use of such implied powers, the Court stated that "we have held that the construction of a constitutional provision must not be so strict or technical as to defeat the evident object and purpose of its adoption." Implied powers, such as those exercised by

the district in purchasing equipment for the classrooms, make the Constitution work. In its decision the Court quoted part of a previous case on the issue of implied powers,

Jurney et al. v. Harlow et al., 1910, 10 P 271:

It would not be practical, if possible, in a written Constitution, to specify in detail all of its objects and purposes or the means by which they are to be carried into effect. Such prolixity in a Code designed as a form of government has never been considered necessary or desirable; therefore, constitutional powers are often granted or restrained in general terms from which implied powers and restrictions to be found in constitutional provisions are therefore a very important element to be considered. It is an established rule of construction that, where a Constitution confers a power or enjoins a duty, it also confers, by implication, all powers that are necessary for the exercise of the one or for the performance of another.

Prior to this decision, the strict adherence to Section 10, Article 10 of the Oklahoma Constitution was thought to prohibit the use of bond funds for anything other than erecting school buildings. This case established a dramatic precedent for schools in their use of bond funds. Equipping buildings with the same bond funds used to create them became legal.

As with the general restriction on the use of bond money before the decade of the 1940s as described above, the general guidelines regarding the time constraints when bond money could be used had also followed a general restriction. In Lone Star Gas Company the Court considered the restriction placed on the time allowed for on the expenditure of bond funds and, more importantly, the legality of accumulating bond funds from one fiscal year to the next for use on the same purpose. In general terms, the Court considered whether or not it was legal for a school district to pass a bond issue and collect the revenue for that bond issue in one fiscal year and carry the revenue over to the next fiscal year. After carrying over the revenue, the Court considered the legality of adding

the revenue to a succeeding bond issue and revenue passed for the same purpose as the preceding bond issue. As an example, the Court considered whether or not a district could erect a school building costing \$10,000 with a \$5,000 bond issue in one fiscal year and add it to another \$5,000 bond issue passed and collected in the succeeding year.

At issue in the Lone Star Gas Company case was the same provision of the Oklahoma Constitution as considered in the Kurn case, Article 10, Section 10. Again, in this case, the Court applied the implied powers rationale to this argument. The Court rationalized that school districts have the expressed power by the Constitution in Section 10, Article 10 to erect school buildings by passing bond issues. Implied in this expressed power, reasoned the Court, was the legitimacy of local school districts to determine their needs for school buildings and the necessary funding for the erection of those buildings. In formulating this opinion, the Court stipulated that . . .

In view of such circumstances and the other methods provided for financing the erection of public buildings, it seems reasonable to suppose, and we hold, that the framers of the Constitution, by Article 10, Section 10, intended to provide a method whereby schools, not wishing to become indebted for the purpose of erecting buildings, might levy an annual tax for such purpose, and that they contemplated the governing board should have the power to allow the proceeds of successive levies authorized by a vote of the people to accumulate and be expended together.

Along with the “implied powers” principle argued in legal terms, the Court applied some plain, reasonable logic to the issue as well. Scattered about Oklahoma in the decade of the 1940s were school districts of all sizes, some large but most were small. Though not always true, the ability of school districts to raise sufficient funds to erect school buildings had a proportionate relationship to the size of the district. In deciding this issue, the court reasoned that:

If school districts were denied the right to allow the various building fund levies to accumulate and be spent together, many small districts would be deprived of this means of financing a new building, for few districts have an assessed valuation sufficiently large to erect a building with the proceeds of a single five-mill levy.

Prior to the decision in this case, the constitutional provision of the Article 10, Section 10 was interpreted to mean that school districts could not carry over bond revenue from one fiscal year to another for any purpose. The restriction of such an interpretation severely limited the ability of a school district to erect any building with an associated cost larger than available in one year's bond revenue. The ability to accumulate bond revenue greatly changed the nature of bond accounting and the ability of school districts to fund the erection of school buildings.

District Issues

District issues were the second most litigated in the Court during the decade of the 1940s. Out of the 88 cases, 31 (35 percent) involved school district issues (See Appendix A, Table VII). In this area of litigation, school districts were the defendants in 58 percent of the cases and the plaintiffs in 13.

This area of litigation involved a variety of cases. Cases were categorized as "district issues" if they fell in a group that involved the organization, structure, processes, programs, and policies of a district. While some cases in this category skirted the issues of finance and personnel, their primary scenarios and decisions addressed more specifically the basic operation of a district, whether such operation dealt with the annexation of a district or the functions of board of education relations, district procedures for selling surplus property, or district policies in determining the location of

schools or programs offered in schools. The legitimacy of school annexations dominated this area of litigation, however. Specifically, issues in this category were heard by the Court in 73 percent of the cases.

Two cases produced interesting precedent. As found in the cases of the previous two decades, the discretionary power of the county superintendent was often called into question, especially in the area of his legal powers in school annexations. The case, Musick, County Superintendent v. School District No. 41, et al. (1940) addressed the issue of a county superintendent's discretionary power. Also establishing precedent was Spann v. Cresswell (1947). Spann considered the legality of an annexing school district to dispose of property formerly in the annexed district.

At issue in the Musick case was the protest by the Kingfisher school district against the county superintendent in his application of his discretionary powers in connection with the separate school in the district. Prior to the action in question by the county superintendent there existed a school district occupied solely by blacks. The school district had existed as blacks were the majority race in the district and board of education members of the district were all black. The county superintendent issued an order declaring whites the majority in the district and ordered the creation of a new common school district. In the new school district, the white children would attend schools in the district and black children would attend a separate school. The protesters in this case sought relief in the Court by challenging the power of the county superintendent to issue such an order.

Regardless of the politics in this matter, the Court clearly stated the statutory authority of the county superintendent in scenarios which involve common schools and

separate schools. In approving the discretionary powers of the county superintendent, the Court relied on two separate statutes in existence at the time. First, O.S. 70, Section 7040 (1937) authorized county superintendents to form common school districts (school districts existing on their own, with their own boards of education and having control of separate schools while still under the authority of the county superintendent) at his discretion when it best suited the needs of the students. The Court found in this circumstance that the county superintendent acted within his discretionary powers. The legitimacy of the county superintendent's determination of which schools the white children and black children would attend was supported by the O.S. 70, Section 7051, which stipulated "when there are two schools in one district, the county superintendent may designate which shall be the common and which the separate school and, regardless of which race is the majority with respect to school children, may direct which class shall attend the respective schools."

While on face value the significance of this case may rest in the details, the practical application of the discretionary powers of the county superintendent was of importance. The primary importance of this case was the affirmation of the county superintendent's use of discretionary power in the political environment of race issues. Forty-two Oklahoma Supreme Court cases involving issues surrounding separate schools were adjudicated in the period from 1930 to 1973 (Oklahoma Supreme Court Network). This case allowed the county superintendent to solve a race issue in a county that needed schools for both black and white children.

The second case that generated new precedence in this category was Spann v. Cresswell (1947). Here, the Court considered for the first time the legality of an annexing

district disposing of property formerly owned by an annexed district. The actual ownership of annexed school property had long been established statutorily and had not been an issue in case law. The query posed in this case was the validity of a determination for the fate of property owned by an annexed district prior to the annexation and whether or not an annexing district must comply with such a determination.

In this case, two school districts were annexed according to established procedure and receiving the requisite number of voters required for annexation. Prior to issuing the final order of annexation, however, the county superintendent, who was statutorily required to oversee the annexation process, issued an order that stipulated that the “schoolhouse [in the annexed district] as it now stands shall remain on the present location to become a church and community meeting place.” After the annexation took place, the annexing district decided to sell the schoolhouse. A taxpayer in the annexed school district filed suit to prevent the sale of the property and mandate the annexing school district to comply with the order of the county superintendent at the time of annexation.

In its decision, the Court concluded that the order concerning the fate of the annexed district’s property was invalid. The Court reasoned that “. . . since statehood this court has held that the grant of powers to boards of county commissioners must be strictly construed, because when action under special authority they must act strictly on the conditions under which their authority is given.” The Court, applying this logic, proclaimed the authority of the county superintendent to change the school district’s boundaries in the issue of the annexation. However, the Court further rationalized that

“... in the present case the county superintendent attempted to include in his order changing the school district boundaries a restriction; no statute exists giving him the authority to make a restriction.” In the absence of such authority, the Court’s decision was as follows:

Upon the county superintendent’s making the order of annexation, the annexing district became the owner of the school district property as provided by statute and could dispose of it in any legal manner.

The significance of the precedence of this case was twofold: first, annexations were to be free of restrictions by county superintendents, especially in the area of the disposition of property; secondly, the Court re-affirmed the statutory right of annexing school districts to dispose of property derived from an annexed school district.

Personnel Issues

Cases that addressed personnel issues during the 1940s were few in number. Only six cases, roughly six percent, of the cases heard by the Supreme Court involving public schools adjudicated personnel issues. School districts were the defendants in five of the cases and the plaintiff in only one.

In this area of litigation, the Court heard cases involving the validity of teacher and superintendent contracts and teacher termination. One case unique to the decade and the Court involved the legitimacy of a school district raising teacher salaries during a given fiscal year for the same fiscal year. In this case, Edwards v. Board of Education (1946), the Court considered the legality of a Oklahoma City School District paying salaries to its teachers in excess of that specified in their contracts with the district. In

July, before the 1945-46 school year, the school board of the Oklahoma City schools issued the following resolution:

It is impossible, prior to the opening of the Oklahoma City schools to ascertain with any degree of certainty the amount of money that will be available for the payment of teachers' salaries. For that reason the salaries in the contracts entered into with teachers is made a tentative salary and is subject to revision, up or down, depending upon the funds available for the payment of teachers' salaries.

The fixing of the permanent salary shall be made as soon as it is ascertained what funds are available.

It is not intended that in revising the fixed salary that the revision will be made individually as to the individual teacher, but that the revision will be uniform in the sense that it will be according to a plan for revision to be made by the Board. It is contemplated that as to certain types and certain classes of teachers, there will probably be no revision or not material revision from the tentative salary.

In keeping with the resolution, the district carried out its provisions by increasing the salaries of its teachers. This addition was in excess of the original estimate of needs filed with the county excise board but approved by the county excise board in a supplemental appropriation.

In its decision, the Court reasoned the contracts valid as all contracts involving public schools are dependent upon estimated income. This was self-evident in the process of an estimate of needs approved by the county excise board. The court noted that all "contracts with school districts are tentative" at best as they become invalid if funds once estimated are not realized through tax collection or other means." Specifically, the Court wrote "where contracts are executed, they are enforceable within the estimated income and unenforceable beyond that point." In this case, the board certified a salary as agreed in the teacher contracts with the excise board in an estimate of

needs. As tax collections generated unanticipated revenue, the district asked for and received a supplemental appropriation from the county excise board. Once approved, the district legally paid the teachers in excess of their contracts. In its final remarks, the Court stipulated that “the record disclos[ed] that the board’s purpose and plan with respect to the total salaries to be paid has been consistent and nondiscriminatory, and the lawful provisions governing the details of fiscal management.”

The decision in this case constituted a fundamental right of school districts to decide the salaries of its employees with the additional help of realizing its total revenue. The process of certifying an estimate of needs with the county excise board determines a “best guess” on what the revenue of the district will be for the school year. As the school year progresses and actual revenues are received the district becomes better able to determine an accurate budget. With the aid of the ability to seek additional appropriations by the county excise board, districts could, after this case, award additional salary to teachers.

CHAPTER IV

OKLAHOMA SUPREME COURT CASE LAW REGARDING PUBLIC SCHOOLS: REVIEW AND ANALYSIS FOR THE 1950s

Introduction

During the decade of the 1950s, Oklahoma changed in many ways that were not unlike the rest of the country. The modernization of the state as well as ideas became to take shape in Oklahoma. During the tenure of Governor Johnston Murray, for example, legislation created the opportunity for women to serve on juries. Other pieces of legislation that were characteristic of the decade included those that created state-operated mental health institutions, funding mechanisms for building roads, and avenues for the consolidation of the state's small, rural schools (English & Calhoun, 1989).

The "Red Scare" that swept the county during the 1950s also found a place in Oklahoma. One of the pieces of legislation aimed at ensuring that communists did not infiltrate government jobs and the schools created the loyalty oath. In 1953, the U.S. Supreme Court found the loyalty oath unconstitutional. However, the final version of the loyalty oath, written to meet the rudiments of the Court's decision, was also created in 1953, and it remains law in Oklahoma. All government employees, including teachers, sign the oath before taking employment.

In 1954, the U.S. Supreme Court issued its ruling in the case, Brown v. Board of Education of Topeka, Kansas. While this case federally mandated the end of educational segregation at all levels, the Court's ruling was not met with popular approval or compliance immediately. Oklahoma, under the stewardship of Governor Raymond Gary, attacked the issue immediately in encouraging Oklahomans to comply with the ruling and act responsibly (Baird & Goble, 1994). In 1955, the Oklahoma Legislature created the Better School Amendment, a law drastically changing the state funding mechanisms for school districts in that it created the same funding systems for all school districts and abolished the separate schools for blacks. An important part of the law mandated compliance by school administrators or state funding would be withheld.

Introduction of the Supreme Court Cases in the 1950s

Sixty-eight cases involving Oklahoma's public schools were heard by the Oklahoma Supreme Court during the decade of the 1950s (See Appendix A, Tables IX & X). This number was significantly less than the previous decade. The trend in the number of cases heard over this 30-year period created a rather unique graphical picture. As illustrated in Figure I (Appendix B), the decade of the 1940s produced a graphically significant rise to the baseline decade of the 1930s, resulting in a 43 percent increase in cases. The number of cases heard during the 1950s sharply reduced the graphical picture as a 23 percent decrease in the number of cases was heard.

Though the Court's decisions decreased during the 1950s, this decade provided a significant volume of issues for school case law. The areas of litigation most addressed were school finance (similar to the decades of the 1930s and 1940s), the financial

operation of schools, taxes, and financial aid from the state. Finance issues constituted over 42 percent (See Appendix A, Table XI) of the cases. The Court also addressed many issues normally associated with the operation of a school district such as annexation, student transfers, and the use, ownership, and maintenance of school property. The most common issue surrounding property was that associated with the ownership of property used by schools or given to schools by individuals or families for extended periods of time. School district issues comprised 39 percent of the cases.

Issues of school finance and school property were not the only issues heard by the Court. All of the types of cases heard by the Court during the 1950s included issues of finance, the district, personnel, and district v. district.

Approximately 42 percent of the cases involved school finance issues. District issues, such as school property ownership, annexation, student transfers, and school elections, constituted 39 percent of the cases. Issues surrounding the personnel associated with school districts, teachers, superintendents, and school board members - constituted approximately 20 percent of the cases. Only one case between two school districts was adjudicated. This was a sharp departure from the two previous decades where eight and five such cases appeared in the Court during the 1930s and 1940s, respectively.

School districts continued their success in the Court during the decade of the 1950s. They won 73 percent of their cases. As the plaintiffs, school districts were involved in 19 cases, and they won 11 of the cases. School districts were sued by others much more than they sued others during this decade. As defendants in 72 percent of the cases, school districts won 38 of the 48 cases for a winning percentage of 79 percent. In losing only 18 of the 68 cases, roughly 26 percent, a fair evaluation would place school

districts in the category of successful in litigating their positions before the Oklahoma Supreme Court (See Appendix A, Table XII).

Finance Issues

Issues of school finance dominated this decade and continued the trend of the two previous decades. Forty-two percent of the cases during the 1950s involved school finance issues. The thrust of these cases, as identified in the previous two chapters, focused on issues of the county excise board and its relation to approving school districts' estimates of needs. Railroad companies as plaintiffs played important roles in these cases. The role of the state in providing financial aid to local schools became more of a focus for litigation. The Court established much precedence in the area of county excise boards during the two previous decades, and this fact provided understanding for the reduction in the number of cases in this area during the 1950s. Likewise, the increased involvement of the state in providing direct financial support for schools in the form of aid and through legislative acts in the 1940s and 1950s (State Aid Laws and the Better Schools Amendment) helped to explain the beginning of such litigation in the Court in the 1940s and the continued trend in the 1950s. Of the 29 cases involving finance issues, eleven explored the area of taxation and the county excise board and six investigated areas of legitimacy of direct state aid to school districts (See Appendix A, Table X).

These two school finance issues produced important precedence for schools. The Court continued to explore the legitimacy of the state in providing direct aid to schools and the legislation supporting such aid resulted in the most significant precedence in school law during the 1950s.

In the previous decade, the Oklahoma Legislature enacted several different laws that provided for, and directed, the Oklahoma State Board of Education to apportion funds to local school districts on the basis of a general formula. Specifically, the Oklahoma Legislature passed “State Aid” laws in 1940, 1942, and 1949, cited as 70 O.S. 1940 Section 18, 70 O.S. 1942 Section 18, and 70 O.S. Supp. 1949 Section 18. The 1950s began with another version of the State Aid law with the passage of 70 O.S. 1951 Section 18.

The basic premise behind these statutes was an effort by the state to equalize funding for schools. By using a basic formula, the state aid laws attempted to supplement the ability of a local school in meeting the financial requirements determined as needed for a school year. In basic terms, each piece of legislation defined for the State Board of Education and local school districts a formula for calculating “Minimum Program.”

While such legislation was ostensibly created in a manner intended for an unambiguous disbursement of state funds to local schools, litigation over the meaning of the legislation creating the formula and the meaning of the definitions of the Minimum Program and Minimum Program Income resulted. The war over state aid occurred between local school districts and the State Board of Education. The battles over the amount of state aid properly disbursed to local school districts were, at times, fought in the Oklahoma Supreme Court.

Two cases adjudicated during the 1950s provided important precedence in defining the formula and resolving differences of interpretation for local school districts and the Oklahoma State Board of Education. These cases focused primarily on the definition of the Minimum Program Income. State v. State Board of Education (1955)

explored one of the more loosely defined portions of the State Aid Law of 1951 (70 O.S. 1951 Section 18). As provided by the statute local school districts were to include in their calculations of the Minimum Program Income “all . . . revenue which can legally be estimated by the county excise board.”

At issue in this case was the fact that the school district did not include in its estimate of needs for the 1952 fiscal year an amount of money it had received during the 1951 fiscal year from a local resource. The local resource in question was a disbursement of funds from the county sheriff's sale of confiscated liquor. In determining the amount of state aid to disburse, the State Board used ninety percent of the amount received in 1951 as an estimate of the amount the school would receive in 1952. This amount reduced the amount of state aid the school district received dollar for dollar. The reasoning used by the state was that, since this revenue was received by the district the previous school year, it could be reasonably assumed it would receive a like amount the succeeding year.

The school district and the Court disagreed with this conclusion. The school district reasoned that

Regardless of the fact that the revenue was received from the sale of confiscated liquor in 1951, the probability that they would receive income from the same source in 1952 was so uncertain that it was not an item of income that could be legally estimated for the school year.

While it was certain that the school district would receive revenue from levies the voters in the district had passed, for example, it was not nearly as certain for the district to estimate whether or not the local sheriff would confiscate illegal liquor and sell it for the proceeds to benefit the school district in the coming school year. The school district

argued that basing an estimate of needs or calculating the Minimum Program Income on such an assumption was unfair and unrealistic.

The Court agreed with the school district. In its decision the Court rationalized that . . .

We do not construe the statutes as imposing upon the State Board the mandatory duty to include in such estimates an item of income from a certain source for any current year solely because income was received from that source from the preceding year. There must be a reasonable probability that such source will produce a revenue for the current year to justify its inclusion in an estimate upon which the school district's financial program is to be based.

While the statute in question (70 O.S. 1951 Section 18) grants the State Board the authority to use all revenue that can be "legally estimated" to be received by a school district in building its budget for a school year, the Court, in this case, stipulated that it was unreasonable and was not the intent of the legislation to include revenue just because it was received previously. The Court agreed that there must be some reasonable expectation for the school district to receive the money. Otherwise, the State Board should not use the revenue in reducing the state aid to a school district.

A second case dealing with state aid in the 1950s also established important precedent for schools. As mentioned above, the various State Aid Laws included in their definitions various sources of revenue that were included in the calculation of the Minimum Program Income. The State Aid Law of 1949 (70 O.S. 1949 Section 18) stipulated that "federal grants of aid and reimbursements" were exempt from inclusion in the calculation of the Minimum Program Income for school districts. In State v. State Board of Education (1953) the Court considered the practical application of this part of the State Aid statute.

During the 1950 fiscal year, the school district received revenue from the state through the Flood Control Act of 1941 (33 U.S.C.A. Cum. Supp. Section 701). According to the Flood Control Act, 75 percent of the revenue received by the United States for the lease lands acquired for flood control purposes were forwarded to the states. The Act further required the states to use the money for schools and roads in the counties in which the flood control property was located.

In this case the State Board of Education reduced state aid to a school district that received funds as a result of the Flood Control Act. The amount of the reduction was dollar for dollar of the amount received as a result of the Flood Control Act. The State Board argued that it subtracted the revenue derived from the Flood Control Act from the amount of State Aid as was prescribed by statute. The Board also reasoned that it had done so in years past without complaint.

The Court disagreed with the State Board and ordered the reapportionment of state aid to the school district excluding the amount of revenue received by the district as a result of the Flood Control Act. In its decision, the Court reasoned that the State Aid Law was “unambiguous and couched in plain language.” Clearly, the Court ruled that “the phrase ‘Federal grants of aid and reimbursements’ as used in the statute” meant all money received by school districts originating in the coffers of the federal government in a direct or indirect manner. The fact that the money first passed through the treasury of the state should not impact the calculation of the Minimum Program Income of a school.

As in the previous two decades the legitimacy of the estimates of needs filed by school districts with county excise boards continued as an area of protest in the Court by taxpayers. One case in particular settled whether or not a type of revenue received by

school districts in the state belong on an estimate of needs as a recurrent or non-recurrent source of revenue. In Mid-Continent Pipe Line Company v. Stephens County (1957), the Court interpreted the statute that determined the types of revenue for inclusion in a school district's estimate of needs. For the most part, school districts were required to include in their estimates of needs the amount of revenue needed to operate for a fiscal year. The estimate of needs was also required to identify the sources of revenue that would generate a sufficient budget to cover the costs for the fiscal year. From this estimate, the county excise board certified a rate of levy for collection for the fiscal year. The Mid-Continent Pipeline Company protested the fact that the school district did not include in its estimate a source of revenue collected the previous year. Had it included the source, a lesser rate of levy assessed by the county excise board would have resulted.

At issue was the collection of revenue by a school district from oil and gas royalty and leases it owned. If included in the estimate of needs, a lower levy would be required for the district to meet its estimated obligations for the school year. The Mid-Continent Company argued that this revenue was required source for inclusion in the estimate of needs, but the school district disagreed.

The Court held that such revenue was not identified in the statute defining the development of school districts' estimates of needs. In 68 O.S. 1955 Supp. 1953 Section 286, the Legislature prohibited school districts from including in its estimate of needs "revenue from non-recurrent sources." The Mid-Continent Company argued that the revenue received by the school district could be seen as recurrent and predictable from one year to the next. The Court disagreed, however. In its decision, the Court stated that:

We are of the opinion that the Legislature in preparing this act started out to name the non-recurrent sources, finding this difficult to do, found a better means of clarifying their intent by including the statement “or from any other such source not normally recurrent year after year and so made recurrent by Legislative Enactment.”

In the area of school finance issues, the Court also considered the legality of expending revenue received by school districts as a result of levies assessed by county excise boards for projects argued as not listed on the estimate of needs by a school district. While seeking a particular answer for a particular situation heard by the Court, the decision reached in this case established important precedent in the legitimacy of an estimate of needs for school districts. School districts were required to list all items in the estimate of needs in which revenue generated from the proceeds of a levy would be spent. While seemingly an easy task, some bond issue descriptions inherently ran the risk of lacking clarity and exactness. The Oklahoma Supreme Court case, St. Louis-San Francisco Railroad Company v. Marshall County Excise Board (1958) provided direction and legality to the expenditure of bond funds in such cases.

The Court reviewed the Constitution as it related to bond elections by school districts, specifically, the 1955 amendment to Article 10, Section 10 of the Constitution. This section of the Constitution provided for annual millage elections for the creation of a bond fund for the purpose of “erecting, remodeling or repairing school buildings, and for purchasing furniture.” Also reviewed was Article 10, Section 19 that provides, in part, that “no tax levied and collected for one purpose shall ever be devoted to another purpose.” The Court found that the school district was not out of compliance with either of the constitutional provisions.

The primary issue revolved around the manner in which the district completed its estimate of needs and whether or not the levy collected violated the Constitution based on the completed estimate of needs. On the district's estimate of needs, no amount was estimated for the erection of a school building. A \$500 estimate each was made for remodeling, and for the purchase of furniture. The school district submitted claims later for \$1,077.35 for the erection of a school building. The claimant in this case maintained that such was illegal because an estimate for the erection of a school building was not listed on the estimate of needs.

The protesters in this case maintained that the failure to identify that the money would be used to erect a school building was the same as using the money for any other purpose not specifically itemized on the estimate of needs. They argued that the district was using the money to pay teacher's salaries, repair buses, and this equated to a violation of the Constitution. That is, the expenditure made by the district with the money in question was not specified on the estimate of needs nor was it used for what was specified on the estimate of needs.

The Court tersely disagreed with the protesters. In the opinion, the Court lamented:

We think protestant's argument goes to absurd lengths in describing protestee's argument, and exaggerates the effect of the 1955 amendment of sec. 10, supra, as said amendments interpreted by the protestee. Granting agreement with the protestant that if the proceeds of such a levy were used for teacher's salaries and the other mention purposes entirely foreign to, and disassociated with, building funds and building fund purposes, such uses would be in violation of sec. 19, it, by no means, follows that the money's appropriation for any one of more of the purposes named in sec. 10 – as it has been amended – would also constitute such a violation. And we see no reason in this State's present law for reversing the judgment herein appealed from.

The Court continued by rationalizing that the completion of the estimate of needs was simply an estimate of the use of funds. Stipulating precisely in terms of categories for the use of the money was an administrative task unrelated to informing the public about what the use of the money would be. The Constitution stipulated the ways in which the money could be used. The form used by the district for completing its estimate of needs was a formality for the excise board to approve the millage levy. As long as the millage levy was passed by a legal election of voters, the expenditure of the money collected was at the discretion of the district so long as it was used for one of the areas identified in the Constitution. The Court ruled, as was written in the Constitution, the building fund money was properly used for erecting a school building.

District Issues

District issues were the second most litigated during the 1950s. Approximately forty percent of the cases involved issues surrounding the operation of a school district, including school property ownership, annexation, student transfers, and the liability of a school district for a student injury. This percentage was consistent with the 1940s while the 1930s saw only 11 percent of its cases involve district issues. Seventy-two percent of the cases in this area of litigation surrounded the topic of school property ownership and school district annexations.

During the decade of the 1950s the Court heard a plethora of cases involving protests of the ownership of school property. Eighteen of the cases heard by the Court settled an issue of property ownership. Two cases in particular produced valuable precedents for school case law. The first, Seba v. Independent School District No. 3

(1953) settled the issue of “eminent domain” relating to school districts. The second, Merritt Independent School District No. 2 v. Jones (1959), settled the issue of “adverse possession” relating to school property.

The Seba case was the first heard by the Court that addressed the issue of whether or not a school could acquire property by certifying land as eminent domain. Eminent domain has been utilized throughout the history of our legal system as a legal practice by which government entities or other projects approved by government entities involving the betterment of a community or society forcibly, through court action, taking the property owned by a private party. The practice of eminent domain provided fair market value for the property.

In this case, the Court considered whether or not a school district’s need to build a gymnasium constituted a legitimate assertion of eminent domain. After passing a bond issue for the purchase of land and the building of a gymnasium, the school district commenced action to purchase a piece of land directly across the street from the school. The piece of land in question was to be used for the construction of the gymnasium and associated parking spaces. The owner of the property refused to sell the property to the school, and the school immediately sought relief in court to condemn the property and acquire it through the concept of eminent domain.

The local district court approved the condemnation of the property on the basis that the land in question was appropriate for use as the site for the gymnasium as it was connected to a major street, easily accessible to school staff and students as well as patrons, and it was immediately across the street from the school. The district court appointed appraisers who established the fair market value of the property at \$2,750.00.

This amount was paid to the district court by the school district to be paid to the private owners of the property.

On appeal to the Court, the plaintiffs (the private owners of the property) asserted that the school district had no legitimate need for the property as the school district owned property elsewhere. In its decision, the Court held that . . .

The ordinary rule in condemnation cases is that while the particular property sought to be condemned must be necessary for the proposed project, the condemnor's decision as to the necessity for taking particular property will not be disturbed in the absence of fraud, bad faith, or abuse of discretion.

Particular to this case, the Court stipulated that the school district did not act in a manner that was inappropriate in its desire for the land for the gymnasium. In fact the Court lamented that the plaintiffs failed to "show any spite, prejudice, or improper conduct on the part of the school board in its efforts to acquire the site of the gymnasium."

Fundamental to this decision was the Court's application of the fair and equitable use of eminent domain by a school district in acquiring property for school uses. Particularly, as long as school districts conformed to the ordinary practices of eminent domain, the practice was legally extended to school districts by the Court.

In the Merritt case, the Court considered the issue of "adverse possession" as it applied to conflicts over property and the ownership of property by school districts. In property disputes, adverse possession has been used as a legal way to otherwise unlawfully take land. Strictly defined, adverse possession was developed historically by case law and, at times, by statute as a method by which someone other than the title holder of land gained title to the land (Black, 1998). A key component in the successful acquisition of the land was determining who had had continuous possession of the land

for a specified period of time. Interestingly, the time period of continuous possession had to begin with the actual wrongful occupation of another's property. Historically, the underlying philosophy behind adverse possession was that the actual use of land was favored over disuse or simple abandonment of the land (Buswell, 1991). Acquiring property through adverse possession in Oklahoma, and more specifically taking the property of a public school district through adverse possession, involved the concepts described above as well as their practical application in the Court. In the Merritt case, the Court settled the issue of adverse possession as the concept applied to someone taking the land of an Oklahoma school district.

In the Merritt case, the plaintiff filed suit in district court to acquire that title to a piece of land in Beckham County. The piece of land, according to the plaintiff, had been abandoned by the school district, as the school district had been broken up and disorganized. The piece of land in question was a two-acre lot that was properly conveyed to the school district before statehood in 1905. After statehood, the Merritt school district was disorganized and made part of an adjoining school district in Roger Mills county. In claiming adverse possession, the plaintiff claimed that the Merritt School District removed the school building from the property 25 years prior to the court action. Beginning 20 years prior to the court action, the plaintiff asserted that he and his predecessors had been "in continuous, quiet, peaceable, open, and notorious possession of the land. This fact, according to the plaintiffs, supported their claim to a title by adverse possession, and the district court agreed.

The Supreme Court found that the doctrine of adverse possession did not apply to school property. In its decision, the Court relied on two distinct findings. First, the court

noted the “general rule is that title by adverse possession may be acquired against all persons, except those exempted from the operation of the statute of limitations.” In Oklahoma, however, the Court noted “the statute of limitations is not operative against the state or its subdivisions where public rights are involved.” In essence, the Court stipulated that the primary determining factor is whether or not the issue surrounding the adverse possession is a private or public right. School property was distinguished as public property in James v. Union Graded School District No. 2 (1942). In this case, the Court ruled “the ownership of school property is in the local district or school board for the public at large, and such property occupies the status of public property.” With this issue settled, the Court rationalized that whether intentionally or unintentionally, a school district cannot abandon property or forfeit property to another by adverse possession, as property owned by a school district was owned in trust for the public.

During the decade of the 1950s, the Court heard two cases involving the transfer of students from one school district to another: Duncan v. Askew (1952) and School District No. 22, Osage County v. Worten (1955). Both of these cases were brought to the Court on a writ of certiorari as both were concluded by the Court to have been decided in the district courts in error. Specifically, the Court agreed to hear both of these cases because the judges in the district courts misapplied the statutes concerning student transfers.

In Duncan a parent of two school-age children filed with the county superintendent a request for a transfer of his children from School District No. 40 of Johnston County to School District No. 20 of Johnston County. The two school-age children had attended School District No. 40 through the eighth grade. School District

No. 40 did not provide educational services beyond the eighth grade. The purpose of the transfer to School District No. 20 was for the children to be able to attend the high school and graduate from high school. The county superintendent denied the transfers. On appeal to the district judge, the order of the county superintendent was reversed and the transfers were approved. Without notice to the school or the father of the children, new hearing with the district judge was held at the request of a group of citizens of School District No. 20. The district judge vacated his decision and voided the student transfers.

On appeal, the Court examined the applicable statute concerning student transfers, 70 O.S. 1951, Sections 8-2 and 8-3. The decision of the Court rested solely on the plain reading of the statute which provided for the mandatory transfer of a student, upon application to the county superintendent of schools, to an adjoining school district that provided grades not provided in the district of residence. In its decision, the Court stipulated that it was clear that the transfer should have been approved and the parties disapproving, the district judge and the county superintendent, were clearly outside the authority of the statute in disapproving the transfer. The Court stated:

In the instant case, where it is shown that each petitioner had completed his formal education in the grades furnished by School District No. 40, the place of their residence, they were entitled upon proper application under the quoted statutes to a transfer to School District No. 20, in which district they could procure a high school education. Neither are respondents vested with a discretionary power under the statute, but their actions must be governed by the express mandate of the statutes.

In the Worten case the parents of 11 students filed with the county superintendent applications to transfer from the School District No. 22, Osage County to School District No. 29 in Osage County. The county superintendent denied the applications for transfer. On appeal to the district court judge, the transfers were approved. The Court heard the

case on certiorari as elements of the controlling statute for student transfers were purported to have not been followed by the district court judge.

The primary issue in this case was the particular location of residence of the students involved in relation to the location of the two school districts. The students lived on the far outskirts of School District No. 22, and their homes were contiguous to the boundaries of School District No. 29. In terms of distance, the students were subject to a school bus ride of five and one half miles to School District No. 22. It was a two-mile bus ride to School District No. 29.

In deciding to grant the transfers, the district judge applied the following provisions of 70 O.S. 1951, Section 8-3:

Provided, that a child may be transferred from a district furnishing instruction in the grade he is entitled to pursue when the topography of such district, or the health of the child as determined by a verified health certificate by a licensed physician, is such, in the judgment of the County Superintendent of Schools, that the best interest of the child cannot be served by the child's attendance in the district in which he resides.

The district court judge granted the transfers based on the topography notion in the above statute. In the argument, the district court argued that it was in the best interest of the students to avoid the five and one-half mile bus ride to the district in which they resided. Granting the transfers would require the students to ride a school bus for only two miles to school.

The Court found error in this application of the statute. In its decision, the Court stated that "unless the topography of the home district is such that the best interest of the child cannot be served in his home district the County Superintendent and the District Court were without lawful authority to grant a transfer." Following the clear rudiments

and meaning of the statute was the job of the Court in this case. The Court also explained that this was the job of the lower court and the county superintendent. Finally, the Court tersely presented a sound question for it to answer: “Are the best interests of a child infringed upon by being required to ride an approved bus over an approved route a distance of five and one-half miles where it is possible by transfer to travel on two miles over an approved route on an approve route”? The Court answered sharply by stating, “We think not.” The Court concluded that there was no appreciable difference in a two mile and a five and one-half mile bus ride, as such would not pass the muster of the legislative intent for approving student transfers.

Case law in this area has varied with the Court. This has been particularly true due to the changing nature of the statutory law concerning student transfers. Since the 1930s, the rules concerning student transfers have been changed by legislative enactment six times – once in each of the following decades: 1940s, 1950s, 1970s, and 1980s. The statutory rules for student transfers were changed twice in the 1990s by the Oklahoma legislature. While the Duncan and Worten cases did not produce significant precedence in the area of student transfers, both cases contributed greatly to the overall understanding of the Court regarding these matters.

As mentioned previously in this study, where statutes were available for the Court to consider in deciding a case, the Court based its decisions on the clear and precise language of the statutes. In both Duncan and Worten, the Court clearly defined the method it would use in not only settling the issues in the cases, but in future cases. The issue of student transfers was clearly a statutory issue, and, despite the emotion, economics, or politics such an issue created, the job of the Court remained to be an

enforcer of statutes and, when necessary, an interpreter of statutes. The importance of these two student transfer cases in the 1950s was that they were the first of their kind and they gave insight into how the Court would decide future cases of a similar nature.

Personnel Issues

Personnel issues occupied 16 percent of the cases heard by the Court. Out of the eleven cases, ten were initiated by a school district while a school district was the defendant in only one case. This presented a sharp departure in terms of the roles districts have played in Supreme Court cases. As addressed above, school districts were sued significantly more than they filed legal actions as plaintiffs. Despite this fact, the school districts were successful as plaintiffs and in this area of litigation. School districts won eight of the 11 cases involving personnel issues and lost three of the cases as the defendants.

The personnel issues adjudicated primarily concerned particular elements of a contract, the amount of money paid to school administrators and teachers, and the legitimacy of a board member to serve his term as a board member. None of these cases produced new precedence by the Court. One case did explore a new area, however. In Board of Education v. State (1953), the Court considered the liability of school board members and a superintendent for employing said superintendent who was not certified by the state to serve as a superintendent.

Nineteen patrons of the Sayre School District brought suit against four of the five board of education members and the superintendent for violating several statutes concerning the hiring of a school superintendent. Pertinent to this case was the passage

of the Oklahoma School Code in 1949. A particular statute in the Code, 70 O.S. 1951, Sections 1-20, changed the rules by which a board of education could hire a superintendent and a person could accept a position with a school district as a superintendent. The statute in question provided that it was

unlawful for a member of the board of education of a school district to employ, approve, or vote for any person to perform services for such district unless the person employed [held] a valid certificate of qualification issued in accordance with the rules and regulations of the State.

Similarly, the statute prescribed “it shall be unlawful for any person to serve, or to contract or agree to serve, as a superintendent, principal, or teacher unless such person holds a valid certificate of qualification issued by the State.”

As a penalty for violating the provisions of the statute, the State mandated that the individual board of education members were liable for the cost of the superintendent’s contract with payment going to the school district. Such liability, according to 70 O.S. 1951, Section 4, was for “double the amount of all sums of money so paid.”

The interesting part of this case was the fact that one of the board of education members joined the 19 patrons in the suit as a “relator plaintiff,” or an individual party adjoining himself to the other plaintiffs. This board member was a board member at the time the superintendent was hired and attempted to excuse himself from the case as a “relator” to the case. His attempt was backed by his desire to not be held liable with the other board members and to let the community know he was not an agreeable party to the hiring of the superintendent.

In its conclusion to this case, the Court interpreted the statutes relating to this matter as Constitutional and noted some fundamental rules as it interpreted the statute. First, the Court noted that boards of education are responsible for following the laws of the state. Prior to 1949, there were no statutory requirements for hiring a superintendent in terms of the certification qualifications needed by the superintendent. In particular, the Court stated

the statutes determine public policy of this state, which is that boards of education may not knowingly hire and pay uncertified superintendents, and if such is done, the members of such board shall be liable for the return of the amount of public money thus expended.

Second, the Court noted that the actions of a board of education are to be taken as actions of the board of education as a whole. An attempt by one or more board of education members to excuse himself from the actions of the board, when participating in those actions, after the fact was not a viable option for getting out of legal liability. The Court stated

the school district is entitled to have the action prosecuted against all board members who knowingly participated in the alleged wrongful action, and, conversely, the liability being joint, the board members are entitled to have made party defendants all those who participated.

Furthermore, the Court sharply stated “a guilty member of such a board cannot escape liability by becoming a relator against his fellow board members.”

In this case, the Court sufficiently settled the notion of whether or not it was legal to hire a non-certified person in the role of superintendent. While settling this issue, the Court also took time to note the ramifications for board of education members who violated the requirements in hiring a superintendent. If a clear message was intended, it was delivered: Hire certified superintendents or suffer the consequences.

CHAPTER V

OKLAHOMA SUPREME COURT CASE LAW

REGARDING PUBLIC SCHOOLS: REVIEW

AND ANALYSIS FOR THE 1960s

Introduction

Oklahoma experienced several changes during the 1960s with the predominant change being political. Oklahoma's first Republican governor, Henry Bellmon, was elected to office in 1962 and he was succeeded by another Republican, Dewey Bartlett, in 1967. Traditionally steeped in populist sentiments and with a history of sending Democratic candidates to office, however conservative, the change to two consecutive Republican governors was uncharacteristic for the state (English & Calhoun, 1989).

A good amount of political turmoil occurred in the state during the 1960s and education was not immune. Bellmon was elected on a promise of no new general tax increases for the state. Despite tax increases in individual areas, such as cigarettes and alcohol, Bellmon remained diligent to his promise (Baird & Goble, 1994). During Bellmon's first term, the teacher's union, the Oklahoma Education Association (OEA), demanded a \$1,000 raise for every Oklahoma teacher. Without the ability to raise taxes, the legislation for the pay increase failed to make it through the legislature. In combination with the National Education Association, the OEA publicly proclaimed that

the state of Oklahoma's educational program was poor, and the state's refusal to address such issues was the cause for the state's rankings of 40th in the nation in per pupil spending and 37th in the nation in teacher pay (English & Calhoun, 1989). The state was "black-listed" again by the NEA and OEA in 1968 when Governor Bartlett vetoed legislation aimed at increasing salaries for state officials, including teachers, and providing for a statewide system for kindergarten (Baird & Goble, 1994). In 1969, however, the legislature passed, and Bartlett signed, a bill giving all teachers a \$1,300 raise.

Another political nightmare characterized the state during the decade. The Oklahoma Supreme Court suffered terrible damage as a result of illegal activities by three of the justices. The Vice-Chief of the Court, Nelson Corn, was convicted of federal tax evasion in the early part of 1962. Two other Court justices fell soon after as Justice Corn testified against them for accepting bribes. Justice Earl Welch resigned before impeachment proceedings had concluded. Justice N.B. Johnson was impeached from the Court. Both men were convicted of criminal charges in federal court (Duvall & Boeger, 1985).

Some major pieces of legislation were passed during the decade. After the Supreme Court was overtaken with scandal, the legislature addressed the court system in the state. The justice of the peace system was eliminated and a method for electing the judiciary, including the members of the Supreme Court, was created. Additionally, the legislature reapportioned the state for the election of its representatives.

The Legislature re-considered the Oklahoma School Code that was created in almost twenty years later. In 1949, the State Department of Education was created and

declared the governing body of the public school system. In 1967, the Legislature re-authorized the Oklahoma School Code and added emphasis to the role of the Department. Specifically, the Department was authorized to “adopt policies, rules, and regulations for the operation of the school system, provide for the formulation and adoption of curricula and provide for the classification, inspection, and accreditation of all public schools” (70 O.S. 1967, Section 1). In other words, the Department was given the legislative authority to interpret state laws and write regulations concerning the operation of all schools in the state. These regulations included all aspects of the operation of a school, including budgeting, accounting, curriculum, graduation requirements, teacher certification, student transfers, and the like. Power, along with the flow of state money to schools that began in the 1930’s (by the School Aid Law), was centralized by the state.

Introduction of the Supreme Court Cases in the 1960s

The Oklahoma Supreme Court heard thirty cases involving the public schools in the 1960s (See Appendix A, Tables XII & XIV). Issues addressed by the Court were: finance, district, personnel, and district v. district/other.

Although all of these categories were represented in terms of litigation, little variation occurred in the cases in the 1960s. A few finance issues were adjudicated, including disagreements over the proper accounting methods used in completing the estimate of needs, the validity of paying a district’s legal liability from a sinking fund levy, the liability of a school district paying for municipal road improvement bonds, and whether or not a school employee was entitled to workman’s compensation. The sole personnel issue was a highly political one, and it involved the legality of an elected House

of Representatives member receiving pay from the state as well as pay from a school district as a teacher. District issues litigated centered on three primary areas: school property, student transfers, and annexations.

The most significant case decided by the Court in the 1960s and possibly the most significant case decided by the Court was a case that fell outside of the above classifications, Oklahoma Farm Bureau v. State Board of Education (1968). Unique because it did not have a school district as the plaintiff or the defendant, the main impact of this case was its far-reaching implications for education in Oklahoma. The case determined the extent of the authority of the State Department of Education in accrediting school districts.

The Court heard 30 cases, fewer than in any previous decades since the 1920s (See Appendix B, Figure 1). Eight cases addressed finance issues; nineteen cases decided issues concerning the operation, make-up, and organization of school districts; and each reviewed personnel law, decided an annexation issue between two school districts; and addressed the legitimacy of the State Department of Education in regulating Oklahoma's public schools.

Oklahoma's public schools were successful in court as evidenced by school districts winning 71 percent of the cases. They were the plaintiffs in five of the 28 cases, and they won. School districts won four of the cases.

Different from the 1930s when finance was the issue, specifically irregularities surrounding the filing and use of an estimate of needs, the 1960s was a decade of cases regarding student transfers (six cases) and annexations (nine cases), constituting 50

percent of the educational issues considered by the Court. The remaining 50 percent addressed issues in similar numbers as in previous decades.

Despite the lack of diversity in types of cases or the number of cases heard by the court in the 1960s, several cases established important precedent in case law. Choctaw County Excise Board v. St. Louis-San Francisco Railroad (1969) addressed a finance issue of using a sinking fund levy to pay a judgment against a school district. As a district issue, Independent School District No. 4 v. State Board of Education (1969), decided whether or not an annexation was subject to laches. Also district issues relating to arguments over the interpretation of applicable statutes involving students transfers, Hines v. Independent School District No. 50, Grant County (1963), and the legality of busing parochial school students in public school buses, Board of Education of Independent School District No. 52 v. Antone (1963) were settled. A personnel issue involved the legality of a person receiving a teacher's salary and a Oklahoma House of Representatives member's salary simultaneously in State v. Board of Education of Dependent School District No. 38.

Finance Issues

Unlike in previous decades, school finance issues constituted only about a quarter of the cases decided by the Court. Districts were the defendants in seven of the eight cases. Most issues were settled in previous decades, and the opportunity for private protests to the estimates were reduced by the Court.

The estimate of needs continued to be the most heavily litigated finance issue. Now the issues litigated more often than not concerned particular and fine points about a

specific district's estimate of needs. In other words, these cases produced very little precedent while they settled the issue at hand. Other finance issues were liability in school vehicle accidents, liability of school districts in participating in municipal road bonds, issuing bonds approved by voters in a school district, the availability of workman's compensation for school district employees, and the legality of issuing a sinking fund levy to pay for a judgment against a school district.

Choctaw County Excise Board v. St. Louis-San Francisco Railroad, (1969) examined the appropriateness of a sinking fund levy issued by the Choctaw County Excise Board to satisfy a monetary judgment against the Choctaw School District. In this precedent-setting case, the St. Louis-San Francisco Railroad filed an appeal to prohibit the collection of a levy issued for the sinking fund. Prior to the appeal the District Court of Choctaw County ruled favorably for five petitioners for payment from the Choctaw School District for goods and services provided the district. As a consequence of the judgment, the excise board issued the levy to collect the required amount for payment from the sinking fund.

The primary issue here was whether or not the sinking fund levy was appropriate considering that the school district did not appear in court to defend itself against the judgment. In other words, the judgment against the school district was a "default judgment." The Court found the judgment valid based on an analysis of what the Court considered a valid default judgment for a school district (or other political subdivision of the state). In essence, the Court rationalized, that since the school district was properly summoned for the case, no appearance in court for a defense failed to rise to the need to negate the judgment. Secondly, the Court discerned that, at the time of the judgment, the

district court had before it the underlying facts of the case and heard evidence related to the case. The Court pointed out that the “judgment rolls in this case do not disclose that the judgment was rendered in consequence of the non-appearance of the defendant, but in consequence of the evidence presented.”

Applying the logic of the Court, the sinking fund levy was properly issued as the district court entered a proper judgment against the school district. This was done despite the failure of the school district to appear in court and after a proper summons was issued, the court heard evidence supporting the judgment, and the court had an understanding of the underlying facts.

District Issues

District issues constituted the largest percentage of cases heard by the Court during the 1960s. Sixty-three percent of the cases heard during the decade involved issues which surrounded the operation, functioning, and area of operation of school districts. School districts were the defendants in 89 percent of the cases in this area. Schools were the plaintiffs in only two of the cases.

The most litigated issues in this area involved school annexations and student transfers. During the three previous decades, conflicts over annexations were litigated frequently. Proportionately, the trend continued in the 1960s. The six student transfer cases litigated were the determination of legitimate title to school property, student bussing, and the right of a school district to close a school building. Important precedence was established by the court in the areas of annexations, student transfers, and student bussing.

Regarding school annexation, the Court determined the applicability of the legal requirement of laches. In Independent School District No. 4 v. State Board of Education (1969), the Court heard an appeal by the Independent School District No. 4 to have an annexation order issued in 1949 set aside. That order split the district into two nonadjacent parts, both of which were separately annexed to other school districts. The school district desired to demonstrate that the original election held in relation to the annexation produced a result insufficient to approve the annexation. Since this was the case, the school district wanted its district re-instated according to its original configuration and status.

The district court held that the result desired by the school district was not possible and denied the request, regardless of whether they were right or wrong about the actual annexation election. The Court was heavily persuaded in its decision by the fact that the area in question had been considered annexed to two other school districts for over 16 years – the State Treasurer, State Board of Education, the County Assessor, and the County Superintendent considered the area annexed to two other school districts in the sense that state aid, tax collections, school attendance zones, and estimates of needs had all been approved and put into effect for the area during the same period of time. As such, the Court reasoned that the theory of laches was applicable to this case. According to the Court,

the doctrine of laches is not ordinarily available against the government in respect to a public right; however, in the public interest and on the ground of public policy, the state may be precluded from attacking the franchise of a municipal corporation on the ground of illegality in its incorporation where it has failed to raise the question for a considerable period of time.

In other words, the Court stipulated that the theory of laches did not apply to governmental agencies when the object was to protect a public policy or interest; rather, the theory of laches should not preclude “the enforcement of a public policy or interest.” Concluding, the Court stated firmly that the “plaintiff, by long acquiescence and continued recognition of the annexed area, [was] estopped from asserting an illegality of the 1949 election and annexation order of the Oklahoma State Board of Education.”

Hines v. Independent School District No. 50, Grant County (1963) examined student transfers. A student attended Dependent School District No. 21 in Grant County through the eighth grade which was the highest grade level offered by the school district. Then, the student applied for a transfer to Independent School District No. 20 in Caldwell, Kansas, a school district contiguous to Dependent District No. 21 offering a comprehensive high school but outside of Oklahoma. Independent School District No. 50, also a contiguous district offering a comprehensive high school in Oklahoma, intervened and, through the Grant County Superintendent, denied the transfer request. The Grant County District Court sustained the decision to deny the transfer.

In the appeal the plaintiff asserted that the applicable statutes in the case, O.S. 70 1961, Sections 1-3, allowed for the approval of the transfer request and the decision to deny the transfer was an abuse of discretionary power. The law read as follows:

1. A student residing in a school district that does not offer a grade in which the student is entitled to pursue was entitled to transfer to district that offered the grade level needed. Along with the transfer, the sending district was required to send to the receiving district the ordinary per capita student cost of the sending district.

2. A student desiring a transfer to a district in the state applied for the transfer to the county superintendent; those desiring transfers out of the state applied to the State Board of Education. An appeal procedure was provided for transfers denied by the County Superintendent. No appeal was provided for those denied by the State Board of Education.
3. A student transfer could be approved by the State Board of Education, the sending district, and the receiving district if the transfer was determined to be in the best interest of the child.

In its decision, the Court found that the transfer was denied because of a consistent application of a policy to not approve out of state transfers. The applicable statute required that the “best interest of the child” should control the decision for or against approval. Using a policy of blanket denials negated the statute.

The use of a policy of blanket denials, reasoned the Court, was an abuse of discretionary power. In most circumstances the Court has not interfered with the exercise of discretionary power, especially in cases where such was provided to schools or state agencies by legislation. However, when the use of discretionary power was unreasonable, the Court must intervene. Specifically, the Court noted:

As a general rule, where public officials are entrusted with discretionary power in certain matters, an exercise of such discretion will not be controlled by injunction, but injunction may be issued in a case of a gross abuse of discretion, where it appears that such action was exercised on grounds or for reasons clearly untenable, or to an extent clearly unreasonable.

The logic of the Court concluded that the decision to deny the transfer was inappropriate because the best interest of the child was not considered. Specifically, the Court

remarked that “the refusal to approve the transfer was clearly . . . unreasonable and a manifest abuse of discretion.”

The final district issues case produced an important precedent for the transportation practices of a school district. Could a public school district providing transportation to and from school to parochial school students? In Board of Education of Independent School District No. 52 v. Antone (1963), students attending a local parochial school were provided daily transportation by the public school district to attend a parochial school.

In this case a resident taxpayer of the No. 52 School District, Mr. Antone, filed for an injunction in the district court to prevent the school district from continuing the practice of bussing 175 parochial school students. The district court granted the permanent injunction, and the school district appealed to the Court.

The case involved the Midwest City School District, and the action against the district named the individual board of education members as well as the superintendent as defendants. The parochial students riding the school busses attended the St. Phillips Neri Parochial School. According to testimony, St. Phillips was a private school that received no public funding, and at least part of its curriculum included the practice of religion. In addition, the school conducted Mass each morning.

The primary legal argument was that the “public school owned and operated school buses purchased with public funds collected through Federal, State, and Local taxes, and the transporting of students of the privately owned Catholic school constituted a violation of the State Constitution.” The applicable section of the State Constitution, Article II, Section 5, stated that . . .

No public money or property shall ever be appropriated, applied, donated, or used directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the sue, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

The school district provided several arguments in their defense. First, the transportation was provided for the public welfare of the community and did not change the existing bus routes or otherwise create an additional expense for the school district. It was noted by the Court that this suggestion was based upon the argument that funds generated by taxes could be legally justified if the purpose of the expenditure was for the general welfare of the entire community and not for the singular purpose of aiding, supporting, or helping any religious institution. Furthermore, the school district argued that providing for the needy and providing for the transportation of students to school should not be regulated based on the question of whether or not such particularly aids a religion or a religious purpose. The consideration should be whether or not the purpose of the transportation provided for the “general welfare of the community.”

In its decision, the Court did not accept the school district’s arguments. Accordingly, the Court stipulated that the First Amendment to the U.S. Constitution and the history of its creation did not match with the entanglement of public school resources with students attending a private, religious school. In its final analysis, the Court reasoned that the State Constitutional provision stipulated in this case prohibited the bussing plan of the Midwest City School District. The Court stated . . .

The law leaves to every man the right to entertain views as appeal to his individual conscience, and to provide for the religious instruction and training of his own children to the extent and in the manner he deems essential or desirable. When he chooses to seek for them educational

facilities which provide secular and religious instruction, he is faced with the necessity of assuming the financial burden which that choice entails.

Despite the rationale used or legal arguments posed, the Court agreed that the final and only determination in this case was a simple reading of the State Constitution.

Personnel Issues

Just one case involving a personnel issue was litigated in the Court during the 1960s. Despite only one case, the Court created important precedence. In State v. Board of Education of Dependent School District No. 38 (1964), the Court considered the legality of a teacher receiving a salary from a district and a salary from the state as an elected member of the Oklahoma House of Representatives simultaneously. The Court agreed to assume original jurisdiction since it posed “an important public question” to the state.

The plaintiff, Mr. Garfield Settles taught in School District No. 38 of McCurtain during the 1963-64 school year. During that fiscal year, ending July 1964, Mr. Settles was also a member of the Oklahoma House of Representatives. The district refused to honor the salary stipulations of his teaching contract and did not pay him for his services for the school year. As a result, Mr. Settles, joined by the state, filed suit against the school district for a writ of mandamus directed to compel the school district to pay Mr. Settles the complete monetary value of his contract with the school district.

At issue were two legal problems associated with the school district paying the teacher’s salary. The first was an applicable section of the Oklahoma Constitution, Article V, Section 23. The section of the Constitution stipulated that

no member of the Legislature shall, during the term for which he shall have been elected, or within two years there after, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected.

The school district proposed that this section of the Constitution was applicable to Mr. Settles' salary as the 1963 Legislature, of which Mr. Settles was a voting member, appropriated support to the public schools of the state. School District No. 38 received part of the appropriated funds through the state aid formula. Secondly, in October 1963, the Oklahoma Attorney General issued an official opinion on the issue of a teacher who is also a member of the legislature receiving compensation from a school district. The Attorney General determined that "no member of the legislature may receive compensation out of the general fund of any school district to which there has been apportioned by the State Board of Education out of appropriated funds any sum of money as state aid." It was soon after the publication of the Attorney General's opinion that the school district decided not to pay Mr. Settles according to the terms of his contract.

Mr. Settles made the contention that he did not contract with the state to teach school. Rather, he contracted with the board of education, and the board of education would pay him the amount of his contract whether or not state aid was received by the district. The Court argued that this was impractical as the revenue generated by the school district absent state aid would not have paid half of his salary much less any other staff member of the school. Furthermore, the Court noted that 70 O.S. 1961, Section 18 provided that a school district was not obligated to fulfill the monetary portions of a teacher contract if appropriations from the state were not sufficient to meet the minimum salary program of the school district. In other words, Mr. Settles' salary and his contract

were directly related to the actions of the government. This fact, argued the Court, made Mr. Settle's contract in violation of the law and would force the Court to find in favor of the school district.

In its decision, the Court reasoned a way to both uphold the law of the state yet reach a solution based on practice in the state. It was noted that since statehood it had been a common practice for teachers to serve in the state legislators at the same time they were being paid as teachers. Specifically the Court noted that . . .

While we are not bound to follow legislative and departmental constructions of constitutional provisions, justice will not permit us to ignore . . . interpretations to the detriment of those who may have relied thereon. Accordingly our order must render justice as between the parties, and it should avoid confusion and disorder in those districts which have employed Legislator-teachers during the current school term. A writ of mandamus must be granted . . . to avoid confusion and disorder.

With this the Court upheld the writ and ordered the school district to pay the legislator according to his contract, and, by effect of the decision, ordered all other school districts in the state similarly situated to do the same. The Court did not end its decision with this as the final conclusion, however. The conclusion of the Court was to hold-harmless those teacher-legislators during the current school term and the succeeding school terms so to not "cause disorder." Thereafter, the plain language of the Constitution and the opinion of the Attorney General would guide this issue. The Court would not condone the practice of paying active members of the legislature who were also employed as school teachers and paid from school district funds.

Other Issues

The primary purpose of the State Department, created in 1947, was to carry out the regulations of the State Board of Education and enforce the statutory provisions of the legislature. The case, Oklahoma Farm Bureau v. State Board of Education (1968) challenged the constitutional grounds for the regulatory function and the legitimacy of actions taken by the State Department. A victory by the State Farm Bureau in this case would have changed the nature of the oversight available to the state in education and eliminated the supervisory function of the State Department of Education and the State Board of Education. The significance of this case was great as it firmly established the legal legitimacy of the role of the State Department in its regulatory function for the state.

The context of this case was not only legal. Political, social, and economic factors lead to the legal battle that brought this case to the Court. From statehood through early 1940s the number of school districts was an issue. The political and social factors involved in this fact were obvious. Local communities, whether incorporated or not, wanted local schools for their children to attend. A plethora of these schools were very small with an over-all attendance of less than 15 students in kindergarten or first grade through 8TH (for dependent districts) or 12TH grade (for independent districts). The economic factor in this situation was likewise obvious. Such a system of education was very expensive, especially in terms of capital projects such as buildings and personnel costs with very small class sizes and administrative costs.

Beginning with the passage of the Oklahoma School Code in 1947, the legislature installed requirements for the disorganization, annexation, and involuntary closing of

school districts, requirements that were amended twice in 1961 and 1967 and prior to Oklahoma Farm Bureau. The state expressed a need to reduce the number of highly expensive school districts in the legislation. Social and political forces were not necessarily supportive, especially in local communities. The Supreme Court solved the legal issues, however.

The Court agreed to assume original jurisdiction in this case for two reasons. The first was that the “exigent situation invoke[d] a need for determination of matters essentially publici juris, wherein it is presumed that the exercise of regulatory powers not granted by law are exercised.” The legality of the State Department of Education to exercise regulatory power was questioned. Secondly, the Court rationalized that the issue presented would continue to be an issue of public interest and turmoil if not immediately addressed by the Court.

In this case, the specific issue was whether or not the State Constitution and applicable statutes authorized the State Department of Education to withhold school accreditation on the basis of a school’s failure to comply with or meet the rudiments of accreditation standards. In October of the 1968-69 school year, the Department of Education issued its new set of accreditation standards. One of the standards required an average daily attendance of 15 students in the district’s high school for it to receive accreditation (and therefore remain open as a school). The plaintiff in the case stipulated that the State Department could not issue a regulation that contradicted existing statutes concerning school standards or the State Constitution.

In its final analysis, the Court reasoned that the State Constitution clearly provided for the regulatory function of the State Department through the State Board of Education.

Specifically, Article XIII, Section 5 provided that the “supervision of public school instruction [was] vested in the State Board of Education under [the] powers and duties prescribed by law. Despite the apparent confusion on the issue, the Court also stipulated and provided clarity by stipulating the supporting statutes. The Court quoted 70 O.S. Sections 2A-4 as the supporting legislation required by the Constitution. In this statute the State Department of Education, through the State Board of Education, was authorized to:

make rules and regulations for the classification, supervision, and accrediting of all public nursery, kindergarten, elementary, and secondary schools in the State.

With this decision the Court closed the door on attacks on the State Department’s regulatory power, even when it’s regulatory power closed the doors of a school. New legislation later effectively reduced this power, however.

CHAPTER VI

OKLAHOMA SUPREME COURT CASE LAW

REGARDING PUBLIC SCHOOLS: REVIEW

AND ANALYSIS FOR THE 1970s

Introduction

Politics in the state during the 1970s were mixed with corruption and the election and tenure of some of the most influential public officials in the state's history. After winning election to the House of Representatives 1946 and serving continuously, Carl Albert was named Speaker of the House in 1971. He retired in 1972 at the end of his current term and did not seek re-election. David Hall, a Democrat, replaced the Republican Dewey Bartlett as Governor in 1971. Governor Bartlett was the second Republican Governor in the state, and, despite the change in the state's constitution in 1968 providing for two consecutive terms as a governor, Bartlett was the first to lose such an opportunity. David Hall served one term as governor and began serving a prison term four days after leaving office for bribery (English & Calhoun, 1989). David Boren replaced Hall as Governor in 1975. After winning election to the U.S. Senate, Boren left office five days before the end of his term. George Nigh replaced Boren as Governor, finishing the five days of Boren's term and winning two terms afterward.

In terms of Legislation, the 1970s proved to be a decade of abundance for new laws affecting education. Two laws created in the late 1970s influenced education and the Court, in particular. In 1978, the Governmental Tort Claims Act (known originally as the Political Subdivision Tort Claims Act - 51 O.S. Supp. 1978, Section 151) provided the framework for which all of the state's agencies, including schools, could be sued for torts. The Act provided for immunity in some respects and provided the areas in which the state's agencies were liable. Subsequent to an Oklahoma Supreme Court decision in 1983, the legislature amended the Tort Claims Act to include the state's liability.

Secondly, new legislation was created concerning teacher tenure and the process of non-renewing and terminating teachers. Prior to the legislation, most issues of teacher dismissal were directed to the Professional Practices Commission. The State Board of Education had also created policies for appeals in teacher dismissal. The Teacher Dismissal Act of 1977 (70 O.S. 1977, Section 6), however, provided a statutory framework for teacher dismissal and for issues to be addressed by the Court.

Introduction of the Supreme Court Cases in the 1970s

The Oklahoma Supreme Court heard 42 cases involving Oklahoma's public schools during the decade (See Appendix A, Tables XVII & XVIII). These cases were categorized into four categories according to the primary issues in each of the cases: finance, district, personnel, and district v. district/other.

The cases involving finance included issues such as the legitimacy of bond elections and proceeds, the proper role of trust funds as applied to school districts, the liability of insurance companies in school-related accidents, and compliance issues with

the competitive bidding requirements. School district issues adjudicated included student transfer requirements, collective bargaining and teacher professional organization elections, student dress codes, use of school buildings by non-school employees, the use of a fact-finding chair in teacher association and administrative conflicts, annexation issues, and school accreditation. Personnel issues adjudicated included non-tenured and tenured teacher nonrenewals and terminations, and superintendent's contracts. In cases that involved school districts as the plaintiff and defendant, issues such as annexation, student transfers, and the control of the annexed district and its finances were adjudicated.

In terms of winning and losing in the Court, school districts were highly successful in the 1970s. Of the 38 cases involving public schools as the plaintiff or defendant, the schools won 27 (71 percent) of the cases (See Appendix A, Tables XIX & XX). School districts were the plaintiffs in 15 of the cases and the defendants in 23 of the cases. As the plaintiffs, school districts won 73 percent of the time. As the defendants, school districts won their cases 69 percent of the time, losing only seven of the 23 cases.

Finance Issues

Compared to previous decades, the number of cases involving finance issues decreased in the 1970s. Only seven of the cases concerned a finance issue. School districts were the plaintiffs in three of the cases and the defendants the other four.

Different finance issues were adjudicated (See Appendix A, Table XVIII): school district insurance claims, the apportionment of federal funds to local school districts, the approval of bond fund elections and proceeds, the regulations surrounding the competitive bidding process, and the legitimacy of a charitable trust. Two of the issues

were important cases for the Court. First was the Public Competitive Bidding Act (61 O.S. 1971, Sections 1-2 and 61 O.S. 1974, Section 113) and the second concerned the legitimate allocation of bond funds for specific purposes.

In Haskell Lemon Construction v. Independent School District No. 12 of Edmond (1979), the Court addressed for the first time the Public Competitive Bidding Act as it related to a public school. The Haskell Lemon Construction Company filed suit to recoup over \$10,000 lost to a contractor on a school district project. The contractor, the McBride Paving Company, failed to complete a project it had begun for the school district through the Haskell Lemon Construction Company. The lower court sided with the school district and the Haskell Company appealed to the Court. According to the Haskell Company, the failure of the school district to require the Haskell Company to provide to the district a statutory payment bond after winning the project bid released them from any obligations.

As the project started, the Haskell Company provided the McBride Company supplies and materials for the project. Before completing the project, the McBride Company ran short of money and filed for bankruptcy. In court, the McBride Company was relieved of the debt of its contract with the Haskell Company. In the meantime, another contractor company was selected to complete the school building contract. Upon the completion of the project, the Haskell Company was not reimbursed for its costs.

The individual members of the board of education were named as defendants as they were said to have failed in their duty in that they did not require the McBride Company to post a bond. The superintendent was likewise named as a defendant as he had promised payment to the Haskell Company from money remaining to be paid the

McBride Company. Instead, the money remaining was paid to the Vibra Whirl Company for completing the work.

In its decision, the Court found that neither the board of education nor the superintendent was liable for the money lost by the Haskell Company. Relating to the board of education, the Court reasoned that ...

the statutory payment bond was for the protection of the materialmen furnishing materials to public contractors, and to allow the [public entity] to make settlement with such contractor without becoming embarrassed by, or involved in, the multitude of small disputes which might arise between the contractor and his own creditors. The fundamental purpose of the statute is to save the public from all liability for liens for material and labor furnished on public improvements.

The Court further explained that while the statute requires the contractor to provide a bond before beginning a public project, the failure of the contractor to do so does not mean that the school district becomes liable for the failure. In a terse statement the Court held ...

that one who furnishes materials to a contractor which are used for the construction of public projects is charged with the knowledge of the statutory duty of the contractor to give a bond pursuant to [the law]. If he furnishes such contractor materials before the bond is given, he does so at his own peril, and if he sustains a loss he cannot recover damages from the public entity because the proximate cause of the loss is his own negligence in not ascertaining whether the statutory payment bond had been given.

The Court also found in favor of the superintendent regarding liability for the lack of a bond. It was argued that the superintendent was liable for payment to the Haskell Company as he made oral assurances to the company that they would be paid. Rather succinctly, the Court rejected this argument with the application of two statutes. The Court stated that according to 70 O.S. Section 117 the “superintendent [has] no authority to bind the school district by his assurances as the school board is the sole repository of

such authority. In other words, the board has the sole authority to obligate school money.” Secondly, the Court noted that the “oral promises or contracts (by the superintendent) are invalid unless reduced to writing and subscribed by the party charged as stipulated by 15 O.S. Section 136.” In other words, only the board of education can agree to a binding contract, and the contract must be written.

In the second important case in the area of finance, In Re Application of Board of Education of Western Heights Independent School District (1977), the Court considered the constitutionality of a bond election and the sale of the bonds as such related to state law, specifically 62 O.S. 1976, Section 571, the Oklahoma Bond Issue Proceeds Act. This statute required a school district to post in public notices and on the election ballot each building use of the bond money as well as an assurance that at least seventy percent of the bond proceeds would be used for the listed purposes.

The Western Heights Board of Education officially called for a bond election in a board meeting in October 1976. The Oklahoma Bond Issue Proceeds Act became effective on January 1, 1977. The actual bond election was held in March 1977 and central question in this case became whether or not it was legal, constitutionally, for the school district to sell the bonds, collect the proceeds, and expend the money on the projects.

The Court found in favor of the school district. While certifying the constitutionality of the Oklahoma Bond Issue Proceeds Act, the Court maintained that, since the Western Heights Board of Education officially called for a bond election prior to the effective date of the Act, the provisions of the Act were not applicable to the bond

issue. Specifically, the Court reasoned that Article V, Section 54 of the Oklahoma Constitution was applicable in this case. Section 54 states:

Repeal of statute – Effect – The repeal of a statute shall not revive a statute previously repealed by such statute, nor shall such repeal affect any accrued right, or penalty incurred, or proceedings begun by virtue of such repealed statute.

The most important part of Section 54, according to the Court, was the phrase “proceedings begun.” The act of calling for a bond election by a school board is an official act and one required for a bond election to take place. As this was the case, the Court noted that the bond issue, the election, and the proceeds and expenditure phases of school bonds fell under the law prior to the passage of the Oklahoma Bond Issue Proceeds Act. This fact alone made the process used by the Board valid.

District Issues

District issues were the most litigated in the 1970s. Twenty of the 42 (47 percent) cases adjudicated in the Court involved a district issue. School districts were the plaintiffs in eight of the cases and the defendants in the remaining 12.

As in previous decades this category of cases involved a variety of issues: student transfers, accreditation of schools, school annexations, workers compensation and death benefits issues, teacher organization and school district negotiations, use of school buildings, and student dress codes.

Three cases in this area of litigation produced important precedents. Hennessey v. Independent School District No. 4 (1976) addressed whether an organization not under the authority of the school district could use the district’s facilities to conduct meetings.

The school denied access to the school facilities by the Parent-Teacher Association (PTA). Independent School District Number 8 of Seiling v. Swanson (1976) considered the legality of a school district's dress code. Specifically, the Court considered whether or not a school district could require a predetermined length of hair allowed for students to wear at school. And, Association of Classroom Teachers v. Independent School District No. 89 (1975), decided the correct course of action for deciding the chair of a negotiating impasse committee when agreement on the chair could not be reached between the school and the teacher association.

At issue in the Hennessey case was whether or not the Hennessey PTA could legally use school facilities for its meetings and activities. Enacted in 1971, 70 O.S. 1971, Sections 5-130, stipulated:

The board of education of any school district may, under such regulations and conditions as it may prescribe, open any school building and permit the use of any property belonging to such district for religious, political, literary, cultural, scientific, mechanical or agricultural purposes, and other purposes of general public interest and may make a reasonable charge to cover the cost of the use of such building and property.

By affirmation, the legislation gave school districts the legal means to open up its property to non school purposes.

The crux of the problem was the school district allowed other non-school organizations to use its facilities but did not allow the PTA such use. For example, the 4-H Club, the Boy Scouts, Bible Lovers' League, Lions Club, and others were allowed access to school facilities. As a matter of practice, the request for use of the facilities by all organizations was made to and approved by, the superintendent. No requests prior to the PTA's had gone to the board of education. The PTA made several applications for

use of the school's facilities to the board of education. On each application, the request was denied. Even with use of the school's facilities by many organizations, the PTA had been the only organization denied access. After the first request by the PTA was denied, the board adopted the following facilities use policy:

The Wellston School Board will not tolerate nor continue affiliation with any organization that it determines to be disruptive to or unsupportive of the school board or any part of the school system. The Wellston School Board of Education reserves the legal right under state law to, at any time, discontinue any affiliation it might have with any outside organization and refuse the use of school property when it should possibly determine such actions are warranted. Organizations as whole or organizations that allow their members to carry on in a fashion that attempts to exercise school board or administrative authority or interfere with the authority, exploit school children for personal gain, deal in personalities, or engage in frequent criticisms against the school system and the school personnel in particular, will not be tolerated and the use of school property by such organizations will be discontinued, and the school board will withdraw its approval of affiliation with such organizations.

In addition to the above policy, the board adopted a form, to be completed by applicants. That stated the board's policy on use of the school's facilities. Signature of the applicant promised compliance with the policy.

The Court found in favor of the PTA and against the school district for several reasons. The first and most obvious was that no evidence was presented that the PTA violated the policy. There was no evidence presented or statement by the board when it denied the use of the school that the PTA was unsupportive of the school system. More precisely, the superintendent of the district testified that he knew of no incident which could point out the PTA as unsupportive of the board or would be in violation of the policy. In evidence was the fact that the PTA had been very supportive of the school system and had sponsored many worthwhile activities for the students of the school

district. The only evidence found for the reason the board denied the request was that the teachers voted and a majority indicated that they had no interest in joining the PTA. Though supported by state and national organizations, the PTA carried no rule that required the membership of teachers for the local unit to be recognized.

Additionally, the Court found that the other grounds in favor of the PTA are constitutional. Specifically, the Court found the policy of the board to be in violation of the First and Fourteenth Amendments, as the policy violated freedom of speech and denied equal protection. Likewise, such a policy was in violation of the Oklahoma Constitution, Article II, Section 22. The Court noted that . . .

A regulation by a governmental body such as a school board which permits a public official or body to determine what expressions or views will be permitted or allows the board to engage in invidious discrimination among groups by use of a statute granting discretionary powers and by a system of selective enforcement cannot stand. A government body may not restrict expressive activity because of its message. Board as instrumentality of state may not restrict speech simply because its findings expressed by any group are abhorrent.

It was abundantly clear that the board's policy violated the law. The Court saw no avenue where the district's policy could pass the muster of the Court or constitutional tests. On the other hand, the Court stipulated that the statute, 70 O.S. 1971, Sections 5-130, was not in itself unconstitutional. In defense of the statute, the Court noted that:

There is no doubt [the statute] gives the Board absolute discretionary authority as to whether or not to open a school building to activities and meetings of outside organizations. The only absolute discretion exercised however is whether to open the building to outside organizations or not to open it. Once the discretion has been exercised and the decision has been made to permit the use of property for any of the enumerated purposes, this it must not adopt a discriminatory and unconstitutional policy as to who will be allowed access to its facilities.

In a succinct fashion, the Court found that schools must decide to open their doors to outside organizations or not. Once the decision is made to open the doors, discretionary decisions as to allow access, certainly ones based on the message or opinions of the organization are violations of the law.

The second precedent-setting case in this area, Independent School District No. 8 of Seiling v. Swanson (1976), involved the dress code of Seiling Public Schools. Four students, all boys, were told by their principal that if they did not cut their hair to conform to the dress code within the succeeding five days, they would be suspended from school. In response to the upcoming suspension, the parents of the students requested and were granted a restraining order in the district court. The school district, in response, filed an appeal in the Oklahoma Supreme Court. Upon granting the appeal, the Court remanded the case to the district judge with directions to conduct an evidentiary hearing, make findings of fact, and report back to the Court. The district court judge did so and issued a permanent restraining order against the school district, thus ordering the school district to not suspend the students for violation of the hair length portion of the dress code. The school district responded by asking for a writ of mandamus with the Court.

At the heart of the case was the dress code adopted by the Seiling Board of Education. As approved by the Board, the hair portion of the dress code for boys required that their “hair must be above the eyebrows, collars, and ears.” In addition “their hair must be well-groomed at all times and their sideburns must be no longer than the bottom of their earlobes.”

The central issue addressed by the Court in this case was whether or not the school board “acted beyond the proper scope of the statutory power granted that board to

adopt regulations governing student behavior.” In other words, the Court was very concerned with the relationship of the rules school boards adopted to its statutory function. Schools were granted the authority to adopt rules, including disciplinary codes and dress codes, that promoted and provided a reasonable connection to the educational function of the school. The rule-making function of the board was for the purpose of making rules that promoted its educational goals.

The Court analyzed the dichotomy of what brings a student to school and the role of the school in providing disciplinary rules. On one side, students are required to be provided a free public education, as described in Article XIII of the Oklahoma Constitution. Children are required to attend school, as provided by the compulsory attendance statute, cited as 70 O.S. 1975, Section 10. While this is the case, the Court noted that a student’s right to remain in school was not absolute. In a poignant statement, the Court noted that “any rule which would exclude [the student from school] must exist for a reasonable and necessary purpose.”

In making its decision, the Court relied heavily on the actual transcripts of the lower court’s fact-finding mission. In the transcripts, the Court found that the students in question made good grades and had no history of inappropriate conduct at school. When asked whether or not the students felt their hair length impacted their learning, the answer was in the negative. The school failed to provide any evidence which demonstrated a connection between length of hair and learning. The school district also failed to demonstrate whether or not the student’s hair length disrupted the learning of any other students at the school. As a summary, the Court wrote:

The evidence showed that they were good students and that aside from hair code problems, they had not been involved in any disciplinary actions. The length of their hair had no effect on their desire or ability to learn and it did not have any effect on the learning processes of the other students. The length of their hair did not disrupt other students and, in fact, the only hair related disruption problems in the school came about from the enforcement of the code.

Expert testimony from a clinical psychologist provided that no known relationship between hair length and learning existed. In a damning statement, an administrator from another school district testified that his school “abandoned its hair code as the atmosphere created by its enforcement caused the school to resemble a police state more than a learning institution.”

Notwithstanding any constitutional protection of hair length, such as a speech or property right, as may have been argued and decided in this case, the Court relied on a rather “nonconventional” means at arriving at a decision. While the Court did apply the facts in this case to law, it more precisely made an argument and rationalized a relationship between the state, the school and the student and the parent. As noted, the board has the legislated authority to make rules which support the learning function of the school. The Court rationalized in this case that the board failed to make a connection between its “hair rule” and the learning function of the school. In summation, the Court wrote:

It is clear that the rights and interests of students and their parents are not absolute and that at times the very nature of our public school system demands that their interests yield to the authority of the school board. It is equally clear that the scope of the school board’s power is not unrestricted. Only through the existence of a reasonable connection between the rule and a proper purpose of the educational function of the school can a balance of these competing interests be achieved. This necessary balance is one which will preserve the important rights of children and their

parents, while recognizing the very real need of schools to have and enforce rules that insure proper discipline, efficiency, and well-being.

The last case for discussion in the area of district issues, Association of Classroom Teachers v. Independent School District No. 89 (1975), was important for two reasons. The issue was addressed for the first time, and the decision produced important precedent. In 1971, the Oklahoma Legislature formally addressed the issue of teacher association negotiations with school boards in 70 O.S. 1971, Section 590. To some degree, negotiations with school boards by teacher associations were not new to the 1970s, but the level of the negotiations began to rise. The legislation enacted attempted to formalize the process. In the 1970s four Oklahoma Supreme Court cases were heard surrounding the issue of teacher association and school board negotiations. All of the cases required the Court to review the statute, 70 O.S., Section 509. The case discussed below was the most provocative as it required the Court to not only interpret the statute, but also rule on the internal negotiations agreement between the teacher association and the school board.

In this instance the teacher association asked the Court to assume original jurisdiction and the Court agreed as it saw the outcome influencing the actions of many school districts. The impasse at question was holding up the contracts of over 1,000 teachers in the Oklahoma City School District as well as the budgeting process of the Oklahoma City School Board. The Association of Classroom Teachers and the Oklahoma City School Board had reached impasse in their negotiations. As provided by statute, 70 O.S. 1971, Section 590 and the district's negotiations agreement, a committee was appointed to address the impasse. Both the board and the teacher association

members of the committee were selected. The problem was created when the two selected members of the committee could not agree on the third member and chair of the committee, as was required of them by statute and the negotiations agreement.

At the heart of this case was the statute to formalize the negotiations process between teacher associations and school boards. 70 O.S. 1971, Section 509.7 read as follows:

A procedure for resolving impasses will be developed by the Board of Education and the representatives of the professional or non-professional organization; if agreement cannot be reached, the items causing the impasse shall be referred to a three-member committee. This committee shall consist of one member selected by the representatives of the professional organization or the nonprofessional organization as the case might be, one member selected by the local board of education and the third member selected by the first two members, and this third member shall serve as chairman of the committee. This committee shall meet with the board of education or its duly designated representatives and the duly designated representatives of the professional or nonprofessional organization for the purpose of fact finding. Subsequently, this committee shall make recommendations to each of the above parties.

The negotiations agreement in the district stipulated the process of selecting the third member of the impasse committee further and more precisely than did the statute. Per the negotiations agreement, the third member of the committee was selected as follows:

Within ten (10) days of the call for fact-finding, a neutral advisory committee of three (3) persons shall be selected. The Board shall designate one member of said advisory committee, the Association shall select one member, and the two advisory members so selected shall then select a third member who shall become the chairperson of the committee. This third member may be selected from a list provided by the American Arbitration Association.

Clearly, the statute and the negotiations agreement did not read the same.

The teacher association desired that the third member of the committee come from the list provided by the American Arbitration Association (AAA). The school district wanted the third member to be a “prominent” citizen of Oklahoma City. The Oklahoma City School Board refused to consider anyone from the AAA list as the Board considered the wording of the negotiations agreement as “permissive rather than imperative.”

In a rather lengthy opinion, the Court first considered whether or not the board and the teacher association had complied with the statute. In essence, the Court found that such had been accomplished through the negotiations agreement in that both parties had agreed to a process to satisfy the statute. The negotiated agreement, while satisfying the statute, presented a new problem in itself.

To best interpret and decide on the meaning of the negotiations agreement, the Court focused on the word “may” used to describe the appointment of a third member from a list provided by the AAA. The Court cited Black’s Law Dictionary for a definition of “may.” According to Black’s, the Court wrote,

Regardless of the instrument, whether constitution, statute, deed, contract, or whatnot, courts not infrequently construe “may” as “shall” or “must” to the end that justice may not be the slave of grammar.

In other words, the Court considered the word “may” synonymous with “shall” in this context.

In the application of this definition, the Court concluded that the Board and the teacher association both made . . .

mandatory the selection of one member of the tripartite fact-finding committee by each of the parties to the agreement and a mandatory duty is imposed upon the two appointees to select a third member. The parties to this action, recognizing this legal obligation, mutually agreed in writing that the third member “may” be selected from a list provided by the AAA.

The clear intent of the parties had to be that in the event a third fact finder could not be agreed upon, resort be had to the American Arbitration Association for selection of the neutral.

While the Court recognized that the essence of the statute was addressed in the negotiations agreement, the Board and the teacher association failed to agree on the bases of getting past an impasse. The Court recognized that the statute failed to stipulate a process for selecting the third member of the committee, but also noted that the negotiations agreement intended to provide for a process should difficulties in the selection occur. In the end, the only definition of the word "may" that could resolve the issue was used.

Personnel Issues

Eleven of the 42 cases involved a personnel issue (See Appendix A, Table XIX). School districts were the defendants in eight of the cases and the plaintiffs in three of the cases.

Eight of the cases heard considered the legality of teacher dismissals (See Appendix A, Table XVIII). While remaining three cases addressed issues such as salary of county superintendents and whether or not an employee paid out of activity funds was eligible for injury benefits. The teacher dismissal cases litigated issues such as the Professional Practices Commission, the Open Meetings Act, procedural due process in non-renewal and termination of a teacher, the meaning of a tenure teacher, and whether or not it made a difference in tenure status if a teacher taught half-time and was paid with federal funds.

Three cases in particular produced important precedent in the area of personnel issues. Oldham v. Drummond Board of Education of Independent School District No. 1-85 (1975) considered the relationship of a teacher's non-renewal with compliance of the Open Meeting Law by the Board of Education. Independent School District No. 10 of Seminole County v. Lollar (1976) addressed the relationship of a half-time teacher who was employed by an annexed district for part of his tenure. And, Cavett v. Geary Board of Education (1978), determined whether or not the State Board of Education had any authority in hearing an appeal concerning a fired superintendent.

The Oldham case was as much a case concerning the Open Meetings Law as it was a case about a teacher termination. During the 1973-74 school year, Oldham was employed by the school district as a teacher. In the March 1974 board of education meeting, the board voted without roll call or a written record of how the members voted to not re-new Oldham's contract for the 1974-75 school year. Oldham filed suit in the district court claiming that his contract had not been terminated because action taken by the board in March was invalid since the board had violated the Open Meetings Law. The district court agreed and ordered the district to return Oldham to his job as a teacher for the 1974-75 school year. The Oklahoma Supreme Court affirmed the district court.

The central issue was whether or not the board of education complied with the Open Meetings Law (25 O.S. 1971, Section 201) when the Board voted not to re-hire the teacher. According to the Open Meetings Law, "any vote or action thereon must be taken in public meeting with the vote of each member publicly cast and recorded." Furthermore, the statute provides that "any action taken in violation of the above provisions shall be invalid."

The Court noted that actual proceedings of the school board in how it handled the teacher contracts during its March 1974 meeting. During the meeting “teachers were discussed separately and in alphabetical order, and after each teacher was considered, a board member would move to renew or not to renew.” After a second was taken, a vote was taken “by a show of hands.” No roll call was asked for in the votes, and no record was made as to how the members voted. In its conclusion, the Court simply stated that the statute “requires the vote of each individual member to be recorded.” With a recording of the vote, “the action was invalid as required by the clear language of the statute.”

Of the three precedent setting cases in this area, the Lollar case was the most intriguing. This case tackled the issue of whether or not a half-time teacher who was employed by a district annexed to the current district could count the years taught in the former district for the attainment of tenure status. The Court answered in the affirmative on both issues.

Concerning the issue of whether or not a half-time teacher could attain tenure status, the Court simply directed the respondents to the applicable statute. According to 70 O.S. 1974, Section 6 “the failure of the board of education to renew the contract of any teacher who has completed three (3) years shall not be effective” for tenure status. The Court noted that the statute made no mention of half-time or full-time status.

Likewise concerning the annexation issue, the Court found that 70 O.S. Supp. 1974, Section 6-122 was applicable. This statute noted that the “annexing district shall give said teacher credit for all tenure accumulated while teaching in the annexed district.

The Court found that the teacher had completed one year in the annexed district and three years in the new district, thus earning tenure status was awarded.

In Cavett, Harry Cavett was the superintendent of Geary Public Schools. In January of his last school year, the Geary Board voted to re-hire Cavett for the next school year but never executed a contract. In April of the same year, the Board decided to inform Cavett that he would not be retained as the superintendent for the succeeding year and due notice was given him. In June, the Geary Board gave Cavett a hearing, and affirmed its decision to not re-employ him as the superintendent. Cavett appealed to the Professional Practices Commission which found that Cavett was a tenured teacher and ordered his reinstatement. The Board appealed the decision to the State Board of Education. The decision of the State Board of Education, after hearings, was that Cavett was not a tenured teacher. As such, he should not have been awarded a hearing before the Geary Board of Education in June. Likewise, since he was not a tenured teacher, no appeal was authorized to the State Board of Education. The action of the State Board had the effect of sustaining the action of the Geary Board of Education.

In all areas, this case was a bit extraordinary. Like many cases, the Court decided the case on the least common denominator. Without commenting on the authority of the Geary Board of Education to provide Cavett a hearing, without deciding on the determination of the Professional Practices Commission that Cavett was or was not a tenured teacher, and without providing a determination of whether or not the State Board has the authority to hear an appeal about a fired superintendent, the Court simply addressed the issues of timing and the requirements of a contract.

In its decision, the Court ruled that, considering the only applicable statute available, Cavett was not a tenured teacher. The Court noted that Cavett was not entitled to tenure teacher status as he was not employed for a fourth year by the Geary Board of Education. The Court cited 70 O.S. 1974, Section 6 as the authority on the issue. The statute required that, if a teacher was not offered a contract after three years of teaching, tenure status was not granted. Though the Geary Board voted to re-hire Cavett in January, no contract was executed. By statute, only a written contract with a board of education is binding. Since Cavett had no written contract, the Board's notification to him by April 10, as required by 70 O.S. 1974, Section 9, that he would not be re-hired, terminated his tenure status.

In this case, the Court managed to uphold the firing of a superintendent without answering the questions of law. In essence the Court applied teacher tenure laws to an administrator who was not really protected by the tenure laws. It is interesting to note that, at the time of the decision, 70 O.S. 1974, Section 9 had already been repealed and replaced with more accurate language as to the classification of tenure status among teachers and the definitions of administrators and superintendents.

CHAPTER VII
OKLAHOMA SUPREME COURT CASE LAW
REGARDING PUBLIC SCHOOLS: REVIEW
AND ANALYSIS FOR THE 1980s

Introduction

The Court heard 42 cases involving public schools during the decade of the 1980s (See Appendix A, Tables XVII & XVIII). The number of cases heard in the 1980s was the same as in the 1970s. Though the Court heard the same number of cases for two decades in a row, a good number of significant cases were heard in the 1980s. Likewise, the public schools were highly successful in winning cases, both as the plaintiff and defendant, in the 1980s.

The cases were categorized into four issue areas: finance, district, personnel, and other. The dominant number of cases (17 of 45) were finance related (See Appendix A, Table XXIII). A public school was the plaintiff in five of the cases and the defendant in the remaining 12 cases. In the area of district issues, public schools were involved in litigation in the Court in 13 of the 42 cases. A public school was the plaintiff in four of the cases and the defendant in nine of the cases. The number of personnel issues litigated in the 1980s rose. Ten of the 42 cases of the cases involved a personnel issue. In all of these cases a public school was the defendant. In the last category, "other issues," two

cases were heard. Fair School Finance Council of Oklahoma v. State (1987) involved a group of interested parties filing suit against the state for alleged disparities in the means by which local districts were able to generate revenues. Spencer Development Company v. Independent School District No. 1 (1987) involved the insurance company of one school district filing suit against another school district for breach of contract.

The public schools were successful in terms of winning cases during this decade. School districts won 28 of the 40 (70 percent) of the cases with a public school as the defendant or plaintiff (See Appendix A, Tables XXIII & XXIV). As the plaintiff, public schools won seven cases and lost only one. As the defendant, school districts won 21 cases and lost 11. In terms of percentages, as the defendants in cases, the public schools won 64 percent of the time. As the plaintiffs, the public schools won 88 percent of the time.

Finance Issues

The Court considered the issues of property tax refunds, breach of contract by a school district concerning a construction project, the validity of bond elections, the appropriate distribution of nonprotested tax proceeds in a county, the appropriate distribution of interest earned on tax revenues by the county, the legitimacy of a Workman's Compensation claim by a student, the legal determination of fair cash value of private property in a county, and the legitimacy of the financing method employed by the State for its public schools. As with most of the preceding decades a plethora of finance issues were addressed by the Court.

The Court considered three important cases and all three produced standing precedent for the public schools. The first, Beacon Realty Investments Company v. Cantrell (1989), addressed the method of determining the fair cash value of real property by the county assessor. The second, Beall v. Altus Public Schools (1981), addressed the legitimacy of a Workman's Compensation claim by a student. The third, Fair School Finance Council of Oklahoma, Inc. v. State (1987), considered the method of the State in financing the public schools in Oklahoma.

In the Beacon case, taxpayers in Tulsa County filed suit in the Tulsa District Court in an effort to get a refund on the ad valorem taxes they had paid. Specifically, they filed suit against the County Treasurer and the County Assessor. The Tulsa Public School district was named in the suit as it was a primary beneficiary of the tax money and had received a good portion of it. The central question in the case was this:

May a county assessor lawfully increase the fair cash value of a taxpayer's property for ad valorem tax purposes without notice if at the same time the assessment percentage is reduced to a figure that leaves assessed valuation the same as for the previous year?

Several taxpayers argued that this was against the law. As such, the taxpayers wanted a refund on the ad valorem taxes they had paid for the 1981-82 fiscal year. During the year, the county assessor had increased the fair cash value of the property in the county by 66 percent and decreased the assessment ratio from 25 to 15 percent. No notice of this change was given, and the taxpayers did not find out until their tax statements arrived in the mail.

In terms of changing fair cash value of property without notice, the Court agreed that it was invalid. In making this decision, the Court cited 68 O.S. 1981, Section 2435.

This statute noted that the county assessor was obligated to “do all things necessary, including the viewing and inspecting of property” in order to determine the value of property. However, the statute continued by stating that, if the county assessor increases “the valuation over the assessment for the preceding year, the county assessor shall notify in writing the person in whose name any such property is listed, giving the amount of such valuation as increased.” The statute seemed fairly clear.

The defendants in this case argued that the statute addressed the “assessed valuation” process of the county assessor. In other words, as long as the assessed valuation was not increased, regardless of the determination of the fair cash value, no notice was required. Again the Court relied on simple judgment and a simple reading of the statute. The Court cited Black’s Law Dictionary in stating that “assessment” meant “the total of the cost apportioned against a particular property.” In other words, regardless of the increase or decrease in the fair cash value or the assessed valuation or the assessment percentage, if the cost of the tax bill went up, notice was required.

The taxpayers won this case. After seven years of litigation, the Court found that \$59,000 was owed to 23 taxpayers. The cost of the litigation to the state and the cost of attorney fees were not given.

In the Beall case, the Court considered the legitimacy of a Workman’s Compensation claim made by a student. The student, a sophomore at Altus High School, was injured during the school day while working on a construction project as part of his carpentry class. The construction project was a joint venture between the school and a contractor. As had been done in previous years, the teacher contracted with a private individual for a construction project. In this project, the private individual purchased

property and all materials associated with the project. In return, the shop class built the house and was paid one dollar per square foot. The payment was stated to be for replacement of tools and wear and tear on the school's tools. The project was described by the teacher to be educational in nature as it provided actual experience in the construction of residences. The record did not show whether or not the private individual sold the house or profited from the house.

The basic defense to this case by the school was that the student was not entitled to Workman's Compensation as he was not an employee at the time of the accident but a student in a class. The Workman's Compensation Court denied the student's claim, citing 80 O.S. 1971, Section 3 and 85 O.S. 1971, Section 3, specifically noting that the student was not entitled to a claim as he was not an employee paid "wages" at the time of his accident.

The Court of Civil Appeals overturned the Workman's Compensation Court and granted the claim of the student. The Court of Civil Appeals found that despite 80 O.S. 1971, Section 3 and 85 O.S. 1971, Section 3, "wages are not essential to be an employee" and finding the student to be an employee of both the school and the contractor benefitting from the construction project.

The Court disagreed with the finding of the Civil Appeals Court. In its decision, the Court maintained that "for the workman's compensation law, the contract must be to labor for agreed 'wages,' and that term is defined in the law [80 O.S. 1971, Section 3]." In sustaining this argument, the Court wrote . . .

The word "hire" connotes payment of some kind. Compensation decisions uniformly exclude from the definition of "employee" workers who neither receive nor expect to receive any kind of pay for their services. Although

the performance and acceptance of valuable service normally raises an implication that payment for the services is expected, this implication does not arise when the circumstances negative such an expectation.

The Court refused to consider the student an employee since he would not receive wages for his work. In summation, the Court ruled that “upon review of the record we find that the student did not prove he was in the class embraced by the Workman’s Compensation Act.” Specifically, the Court noted that there was “no evidence that the student received wages as defined by 85 O.S. 1971, Section 3.” The Court concluded that no wages equaled no contract and no contract for labor equaled no benefits entitlement to a Workman’s Compensation claim.

In the third precedent-setting case, Fair School Finance Council of Oklahoma, Inc. v. State (1987), the Court heard an appeal from the Fair School Finance Council of Oklahoma which had as its purpose the goal of demonstrating that the state’s funding methods for Oklahoma’s schools were unfair and unconstitutional. In terms of classification, this case was categorized as an “other” in this study as technically, one school district was not the plaintiff or the defendant. This case was more of a state issue as a whole. Its objective was to question a state issue, specifically the state’s system of funding public schools.

The Fair School Finance Council was a consortium made up of public school districts in the state as well as interested parties. The focus of the case centered on the disparities that existed between the abilities of the various school districts in the state to raise funds locally. Wealthy districts, according to the plaintiffs had the ability to raise significantly more money through local property taxes, at the 35 mill levy allowed by law, than other districts who were not so wealthy. This fact, combined with money received

by districts through the state aid formula produced more money per student for wealthier districts than other districts. The state aid formula was equalized; that is, all districts received the same amount of money per student through the state aid formula. Schools with high property values or in counties where the county assessor set valuations high were able to generate more money per student than others.

After an analysis of the funding sources available to schools, including local revenues, state revenues, and federal revenues, the Court answered the question raised as to whether or not the state's system of financing school constituted a violation of the U.S. Constitution or the Oklahoma Constitution. The Court recognized the apparent problems created by the ability of some school districts to raise more money locally than others. The system created by local property taxes established these obvious inequities. In rationalizing this reality, the Court noted that, while disparities did exist, no violation of the Constitution was found. Specifically, the Court stated that . . .

While we are aware of the inequities demonstrated in this case, nevertheless we reject the plaintiff's assertion that these render the present school financing system unconstitutional. Article 10 of the state constitution created the system of ad valorem taxation which was then vitalized in 68 O.S. 1981, Section 2401. No allegation was made . . . that this system as designed is unconstitutional or intended to create inequities. Rather, the plaintiff's attacks should better be directed at the county assessors, the Oklahoma Tax Commission and the State Board of Equalization. If the practices of these officials or agencies are deficient, then these may be challenged in a proper suit. Moreover, there is an obvious and substantial difference between such deficiencies and the relief which the plaintiffs seek in this case. The fact that there may be flaws in the administration of the ad valorem tax does not support a claim that the entire school finance system is unconstitutional simply because some of its revenues are derived from those taxes.

The fact that local revenues were generated from property taxes was not in itself reason to rule the state's system was unconstitutional. In fact, the state constitution created the

system. The Court pointed the blame on the apparent discrepancies which existed in the valuations and rates of property taxes put into action by the various state agencies in the various counties. In essence, the Court ruled that the system was not broken; the functionaries of the system may have been broken.

The key argument for demonstrating that the state's system of financing the public schools was unconstitutional was that the system created unequal educational opportunities. In essence, the fact that some schools were able to spend more per student due to the ability to raise more money locally made the system unconstitutional. The Court rationalized that this was not the case. In its conclusion, the Court wrote:

The plaintiffs do not allege that they or their children are completely denied an education. Nor do they allege that the education they are able to provide or receive is in any way an inadequate one. In fact, the plaintiffs admit that "no school children in this State are in imminent danger of receiving a wholly inadequate education." Despite this, the plaintiffs seek to strike down an entire state-wide school financing system simply because it is unable to provide as much money per pupil as do the wealthier districts. Because we find that neither the United States nor the Oklahoma Constitution requires the school funding regime to guarantee equal expenditures per child, at least where there is no claim that the system denies any child a basic, adequate education, we must decline to disturb the law.

While the Court recognized the discrepancies in the state's school finance system, it is apparent that since the ad valorem process was in the Oklahoma Constitution, the Court was not able to determine the funding systems were unconstitutional.

District Issues

In the area of school district issues, the Court heard 13 cases. Many different issues were litigated in this area. These issues included:

1. A boundary dispute between two school districts.
2. The annexation of federal property into the attendance area of a school district.
3. The prevention of selling property owned by two individuals to a school district.
4. The viability of a school district increasing the requirements for participating in school activities and the relationship of that decision by the board to the Open Meetings Act.
5. Whether or not a school district is subject to city zoning laws.
6. Whether or not a teacher association should be recognized by a board as a negotiating unit and the relationship of bargaining units to the board.
7. Whether or not student transfers were valid.
8. Various issues related to tort liability of school districts.

School districts were the plaintiffs in four of the cases. In the remaining nine cases school districts were the defendants. School districts won ten of the cases.

Two cases produced important precedent. DeLafleur v. Independent School District No. 11 of Tulsa County (1986) addressed the issue of the legitimacy of authorization cards signed by teachers in a school districts and their relationship to whether or not a school district must recognize a teacher association as the official bargaining unit of a school. Two cases involving this issue were litigated in the Court during the 1980's. The other was Maule v. Independent School District No. 9 of Tulsa County (1985).

In DeLafleur, the Owasso Education Association filed suit in district court seeking a mandamus that would require the Owasso Board of Education to recognize the Owasso Education Association as the official bargaining unit for the teachers in the district. Specifically, the Association wanted the Owasso Board to either consider the signatures on the teacher's authorization cards for membership in the Association or call for an official election to determine the Association as the official bargaining unit for the teachers in the district.

The Court noted that a board of education has a clear responsibility and duty in recognizing bargaining units, as was prescribed in 70 O.S. 1981, Section 509. Since the board has a duty to recognize such a unit, the board must also recognize a legal method in certifying that such a unit has been requested and formed by the teachers. The issue of the authorization cards, according to the Court was addressed in the existing statutes. The Court wrote that the board was "without discretion" in this manner if a majority of the teachers had signed the authorization cards. Also prescribed by 70 O.S. 1981, Section 509, argued the Court, was the statutory duty to recognize the authorization cards. Specifically, the statute states that "the local board of education shall recognize a professional organization that secures authorization signed by a majority of the professional educators designating said organization as their representative for negotiations." By failing to even consider the legitimacy of the authorization cards presented to them, the Board in Owasso simply failed in its statutory obligation.

In this case, the Court did not mandate the Owasso Board of Education to officially recognize the Owasso Education Association as the bargaining unit. The Court did, however, require the Board to consider the signed authorization cards and then

conduct itself according to statute. After considering the authorization cards, the only conclusion for the Board was to recognize the Association as the official bargaining unit.

In the area of district issues, the most cases litigated in the Court came from claims filed against public school districts under the Tort Claims Act. As discussed in Chapter VI, the Tort Claims Act was passed in 1978. Its intent was to identify the areas in which a state agency could and could not be held liable for damages in a civil suit and put limits on that liability. Five cases were heard by the Court in the early 1980s (See Appendix A, Table XXII). Of these five cases, one in particular was the most significant: Herweg, by and through Standard v. Board of Education of Lawton Public Schools (1983).

The Herweg case was important as it answered a very central and significant question for public schools. This central issue was whether or not the Tort Claims Act holds harmless or releases school districts from liability from all causes of action related to interscholastic high school athletes. The particulars of this case were that a student athlete at Lawton Junior High broke his leg at football practice. The student, through his parents, claimed that the coaches were negligent toward the student as the manner in which they managed practice resulted in the broken leg. The school district and the coaches were named in the suit.

In its decision the Court identified the key portion of the Tort Claims Act that was pertinent to this case. The Tort Claims Act listed certain exemptions from liability for the state and its agencies. In this case, the Court identified the following exemptions according to 51 O.S. 1981, Section 155 (20):

A political subdivision or an employee acting within the scope of his employment shall not be liable if a loss results from . . . (20) Participation in or practice for any interscholastic athletic contest.

The Court made it clear that it would make decisions, as it had in the past, based on the clear and unambiguous language of the statutes. In its reading of the statute in this case, the Court reasoned that there was no liability for the injury.

Personnel Issues

Ten cases concerning personnel issues were heard by the Court in the 1980s. In all ten of the cases, the public schools were the defendants. The school districts won seven of the cases. Among the issues litigated in the Court were the following:

1. Nonrenewal of a tenured teacher's without a pretermination hearing.
2. Discontinuing an extra-duty coaching assignment by the board.
3. The timeliness of notifying a teacher of her nonrenewal.
4. The nonrenewal of a tenured teacher's contract on the grounds of incompetency and willful neglect of duty.
5. The due process afforded a non-tenured teacher in the case of a nonrenewal.
6. Whether or not a superintendent was entitled to a termination hearing and whether or not he was a tenured teacher.
7. Whether or not a non-tenured teacher must have the opportunity to improve before termination or non-renewal and if a board must state its reasons for the termination of a probationary teacher at the conclusion of a due process hearing.

One case in particular, Childers v. Independent School District No. of Bryan County (1981), pondered whether or not a school board complied with the procedural due process requirements, and if the justifications for nonrenewing a tenured teacher were valid.

In Childers, the Court tackled one of the most significant personnel cases in its history. In 1977, the Oklahoma Legislature created the Teacher Evaluation Act, also referred to as the Teacher Termination Act, cited as 70 O.S. 1977, Section 6. This act was created for the purpose of improving the nature and skill of teaching in Oklahoma. It also had a purpose of providing for a standard measure of evaluation and system of terminating or nonrenewing a teacher in a school district. As the Court noted in its decision, the legislation had as a purpose a legal means by which school districts must follow to fire a teacher. Such decisions were not as formal before the legislation, and the statute was an attempt to formalize and bring a process to such decisions. The Childers case was the first test of the new statute, as it operated fully, in the Court.

The Court considered two substantial questions in this cases:

1. Did the school district comply with the procedural due process provisions of the Teacher Evaluation Act of 1977?
2. Did the evidence justify the nonrenewal of the teacher for the statutory grounds of incompetency and willful neglect of duty?

As provided by the Teacher Evaluation Act, the teacher was afforded a due process hearing after the board notified the teacher that his contract would not be renewed.

According to statute, a Hearing Panel was assembled. After review of the case and all evidence presented, the Hearing Panel upheld the decision of the Board to nonrenew the

teacher's contract. The teacher appealed this decision to the district court, as provided by statute, and the district court overturned the Hearing Panel and reinstated the teacher.

The school district filed an appeal with the Court.

The specifics of the case and the evidence gathered by the Hearing Panel were important to the decision of the Court. Concerning the procedural due process provisions of the Teacher Evaluation Act, the Court found that the district had fully complied. On two separate occasions during the school year, the teacher was evaluated, as prescribed by law and the local evaluation procedures, and he was given the opportunity to respond. The specific behaviors for which the teacher received the negative evaluations were conflict with superiors and other teachers, poor classroom discipline and control, and the failure to follow school rules and regulations. At each time of his evaluation, the teacher was told of these.

In making its decision in this case, the Court relied on the wording of the statute and the process conducted by the school according to the statute. In the case of procedural rules, the Court found that the district had adequately provided the teacher evaluations. Two official evaluations were conducted during the school year and according to the timelines enumerated in the statute. Both indicated poor performance for willful neglect of duty and incompetence.

The Court defined both willful neglect of duty and incompetency in its decision. The Court noted that willful neglect of duty was synonymous with "knowingly neglecting one's duty." Using this reference, the Court noted that a teacher knows his job is to control his classroom. The failure to do such would equate to knowingly or willfully neglecting one's duty. Regarding incompetency, the Court noted that it is "the inability

or the failure to perform the job or task at the level or degree of performance set by or expected by the employer.” The Court also noted that another way to look at it was the “failure to perform one or more of the essential parts of the job.”

The fact that the record demonstrated numerous occasions in each of the categories of violations of rules and regulations, conflict between the teacher and his superiors, and the lack of classroom discipline convinced the Court that the statutory charges of willful neglect of duty and incompetency by the teacher were proven by the district.

The last portion of the Teacher Evaluation Act that the district had to meet was the section of the Act which requires the district to provide a “reasonable time to improve, not to exceed two months” and “a reasonable effort to assist” the teacher in his improvement. The Court rationalized that both of these provisions were met by the district as the last evaluation conducted with the teacher was in February, a full month before the recommendation to the Board that the teacher’s contract not be renewed. The Court rationalized that this was plenty of time for the teacher to improve.

Concerning the issue of providing assistance to the teacher for his improvement, the Court argued that this was a requirement of the statute. However, according to the Court, “the nature of the problems may very well have a definite bearing on what can reasonably be expected from the administration in the way of assistance.” The Court noted that the problems of the teacher did not really lend themselves well to assistance or “a program for improvement.” In other words, the nature of the problems were entirely able to be fixed by the teacher with a program for improvement. The teacher was told during his evaluations that he was uncooperative with his superiors, he did not follow

school rules, and his classroom was not disciplined. These are things, according to the Court, that the teacher can fix with only the assistance of being told to fix them.

Finding that the district complied with the procedural due process requirements of the Teacher Evaluation Act, the Court upheld the nonrenewal of the teacher. The Court also found the evidence of the statutory grounds of willful neglect of duty and incompetency to be substantiated as well, especially as the Hearing Panel found them. The Court noted that its job was to review the findings of evidence of the Hearing Panel. As long as the judgments and findings of the hearing panel were reasonable, the Court noted that the statute required it to follow that decision.

CHAPTER VIII

OKLAHOMA SUPREME COURT CASE LAW

REGARDING PUBLIC SCHOOLS: REVIEW

AND ANALYSIS FOR THE 1990s

Introduction

During the decade of the 1990s, the Court heard 26 cases involving the public schools. From 1930 through the 1990s, this was the smallest number of cases heard by the court. The predominant reason for the decrease in the number of cases heard by the Court was the increasing reliance on the Court of Civil Appeals by the Court (Mann, 2001). While the Supreme Court continued to hear civil appeals cases, as that remained its primary objective, in this decade the Court assigned more cases to the Court of Civil Appeals than any other decade, and this trend began in the late 1980s (Pacific Reporter, Second Edition). This was due to the ever increasing number of appeals filed in the state, not just in education-related cases, but in civil cases in general (Mann, 2001).

The 26 cases heard during this decade were categorized by the topic of the case, as were the cases discussed in the previous chapters of this study. The cases were separated in three categories: finance, district, and personnel. Unlike most of the previous decades, no cases were litigated involving a school district versus a school district or properly fit into an “other” category. Eight of the cases considered issues of a financial nature.

Issues involving district policies, procedure, make-up, property, attendance, and functioning made up 34 percent of the cases. Nine cases addressed issues involving school personnel.

Unlike any decade since the 1930s the school district was the defendant in all of the cases. The school districts were successful in terms of winning their cases, albeit at a far less percentage than previous decades. School districts won 58 percent of their cases. Of the 26 cases during the 1990s, school districts lost 11.

The beginning of the decade was the ending of the tenure of Governor Henry Bellmon's second time in the office. Though a Republican, Bellmon's tenure focused on the improvement of education and educational funding in the state. Culminating this effort was the passage of HB 1017. In this bill were many changes to educational policy and funding mechanisms. One of the most dramatic parts of the legislation included the Teacher Due Process Act of 1990.

While only a piece of the overall legislation over education in 1990, the purpose of the Teacher Due Process act was to replace the seemingly archaic and ineffective processes of the Teacher Evaluation Act of 1977. The major emphasis of the act was to clarify the due process procedures afforded teachers in cases of termination or nonrenewal. The new legislation also repealed parts of the Teacher Evaluation Act that were cumbersome and ineffective, such as the requirement that a Hearing Panel hear appeal cases of terminated teachers.

Various changes to the Oklahoma School Code occurred during the 1990s, primarily through the reauthorization of the code. Such changes included clarifying the procedural due process rules for student suspensions, the requirement of the board of

education in school districts to adopt dress codes, safety policies, and student conduct policies.

Finance Issues

The Court heard a total of eight cases involving finance issues during the 1990s.

Among the issues addressed by the Court were:

1. Whether or not the timeliness of a deposit for a Workman's Compensation claim was valid for dismissal of the case.
2. Whether or not the timeliness of filing a Workman's Compensation claim through the U.S. Postal Service was valid for dismissal of the case.
3. Whether or not a second election for a bond issue was valid after it had failed in a general election.
4. Whether or not a school district could be billed for the cost of the county assessor in revaluating the property within the school district.
5. The validity of a Workman's Compensation claim.
6. The validity of a bond election.

One case in particular produced important precedent in the area of finance during the 1990s. In Re: Matter of Tax Levy of Ardmore (1998) addressed two important issues. The first was whether the Oklahoma Constitution or statutes prohibit the calling of a second bond election in the same calendar year as a previously failed bond election. The second was whether or not 45 days was adequate notice of a special election for a bond levy.

Considering the first issue, the Court found no prohibition in the Constitution or statutes for conducting two bond elections, when the first failed, in the same year. The Court reasoned that a review of the applicable section of the Constitution was as far as the Court needed to look. The Constitution provides for the rights of the voters to determine the outcome of tax levies. The Constitution failed to speak to the number of times an election may be called. Specifically, Article 10 fails to deny emergency elections called by a board of education. The Court reasoned that . . .

There is nothing in [Article 10] that prohibits a special election on the questions of the “emergency levy” or the “local support levy” should the levies fail to pass at the general election. Additionally, the intent of [Article 10] is found from the clear language of the provision, and we are not at liberty to look beyond.

The Court reasoned that without a specific statement limiting special elections, the Constitution does not prohibit them. The Constitution states that elections must be held for taxes to be collected. As to the statutory requirements of the election, the Court noted that 70 O.S. Section 13 A expressly allows for emergency elections as a “school district may call a special election for the purpose of voting on any matter or question authorized by law.”

At issue was also the timeliness of the special election. The special election was held 46 days after the board call for the election. As noted by the Court, the statutes were not clear on the number of days notice that must be given prior to the special election. According to 26 O.S. Supp. 1992, Section 12, the general rule was that a school board must call for a special election at least sixty days prior to the election. The statutes allowed for an exception of 45 days as provided for a runoff election for school board

members 26 O.S. Supp. 1992, Section 12. This presented a quandary as there was no runoff election at the time of the bond levy election.

The Court noted that the legislative intent in this matter was the primary concern. The Court noted the exact wording of the statute, which was “only 45 days notice is required if a special election is to be held on the date of the annual school runoff election.” The Court reasoned that such a runoff election does not have to be called only for a board position. Other issues, such as bond levy elections that are called for a special election may also be held on this date. In its conclusion the Court stated its decision firmly.

A constitutional right needs no legislation to put it into force. Without infringing on the rights of the voters under Article X, the Legislature enacted a procedural process for the election on questions of a building fund levy. Title 70, section 5 and title 26, section 13A affirmatively recognized the right of a school board to call a special election on the question of a building fund levy. Nowhere in either statutory provision is the right to call an election on the question of a building fund levy restricted because the question failed at a previous election. The April 1, 1997 election did not violate either of these statutory provisions.

District Issues

Nine cases litigated in the Court involved district issues. In all of these cases, the district was the defendant. Six of the nine cases involved whether or not the school district was liable under the Tort Claims Act. Other issues addressed included student transfers, whether or not school districts must pay for a part of the cost of the revaluation of the property in the school district, and school annexations.

Two cases in the area of tort liability produced important precedent in this area of litigation. Reynolds v. Union Public Schools (1998) addressed whether or not the school

district was liable for the injuries suffered by a visitor to the school during a school activity. Curtis v. Board of Education of Sayre Public Schools (1995) considered whether or not the school could be held liable under the Tort Claims Act for an injury suffered by a student during a physical education class.

In Reynolds, Johna Reynolds attended a performance at Union High School's auditorium. While in the auditorium, a ring surrounding a light fixture fell and hit Ms. Reynolds on the head. Her injuries required a visit to the emergency room and stitches. After the injury, Ms. Reynolds sued the school district under the Tort Claims Act.

The primary reason the district court found in favor of the school district. The primary reason was that the court found that the school district was exempted from liability for this type of accident under the exemption of "inspection powers or functions" of the district. In other words, it was not reasonable for the district to know that the light fixture would fall on someone as the district was not required under normal and ordinary inspection functions to inspect the light fixture daily, just routinely.

The evidence at the trial presented that the school district regularly changed the light bulbs in the district about once per month. During this time, the fixtures were inspected. Some maintenance employees testified that they had seen light fixture rings hanging and some on the floor. Another maintenance worker testified that all had been repaired. The contention of the plaintiff was that the school premises were negligently kept by the school district.

The Court found that the most reasonable application of the Tort Claims Act was 51 O.S. 1991, Section 155. This section of the statute stated:

The state or a political subdivision shall not be liable if a loss or claim results from inspection powers or functions, including failure to make an inspection, review or approval of any property, real or personal, to determine whether the property complies or violates any law or contains a hazard to health or safety, or fails to conform to a recognized standard.

The Court found that regardless of the claim of the plaintiff, the above statute was the issue at hand. Whether negligent inspection or negligent maintenance, the exemption applied. The Court rationalized the combination of the two in its conclusion:

In an attempt to avoid the inspection exemption, Reynolds attempts to frame her claim as negligent maintenance. While negligent maintenance encompasses a broader category of potential liability, if the negligent maintenance is based on the failure to discover or negligent inspection, then the school is exempt from liability.

The Court noted that for this reason the lower court made the correct verdict. The school was exempt from liability.

In Curtis, the Court considered whether or not the school could be held liable under the Tort Claims Act for an injury sustained by a student during physical education class. During the school day the student was assigned to physical education. On the day he was injured, the class was playing softball. The student was instructed to play catcher but was not supplied with a catcher's mask. The student was struck by a bat and severely injured.

The claim of the plaintiff under the Tort Claims Act was that the school was negligent in not providing the student a catcher's mask to play catcher in a softball game. The district court found in favor of the school district, citing the interscholastic activity exemption of the Tort Claims Act as a requirement for immunity on the part of the school district in this case. The Court of Civil Appeals overturned the district court. In its decision, the Court stated that 51 O.S. 1991, Section 155(20) applied only to

interscholastic or substantially similar athletic contests. The crux of the decision was based on the ruling that “the competitive activities in which student participation is required as part of the educational curriculum do not fall within the immunity protection of 51 O.S. 1991, Section 155.

The Court disagreed with this finding. In finding that school districts were not liable under the exemptions of the Tort Claims Act for injuries sustained during physical education, the Court defined further the extent of the statute. The Court ruled that . . .

The “other” athletic contest mentioned in Section 155(20) refers to an athletic contest different or distinct from an “interscholastic” athletic contest conducted between or among schools. The phrase “athletic contest” connotes an athletic or sports competition where participants strive for superiority or victory. Thus Section 155(20) encompasses participation in or practice for any athletic or sports competition where participants strive for superiority or victory, whether interscholastic or not, sponsored by or on the property of the state or political subdivision. A physical education class softball game, sponsored by the public school and conducted on school property falls with the parameters of Section 155(20), and the school is shielded from liability for losses resulting therefrom.

This 5-4 decision made it that a school could not be held liable for all injuries at competitions of an athletic nature at school.

Personnel Issues

Nine cases involving a personnel issue were litigated in the Court during the 1990s. In all nine cases, the school district was the defendant. The school districts won five of the cases and lost four of the cases. Six of the cases were litigated based on the Teacher Due Process Act of 1990, one on the Teacher Tenure Act of 1977, one involved a support staff member, and one involved a superintendent who was not rehired.

One case in particular established important precedent. Scheer v. Independent School District 1-26 (1997) queried the notion of temporary contracts for teachers. As a part of the Teacher Due Process Act, modified by the legislature in 1994, the legislature created another type of contract school districts could utilize in employing teachers. This contract was entitled a “temporary contract.” The stated purpose of this contract, cited in 70 O.S. 1994, Section 6, was for school districts to have the ability with the cumbersome requirements of due process to nonreemploy ineffective teachers. Additionally, school districts were able to use temporary contracts in times of financial distress. In cases where a school district could no longer afford to employ the teacher, the temporary contract was not required to be renewed.

In its decision, the Court held for the school district by certifying that the teacher was not tenured and the use of a temporary contract was valid. After three years of teaching in the district, the teacher was offered a temporary contract under the condition she would end her employment at the end of that fourth year, and she accepted. The previous three years the district had evaluated the teacher negatively and conducted several plans for improvement. The teacher was not offered a continuing contract but a temporary contract as a last resort for the teacher to improve.

After the fact, the teacher contended in her case that the temporary contract year constituted her fourth year. Since she completed three years and signed a contract for a fourth year, she considered herself tenured. The school district disagreed and failed to offer her a fifth year contract at the end of her fourth.

In reaching its decision, the Court analyzed the definitions of teachers according to the Teacher Due Process Act. A “career teacher” was one who had completed three or

more complete consecutive years in the same school district under a “written contract.” A “probationary teacher” was one who had completed fewer than three consecutive years under a “written contract.” A “teacher” was defined as “a duly certified or licensed person who is employed to serve as a counselor, librarian, or school nurse or in any instructional capacity.” The Court argued that under the definitions, the teacher was not tenured. The main point with the Court was that she was not tenured when she signed the temporary contract. School districts are required by the same statute to notify teachers prior to April 10 of each year whether or not they will be reemployed for the next year. The teacher in this case was offered and signed a temporary contract prior to April 10 of her third year of teaching.

The Court further explained that the fourth year of teaching could not be considered a year to grant tenure as temporary contracts would not count toward tenure status. Specifically, the Court noted the applicable statute: 70 O.S. Supp. 1991, Section 6-101.23(A)(3). This statute stated that “teachers who are employed on temporary contracts are exempt from the tenure laws.” Since the teacher was employed by a temporary contract and she had not attained tenure status prior to entering the contract, no tenure status could have been earned.

CHAPTER IX
OKLAHOMA SUPREME COURT CASE LAW REGARDING
PUBLIC SCHOOLS: CONCLUSION & FINDINGS
FOR THE YEARS 1930 THROUGH 1999

Introduction

The proper administration of a public school requires the knowledge of the applicable laws in a state. Laws concerning public schools have been ubiquitous in Oklahoma and the nation, from regulations and policies of governmental agencies to the statutory law created by the legislature. The most important interpreter of law and one of the most important creators of law in the State of Oklahoma is the Oklahoma Supreme Court. As the Court reviewed the law in cases, it provided interpretation. The Court's decisions often created new law because of its interpretation of policies and regulations, statutes, and the Oklahoma Constitution. The Court's job has been to interpret the Oklahoma Constitution, then provide final meaning to each statute or state policy considered. This process of review and interpretation has produced a multifarious array of law concerning public schools. The Court's case law has defined the nature and procedures of operating public schools with the same authority as state policy and statutes. This has been particularly true during the period of time of this study, from 1930

to 1999. Without knowledge of the case law and decisions of the Court, the public school administrator lacks the complete legal framework for operating a public school.

Case Volume in the Supreme Court from 1930-1999

The mere fact that the Supreme Court routinely heard cases involving Oklahoma's public schools demonstrated the importance of public school administrators understanding the decisions. From 1930 to 1999, the Court heard 352 cases involving public schools. This averaged to approximately five cases per year. Figure 2 (Appendix B) provides an illustration of the number of cases heard by the Court in each of the decades. While mathematically an average of five cases per year were heard, the Court became entangled in education issues more frequently during periods of time than others. Fifty-six cases were heard in 1930s. The decades of the 1940s and 1950s saw an increase in the number of cases to 88 and 68 respectively. The decades of from the 1960s to the 1990s, the number of cases decided by the Court declined with 30 in the 1960s, 42 each in the 1970s and 1980s, and 26 in the 1990s. In the decade of the 1930s 16 percent of the 336 cases were heard as compared to 25 percent in the 1940s, 19 percent in the 1950s, nine percent in the 1960s, 12 percent in the 1970s, 12 percent in the 1980s, and seven percent in the 1990s (See Appendix B, Figure 3). Mathematically, most of the cases decided by the Court during the period of this study took place from 1930 to 1959. The creation of the Civil Court of Appeals in 1960 and the increasingly reliance on that court by the Supreme Court helps to explain the lower percentages heard by the Supreme Court from 1960 to 1999.

Issues Litigated in the Oklahoma Supreme Court

Many issues were addressed by the Court from 1930 to 1999. All of these issues were separated into one of four categories: finance, district, personnel, and district v. district/other (See Appendix A, Table XVII). The Court heard 115 cases involving the issue of finance. This represented 46 percent of the cases heard by the Court. Issues surrounding the operation of a school district were the second most litigated in the Court. Eighty-seven, constituting 39 percent of the cases, involved district issues. There were 29 cases involving school district personnel. This constituted 11 percent of the cases. In the last category, district v. district/other, the Court heard 11 cases. This area constituted four percent of the cases.

In the area of school finance, the Court considered a wide variety of issues. The following 53 issues were litigated in the 154 finance cases heard by the Court:

1. Estimate of Needs.
2. Inclusion of five percent indebtedness in sinking fund.
3. Recovering money deposited in wrong account by county treasurer.
4. Validity of vendor contracts.
5. Legitimacy of warrant issued in excess of funds available.
6. Collection of erroneous taxes and legality of refund.
7. Separate schools' inclusion in the estimate of needs.
8. Correctness of appropriations based on estimate of needs.
9. Purchasing insurance policy for three years in one year.

10. Requirement for excise board to set millage levy based on estimate of needs.
11. Payment of transfer fees from one district to the next.
12. Role of excise board in approving supplemental appropriations.
13. Legality of purchasing items not listed by district in estimate of needs.
14. Legal use of fund surplus due to tax protest.
15. Requirement of including bond indebtedness in estimate of needs.
16. The correct calculation of uncollected taxes in correlation to the five percent maximum indebtedness requirement.
17. Misappropriation of funds.
18. Constitutional application of statutory change in five mills maximum to 15 mills.
19. Application of transfer fees in estimate of needs.
20. Illegal expenditure of funds by board of education members.
21. Using separate school funds to offset administrative costs of district.
22. Process of enjoining school bonds by taxpayers.
23. Bondholder request for placement of unpaid bonds in sinking fund.
24. Legitimacy of school district using proceeds from sale of building purchased with bond money.
25. Application of laches in the collection of bonds.
26. Validity of contract on purchase of goods from vendor.
27. Recovery of taxes by protest.
28. Placement of surplus bond funds on succeeding year's estimate of needs.

29. The application of an unpayable warrant.
30. Using current fiscal year funds to pay for previous fiscal year obligations.
31. Review of property valuation process in determining amount of levy.
32. Recovering excise tax paid on gasoline for school busses.
33. Accumulation of bond money from one fiscal year to the next for same project.
34. Compelling a school district to appropriate dated debt in current general fund rather than sinking fund.
35. Using bond funds from an annexed school district.
36. Election process for bond levy.
37. Legitimacy of including in a school bond money to pay for city street improvement bonds.
38. Calculation of ADA in state aid formula.
39. Legitimacy of temporarily closed district to issue levy to pay for transfer fees.
40. Determination of the minimum program in the state aid formula.
41. Determination of discretionary function of state in appropriating state aid.
42. Determination of discretionary function in how school districts list uses of bond funds.
43. Acceptance of bid by school district.
44. Use of federal funds received by school districts in calculating state aid.
45. Payment for services not approved by board of education.
46. Whether or not posting of estimate of needs negates the estimate of needs.

47. Calculation of number of students for determination of state aid.
48. Use of recurrent revenue in estimate of needs.
49. Determination of whether or not capital outlay is a current expense.
50. Transfer of funds from building fund to general fund.
51. Liability for unpaid street improvement bonds on street on school property.
52. Validity of use of sinking fund for judgment against school district.
53. Liability of school districts under the Tort Claims Act.

District issues were the second most litigated by the Court. In 123 cases, the Court considered 31 different issues. The following were the district issues heard by the Court:

1. Election requirement for bussing students.
2. Election of board of education member.
3. Process for consolidating school districts.
4. Process for annexing school districts.
5. Process for closing school districts.
6. Rules regarding transfer students.
7. Determining school boundaries.
8. Transportation fees of transfer students.
9. School district boundaries at time of statehood.
10. Ownership of building on school property.
11. Distribution of school property upon annexation.
12. Closing of a school by a school district.

13. County superintendent's authority in school annexations and consolidations.
14. Discretionary power of school districts to determine the schools students attend in a district.
15. Discretionary power of school district to determine location of school.
16. Legitimacy of property purchase with involvement of school board member in sale.
17. Determination of qualified electors in annexation election.
18. Determination of whether or not state statute concerning school detachment was constitutional.
19. Requirement for posting prior notice in school annexations and detachments.
20. Safe railroad crossing near school.
21. Disposition of property after annexation.
22. Quieting title to property occupied by a school district.
23. Quieting title to property occupied by a taxpayer.
24. Qualification of African Americans as electors in a school district.
25. Change in status of district from dependent to independent.
26. Application of eminent domain to school districts.
27. Bussing of parochial school students.
28. Conditions of transfer of student-based on grade level offered by sending school district.
29. Application of adverse possession in school district property.

30. Application of laches to school annexation issue.
31. The timeliness and legality of bond elections after one has failed.

While personnel issues constituted only 11 percent of the cases heard by the Court, a variety of issues were presented. Many different personnel issues were litigated in 59 cases. The following were the personnel issues addressed by the Court:

1. Legitimacy of excise board reducing a teacher's salary in the estimate of needs.
2. Validity of teacher contracts negotiated prior to the beginning of the fiscal year, July 1st.
3. Whether or not a county superintendent has the authority to remove a board of education member.
4. Breach of contract by teacher.
5. Funding superintendent contract with separate school funds.
6. Number of board of education members in city schools as opposed to independent school districts.
7. Validity of superintendent's contract voted on prior to beginning of fiscal year.
8. Ratification of support employee contract.
9. Approval amount in estimate of needs opposed to listed amount of teacher salary in contract.
10. Makeup of school board based separate school and makeup of students.
11. Validity of oral employment contract.
12. Termination of teacher based on stipulations of contract.

13. Validity of school districts adding to the amount paid to teachers above contract.
14. Workman's compensation related to school districts.
15. Replacement of board of education member after resignation.
16. Applications of due process proceedings for terminated and nonrenewed teachers under the Teacher Tenure Law and the Teacher Due Process Act.
17. The due process requirements for support employees.

Sixteen cases were categorized as district v. district/other. This constituted four percent of the cases heard by the Court. This category included cases that pitted one school district against another. The category also included cases that did not have a school district as a plaintiff or defendant but addressed an issue involving the public schools. The following issues were addressed in the district v. district cases:

1. Disposition of funds deposited in the wrong account by the county treasurer.
2. School annexation validity.
3. Determination of school district boundaries.
4. Appropriateness of transfer fees.
5. Disposition of property in separation of district into two school districts.
6. Legal implications of detachment of part of school district.

Cases that did not involve a school district as the plaintiff or defendant considered the following issues:

1. Regulatory function of the State Department of Education.
2. Role of the state in school annexations.

Success Rates of the Public Schools in the Supreme Court

Oklahoma's public schools were successful in the Court in the years 1930 to 1999. In other words, the public school won far more cases than they lost. Public school districts won 238 of the 336 cases (See Appendix A, Table XXXI). This represented at 70.83 winning percentage. Considering the fact that school districts were the defendants in 67.66 percent of the cases, this was a phenomenal achievement. The obvious premise behind those filing suit against a school district was to correct a perceived legal wrong committed. Overwhelmingly, school districts demonstrated that they acted according to law and were able to articulate their legal positions in the Court much more successfully than those who filed suit against them.

Among the categories developed in this study, school districts were plaintiffs and defendants in each one of them (See Appendix A, Table XXIV). In the area of finance issues, school districts were the plaintiff in 28 percent and the defendant in 72 percent of the cases. School districts were the plaintiff in 40 percent of the district issues category. In the personnel area, school districts were the defendants in 74 percent of the cases.

In terms of the cases in which school districts were the plaintiffs, school districts won 76 of the 109 cases. This represented 69.72 percent of the cases. In terms of the cases in which schools were the defendant, school districts won 162 of the cases. This represented a 71.37 winning percentage.

Precedent-Setting Cases Decided by the Court from 1930-1999

The Court decided a wide variety of precedent-setting cases during the 70-year period of this study. As indicated above, the Court considered a good number of different issues. Many of the issues litigated were particular to the schools or individuals involved or addressed particular questions of law not generally applicable to other districts. While the selection of precedential cases in this study provided the basic answer to the research question, it must be understood that the bias of the researcher, along with the process of content analysis, provided room for argument. The selection of the cases as precedential was based on a thorough reading of the entire case law prior to 1930 and inclusive of the years from 1930 to 1999. Another researcher may have concluded differently. The Court produced important case law in the following cases.

1. State ex rel. Joint School District No. 102 v. Excise Board of Payne County (1932). The Court examined the role and authority of the county excise board in approving a school district's estimate of needs was established. Clearly, the excise board must approve the estimate of needs and a rate of levy to meet the estimate of needs as approved by the voters.

2. State ex rel. Board of Education v. Morley (1934). This case determined the role of the county excise board in approving a supplemental estimate of needs of a school district. The role of the excise board was not to place value judgments on the need but to determine the correctness of the completed form and the levy to meet the need.

3. Board of Education v. Fry (1932). The Court considered the impact of the estimate of needs as it related to the separate schools. The excise board lacks authority to arbitrarily reduce the estimate of a separate school, as the law required a “separate but equal” educational system.

4. Burton v. School District No. 78 (1936). The role of the excise board was not to impart discretion in its approval or lack of it. The excise board did not have the authority to reduce a teacher’s salary itemized on the estimate.

5. Stockton v. Excise Board of Payne County (1932). Timing was important in challenging the decisions of an excise board. Once the school year has passed, it was too late to change the decision of the excise board to reduce the estimate of needs.

6. Pottawatomie County v. Chicago R. I. & P. RY. Company (1934). A school district could not appropriate a portion of the superintendent’s salary from the funds of a separate school. The law provided for the payment of the superintendent’s salary from the general fund only.

7. Wilkinson v. Hale (1939). A teacher contract entered and approved by the board of education prior to the beginning of a new fiscal year was invalid. Court also found the Teacher Tenure Law of 1937 was unconstitutional.

8. Dowell v. Board of Education of Oklahoma City (1939). This case specifically removed the power of the county superintendent in approving or disapproving school district detachments as it was determined this was a state function.

9. School District No. 1 v. School District No. 2 (1934). The legal method was stipulated for determining school district boundaries for those districts in conflict and also existed prior to statehood.

10. State ex rel. Board of Education v. State Board of Education (1949). The application of the state aid law required the state to reduce state aid based on local revenues.

11. Board of Education of Oklahoma City v. State Board of Education (1946). The ADA calculation used in the state aid formula should include the students attending the separate schools.

12. American Asbestos Products Company v. Independent School District no. 14 (1945). Board of education members who obligate school district funds on their own, without the proper approval of the board as a whole, are personally liable for the expenditure.

13. Oklahoma City v. Kurn (1941). It was appropriate for school districts to utilize bond funds for equipping and furnishing a building built with the bond money.

14. Lone Star Gas Company v. Bryan County Excise Board (1943). It was legal for school districts to accumulate money in multiple bond issues for the expenditure of the bond money on the purpose for which the money was generated.

15. Musick v. School District No. 41, et.al. (1940). The exercise of discretionary power by the county superintendent was appropriate in determining the schools the African American and white children would attend.

16. Spann v. Cresswell (1947). A school district was authorized to dispose of property acquired through annexation. Such was within the discretionary powers of the board of education.

17. Edwards v. Board of Education (1946). School districts were not restricted from paying teachers more than stipulated in their contracts as long as the application was equitable and the funds were available.

18. State v. State Board of Education (1955). The Court examined a type of revenue received by a school district and whether or not it should offset the amount of state aid received from the state. Revenues that were not reasonably thought to be received from one year to the next should not be used to offset the amount of state aid appropriated.

19. State v. State Board of Education (1953). The Court considered whether or not revenue received by a school district through the appropriation of federal programs should offset the amount of state aid appropriated to a school district. Statutes prohibited reducing the state aid based on federal programs and grants.

20. Mid-Continent Pipe Line Company v. Stephens County (1957). The Court ruled that revenue that could not be anticipated from one year to the next should not be included as revenue on the estimate of needs.

21. St. Louis-San Francisco Railroad Company v. Marshall County Excise Board (1958). A school district was not in error for using bond money to erect a school building when it listed to remodel a school building on the estimate of needs.

22. Seba v. Independent School District No. 3 (1959). The Court considered the application of eminent domain to a school district attempting to build a gym on property owned by a private individual. The Court found that eminent domain applied to public schools.

23. Merritt Independent School District No. 2 v. Jones (1959). The concept of “adverse possession” was applicable to a school district wishing to take back a piece of its property and quiet title to the property.

24. Duncan v. Askew (1952). Transfers for students who had completed the grades offered by their resident school district were entitled to a transfer to an adjoining school district that offered the grades needed, even when the adjoining school district was out- of-state.

25. School District No. 22 v. Worten (1955). The Court considered an interpretation of the transfer statutes. Common sense must rule and the difference

between a two-minute bus ride and a seven-minute bus ride provides no basis for a transfer just because one district is closer to the home of the students.

26. Board of Education v. State (1953). Board of education members who knowingly contract with a superintendent not properly certified were liable for all costs related to the contract of the superintendent.

27. Choctaw County Excise Board v. St. Louis-San Francisco Railroad (1969). The school district appropriately issued to the excise board a levy for the sinking fund to pay a judgment against the school district. Despite revenue to pay the judgment, the Constitution and statutes of the state require payments for judgments originate from the sinking fund.

28. Independent School District No. 4 v. State Board of Education (1969). Laches apply to annexation orders. The plaintiffs who wished to nullify an annexation election held illegally were barred from the protest due to twelve years passing between the election and their application for a protest.

29. Hines v. Independent School District No. 50 (1963). The Court found an out-of-state transfer valid. A school district outside of the state and contiguous to a school district from which a transfer was requested was the best choice for the student considering the wording of the statute.

30. Board of Education of Independent School District No. 52 v. Antone (1963).

The practice of a school district providing parochial school students transportation to and from their school was unconstitutional and not authorized by state law.

31. State v. Board of Education of Dependent School District No. 38 (1964). The

Court authorized the current members of the State Legislature who were also employed by the public schools as teachers to receive compensation for their work as teachers.

After the current year, the practice was prohibited by statute.

32. Oklahoma Farm Bureau v. State Board of Education (1968). The State

Department of Education has the Constitutional and statutory authority, through the State Board of Education, to regulate, accredit, and supervise the public schools of the state.

33. In Re Application of Board of Education of Western Heights Independent School District (1977). The Court found in favor of the district. The issue at hand was the requirement to post on the election ballot the fact that seventy percent of the bond money voted on would go toward the items listed on the ballot. As a new law requiring such a posting had been passed before the election was held, the Court found the new law valid but approved the district's election and bond money as the board called for the election prior to the new bond law became effective.

34. Hennessey v. Independent School District No. 4 (1976). It was contrary to law to not allow the PTA access to its facilities. The district was allowed to open its

facilities to organizations outside the school district, but once it did it could not discriminate as to who was allowed access and who was not.

35. Independent School District Number 8 of Seiling v. Swanson (1976). The Court overturned the dress code of the school district, citing that it was unconstitutional to enforce a hair length policy. Such was a violation of the 1st and 14th Amendments and the school made no connection to learning or whether or not long hair worn by boys disrupted school.

36. Oldham v. Drummond Board of Education of Independent School District No. I-85 (1975). A teacher's contract must be reinstated as the vote taken on the contract was not recorded or pronounced in an open meeting. This violated the requirements of the Open Meetings Law.

37. Independent School District No. 10 of Seminole County v. Lollar (1976). A half-time teacher was nonrenewed. The school maintained that a half-time teacher could not attain tenure status under the Teacher Tenure Act of 1977. Three consecutive years, followed by being hired for the fourth, constituted tenure for a half-time teacher.

38. Beacon Realty Investments Company v. Cantrell (1989). It was a violation of statutes for the county assessor to raise the fair cash value of property while also lowering the valuation rate. In essence this created an increase in the valuation of property without notice. The statutes require notice to taxpayers in advance of an increase in taxes due to an increase in the valuation of property.

39. Fair School Finance Council of Oklahoma, Inc. v. State (1987). The system the state had created for financing its public schools was not a violation of the constitution. The state financed schools with the same state aid formula. The fact that local schools could raise more money through local property taxes was not unconstitutional as all students in the state, regardless of geographic location, received the basic education afforded by the constitution.

40. DeLafleur v. Independent School District No. 11 of Tulsa County (1986). Authorization cards signed by members of the teaching staff of a district are legitimate according to statute as a means of certifying to the district and board for a bargaining unit. Authorization cards or a private election are the methods allowed by statute.

41. Childers v. Independent School District No. of Bryan County (1981). The district had complied with the procedural due process rights of a teacher it had nonrenewed through his evaluation, notice, opportunity to improve, and a timeframe to improve. The Court defined willful neglect of duty and incompetency.

42. Reynolds v. Union Public Schools (1998). A light fixture falling on the head of a visitor to the school was not an act of liability on the school's part. The school was exempt from liability by the "failure to inspect" exemption in the Tort Claims Act.

43. Curtis v. Board of Education of Sayre Public Schools (1995). The school was not liable for the injury suffered by a student during physical education class. The interscholastic competition exemption of the Tort Claims Act applied to physical education classes.

44. In Re: Matter of Tax Levy of Ardmore (1998). It was not unconstitutional for a school district to call for a second bond election after the first failed during the same year. Secondly, the Court found that such special or emergency election could be called 45 days after the first.

45. Scheer v. Independent School District 1-26 (1997). Temporary contracts were valid contracts for schools to offer teachers by statute. A temporary contract cannot count the year on the temporary contract as a year for tenure status if the year in question is the fourth. As the Court found the teacher and the district agreed to the fourth year as and the contract a temporary contract.

The 45 cases identified produced important precedent for the case law of educational issues in the Oklahoma. Ranging from finance to personnel issues, the Court interpreted the Constitution and statutes in Oklahoma as well as applied reason to issues that caused conflict.

Not every case before the Court produced important precedent, though all of them are carried the legal weight of precedent. Some cases were so particular to the school districts involved or the issue litigated that the consequence of the Court's decision did not transcend the case itself – Kirk v. Union Graded School District No. 1, for example. Other cases, while seemingly trivial in nature, turned out to be very interesting and, at

times noteworthy – State v. Board of Education of School District No. 38, for example. The important part of this study centered on the precedent setting cases. This was the focus of the study. The most surprising finding in the study, however, was the large number of cases heard by the Court in a 70-year period. It was obvious by the numbers alone that the Court has played an important role in educational issues in Oklahoma. Even if the decisions made by the Court did not produce important precedent, the ubiquitous involvement of the Court in education was precedent-setting enough. On average, the Court considered five education-related cases per year since 1930. To the researcher, this represents a very intense connection between the state's highest court and the state of education. Figure 2 (Appendix B) represents the graphical picture of the reality of educational litigation in the state. However, more cases concerning education have been adjudicated at the federal level since the 1960s, and this fact may have influenced the decrease in the number of cases heard by the Oklahoma Supreme Court beginning in 1960.

Recommendations for Practitioners

The school administrator is responsible for knowing the law. Educational law comes from a variety of sources. At the federal level there are statutes, agency regulations, the U.S. Constitution, and decisions of the federal courts, including the U.S. Supreme Court. Issues such as students' rights, religion and schools, and teachers' rights have been adjudicated at the federal level since 1960 and continue to be adjudicated in the federal courts. At the state level, laws come from the state legislature, agency regulations, the Oklahoma Constitution, and the Oklahoma Supreme Court. This study

has demonstrated that many important issues involving Oklahoma's public schools have been addressed by the state's highest court. Everything from district policies to the termination of teachers and the financing of schools from the states have been litigated in the Court. The school administrator who fails to recognize the law created by the Court fails to understand the total landscape of laws that govern Oklahoma's schools.

Specifically, this research suggests that practitioners of educational administration should heed the following:

1. Appreciate the role the Oklahoma Supreme Court has had in the formulation of educational law in Oklahoma.
2. The vast majority of the cases decided by the Court were decided per the rudiments of statutory law, as interpreted and defined by the Court. School administrators must become familiar with statutory law. With such familiarity, the school administrator stands a good chance of finding himself the subject of a Court case.
3. In the absence of a Constitutional issue, the Court has over and over relied upon a strict reading of statutes. Where there is no room for interpretation, the Court has relied solely on the explicit meaning of statutes. Knowledge of statutes is paramount to success as a school administrator. Recognizing the letter of the law will aid in success.
4. The development of school policy that follows the guidelines of state statutes has supported the schools in the Court. The failure to follow the policy has cost districts decisions in the Court.
5. Develop policy and follow policy.

Recommendations for Further Study

The area of school law is a vast place where one can quickly get lost. The area of law has increasingly become a specialty, one considered difficult to understand by those outside of the legal profession. Studying educational law, while providing new ways of understanding its significance, its trends, and its development de-mystifies, to a certain degree, the law. The more it is studied, the less the law seems to be something for lawyers only. Practicing school administrators must know the law. Ignorance will land the administrator in court – probably on the losing end of a legal issue. This study was restricted to the decisions of the Oklahoma Supreme Court. There are two other courts that routinely make decisions affecting the operation of public schools that also require study.

1. The Oklahoma Court of Civil Appeals was created to relieve the number of cases heard by the Supreme Court. The number of cases heard by the Civil Appeals Court has increased significantly since the 1980's. An analysis of the Court's education-related decisions would supplement this research and offer a broader understanding of the total role of the appellate courts in Oklahoma regarding public schools.
2. Since 1950, the U.S. Supreme Court and its appellate courts have increasingly heard cases that involve the policies, students, teachers, and administrators of public schools. Issues surrounding student publications, discipline, dress code, speech, and conduct have been litigated in the federal court system. Teacher termination, school finance, textbooks, and

compulsory education laws have been litigated in the federal courts as well. Many other issues join these in the federal court system. As a compliment to this study, a corollary research project would be to review and analyze the court cases heard by the federal courts involving Oklahoma's public schools.

3. Since the passage of the Tort Claims Act, the Oklahoma Supreme Court has heard many cases surrounding the liability of schools in tort cases. A study specifically addressing these tort cases, including those heard in the Civil Court of Appeals, would be interesting.
4. A case study of two or three like cases heard by the Oklahoma Supreme Court would make a good research project. The research could focus on the particulars of the cases from the district level through the appellate system, including interviews with the parties in the cases.
5. A result of this study was the finding that many of the cases that found their way to the Oklahoma Supreme Court could be traced to the passage of a specific piece of legislation within a few years before the case. The research could focus on a piece of legislation and trace the specific court cases generated from it, including cases at the district and appellate levels.

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APPENDIXES

APPENDIX A

TABLES I – XXXI

TABLE I

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1930s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|--|--------------|-------------|----------------------------|
| 1 | Excise Board of Marshall Cnty. et al. v. Sch. Dist. No. 34 | 1932 | 10 P.2d 643 | SP |
| 2 | Board of Educ. v. Fry | 1932 | 10 P.2d 402 | SP |
| 3 | Dixon et al. v. Johnson | 1932 | 11 P.2d 477 | OD |
| 4 | In re State Question No. 168 Taylor v. King | 1932 | 11 P.2d 158 | N/A |
| 5 | KC Southern RY. Co. et al. v. Board of Educ. | 1932 | 13 P.2d 115 | OD |
| 6 | McCarter v. Spears County Supt. et al. | 1932 | 11 P.2d 489 | SD |
| 7 | Sch. Dist. No. 34 v. Joint Sch. Dist. No. 34 | 1932 | 9 P.2d 771 | SS |
| 8 | State ex rel. BOE v. Excise Brd. of Payne Cnty. | 1932 | 7 P.2d 473 | SP |
| 9 | State ex rel. Joint Sch. Dist. No. 102 v. Excise Brd. | 1932 | 8 P.2d 58 | SP |
| 10 | Stockton v. Excise Brd. of Payne County | 1932 | 8 P.2d 57 | N/A |
| 11 | Tonini v. Sch. Dist. No. 17 Seminole Cnty. | 1932 | 8 P.2d 67 | SD |
| 12 | Anderson v. Miller | 1934 | 45 P.2d 499 | N/A |
| 13 | Barton v. Haight Co. | 1934 | 37 P.2d 968 | SD |
| 14 | BOE of Ind. Sch. Dist. No. 15 v. Castle | 1934 | 33 P.2d 190 | OD |
| 15 | BOE v. Brd. of Commissioners of Muskogee Cnty. | 1934 | 35 P.2d 453 | OP |
| 16 | Edwards v. Board of Commissioners of Okla. Cnty. | 1934 | 36 P.2d 6 | SD |
| 17 | KC Southern RY. CO. v. Excise Brd. of LeFlore | 1934 | 36 P.2d 493 | SD |
| 18 | Morley v. State ex rel. Board of Education | 1934 | 47 P.2d 170 | SP |

TABLE I (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1930s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|--------------|---------------------------|
| 19 | Pottawatomie Cnty. v. Chicago R. I. & RY. CO. | 1934 | 29 P.2d 587 | OD |
| 20 | Randolph v. State ex rel. Awtrey | 1934 | 37 P.2d 648 | SD |
| 21 | Reynolds v. Tankersley | 1934 | 29 P.2d 976 | OD |
| 22 | Sch. Dist. No. 84 of Pottawatomie. County v. Asher Sch. Dist. No. 112 | 1934 | 32 P.2d 897 | SS |
| 23 | School Dist. No. 1 v. School Dist. No. 2 | 1934 | 39 P.2d 78 | SS |
| 24 | School Dist. No. 34 v. Trice | 1934 | 32 P.2d 906 | OP |
| 25 | School Dist. No. 58 v. Sch. Dist. No. 56 | 1934 | 38 P.2d 919 | SS |
| 26 | State ex rel. BOE v. Morley | 1934 | 34 P.2d 258 | SP |
| 27 | State ex rel. King v. White | 1934 | 39 P.2d 69 | SD |
| 28 | Union Graded Sch. Dist. No. 5 v. Ford | 1934 | 37 P.2d 258 | SD |
| 29 | BOE of Okla. City v. Excise Brd. of Okla. Cnty. | 1935 | 53 P.2d 565 | SP |
| 30 | BOE of Ringling v. State ex rel. Benton Co. | 1935 | 46 P.2d 325 | OD |
| 31 | Excise Brd. of Okla. Cnty. v. Continental Oil Co. | 1935 | 49 P.2d 540 | SD |
| 32 | First National Bank of Wichita v. BOE of City of Enid | 1935 | 49 P.2d 1077 | SD |
| 33 | Mannsville Cons. Sch. Dist. No. 7 v. Williamson | 1935 | 49 P.2d 749 | SP |
| 34 | Means v. Cons. School District | 1935 | 42 P.2d 809 | SP |
| 35 | Oklahoma Pipeline Co. V. Excise Brd. of Carter Cnty. | 1935 | 42 P.2d 499 | SD |
| 36 | Poindexter v. BOE of Ind. Sch. Dist. No. 39 | 1935 | 49 P.2d 1092 | SD |

TABLE I (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1930s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|--------------|---------------------------|
| 37 | St. Louis-S.F. R. CO. v. Choctaw Cnty. Excise Brd. | 1935 | 48 P.2d 312 | SD |
| 38 | Board of Education v. Montgomery | 1936 | 60 P.2d 752 | SD |
| 39 | Burton v. School District No. 78 | 1936 | 61 P.2d 1065 | SD |
| 40 | Excise Brd. of Tulsa Cnty. v. BOE | 1937 | 68 P.2d 827 | SP |
| 41 | In re School District No. 62 | 1937 | 69 P.2d 367 | SS |
| 42 | Kirk v. Union Graded Sch. District No. 1 | 1937 | 68 P.2d 769 | OP |
| 43 | School Dist. No. 79 v. School Dist. No. 78 | 1937 | 67 P.2d 30 | SS |
| 44 | Brians v. Cons. Sch. Dist. No. 5, Okmulgee Cnty. | 1938 | 79 P.2d 798 | SD |
| 45 | Lowden v. State | 1938 | 78 P.2d 1059 | OP |
| 46 | Stanolind Pipe Line Co. v. Tulsa Cnty. Excise Brd. | 1938 | 80 P.2d 316 | SD |
| 47 | Board of Educ. of Okla. City v. Cloudman | 1939 | 92 P.2d 837 | OP |
| 48 | Brooks v. Shannon | 1939 | 86 P.2d 792 | SD |
| 49 | Cons. Sch. Dist. No. 12 v. Union Graded Sch. Dist. | 1939 | 94 P.2d 549 | SS |
| 50 | Dowell v. Brd. of Education of Okla. City | 1939 | 91 P.2d 771 | SP |
| 51 | Excise Board of Lincoln Cnty. v. St. Louis | 1939 | 93 P.2d 1031 | SD |
| 52 | Kay County v. Atchison T. & S.F. RY. CO. | 1939 | 91 P.2d 1087 | SD |
| 53 | Missouri-Kansas-Texas RR. CO. v. Cowden | 1939 | 86 P.2d 776 | SD |
| 54 | School Board of Cons. Dist. No. 36 v. Edwards | 1939 | 87 P.2d 962 | OD |

TABLE I (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1930s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|-----------------------------------|--------------|-------------|---------------------------|
| 55 | State ex rel. Dawson v. Dinwiddie | 1939 | 95 P.2d 867 | SS |
| 56 | Wilkinson v. Hale | 1939 | 86 P.2d 305 | SD |

*Key for "Decision" Column: The first letter designates to the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE II

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|---|--|
| Excise Board of Marshall Cnty. et al. v. Sch. Dist. No. 34 | AFFIRMED | ESTIMATE OF NEEDS & MILLAGE ELECTION | SCHOOL WON MANDAMUS COMPELLING EXCISE BOARD TO APPROVE MILLAGE PER ELECTION DESPITE NON AGREEMENT WITH ESTIMATE OF NEEDS. |
| Board of Educ. v. Fry | AFFIRMED | ESTIMATE OF NEEDS | DISTRICT OPERATED SEPARATE SCHOOLS AND EXCISE BOARD HAD ADJUSTED THE ESTIMATE OF NEEDS FOR THE SEPARATE SCHOOL. COURT RULED EXCISE BOARD COULD NOT ADJUST ESTIMATE OF NEEDS. |
| Dixon et al. v. Johnson | AFFIRMED | BUSSING STUDENTS - LAW AT THE TIME REQUIRED 60% TO APPROVE BUSSING STUDENTS ON BUSES. | SCHOOL HAD CALLED THREE ELECTIONS. ALL FAILED. COURT SAID 4TH WILL NOT OCCUR DUE TO NO TIME TO GET IT DONE BEFORE ESTIMATE OF NEEDS IS DUE. |
| In re State Question No. 168 Taylor v. King | DENIED | LEGITIMACY OF ATTN GENERAL TO CHANGE WORDING OF PETITION FOR BALLOT | COURT AGREED WITH ATTORNEY GENERAL THAT HE MAY CHANGE WORDING TO CONFORM WITH LAW AND MEANING. |
| KC Southern RY. Co. et al. v. Board of Educ. | REVERSED | CALCULATING EXISTING FUNDS IN SINKING FUND IN 5% ALLOWED BY STATE FOR INDEBTEDNESS | COURT REASONED THAT DISTRICTS MUST INCLUDE OUTSTANDING WARRANTS FROM SINKING FUND WHEN DETERMINING TOTAL INDEBTEDNESS TO CONFORM TO 5% CONSTITUTIONAL LAW. |
| McCarter v. Spears County Supt. et al. | REVERSED | VALIDITY OF ELECTION OF CLERK AT ELECTION | COURT FOUND THAT PERSON HOLDING OFFICE WAS CORRECT WINNER. ANOTHER MEMBER OF THE BOARD HAD ASKED TO BE PLACED ON THE BALLOT BUT HIS NAME WAS NEVER WRITTEN ON |
| Sch. Dist. No. 34 v. Joint Sch. Dist. No. 34 | REVERSED | LEGITIMACY OF ERROR BY COUNTY TREASURER IN DEPOSITING MONEY IN WRONG ACCOUNT | COURT REASONED THAT ERROR DID OCCUR BUT PLAINTIFF DISTRICT COULD NOT RECOVER DUE TO EXPIRED TIME LIMITS. |
| State ex rel. BOE v. Excise Brd. of Payne Cnty. | AFFIRMED | AUTHORITY OF EXCISE BOARD TO REDUCE LEVY OF ALLOWED 15 MILLS | COURT REASONED THAT EXCISE BOARD MUST APPROVE 15 MILL LEVY IF IT PRODUCES THE ESTIMATE OF NEEDS SUBMITTED. MAY REDUCE IF IT WILL NOT PRODUCE THE ESTIMATE. |
| State ex rel. Joint Sch. Dist. No. 102 v. Excise Brd. | AFFIRMED | ESTIMATE OF NEEDS | COURT FOUND THAT EXCISE BOARD MUST APPROVE MILLAGE LEVY WITHIN CONSTITUTIONAL LIMITS, VOTED ON, AND SUBMITTED BY DISTRICT ON ESTIMATE OF NEEDS. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Stockton v. Excise Brd. of Payne County | AFFIRMED | TEACHER SALARY AND ESTIMATE OF NEEDS | SUIT BY TEACHER. EXCISE BOARD HAD REDUCED ESTIMATE OF NEEDS AND REDUCED SALARY OF TEACHER. COURT FOUND THAT EXCISE BOARD MUST APPROVE IF IN ESTIMATE AND VOTED. |
| Tonini v. Sch. Dist. No. 17 Seminole Cnty. | AFFIRMED | VALIDITY OF CONTRACT WITH VENDOR | CONTRACT WAS APPROVED BY SUPERINTENDENT BUT NEVER APPROVED BY BOE AFTER JULY 1 OF FISCAL YEAR. CONTRACT VOID. |
| Anderson v. Miller | AFFIRMED | VALIDITY OF SALARY PER TEACHER CONTRACTS | TAXPAYER BROUGHT SUIT THAT TEACHERS WERE NOT ENTITLED TO SALARY AS SUPERINTENDENT NEGOTIATED CONTRACTS. COURT FOUND BOE RATIFIED AFTER JULY 1. |
| Barton v. Haight Co. | REVERSED | OUSTER OF BOE MEMBERS BY COUNTY SUPT | COURT FOUND THAT THE OUSTER BY BOE MEMBERS BY COUNTY SUPERINTENDENT AND LOWER COURT WAS ILLEGAL AS THEY WERE ELECTED OFFICIALS AND MAY BE RECALLED BY ELECTION ONLY. |
| BOE of Ind. Sch. Dist. No. 15 v. Castle | AFFIRMED | EMPLOYEE PAY/CONTRACT | COURT REMANDED TO DISTRICT COURT TO REQUIRE PAYMENT OF SALARY TO TEACHERS AS THEY DID NOT BREACH CONTRACT AND DISTRICT OWED ON CONTRACT. |
| BOE v. Brd. of Commissioners of Muskogee Cnty. | AFFIRMED | ISSUE OF WARRANT IN EXCESS OF FUNDS IN FUND | COURT REASONED THAT IT WAS THE RESPONSIBILITY OF THE DISTRICT TO IMPOSE ADDITIONAL TAXES FOR SINKING FUND WHEN IT INCURS DEBT; CANNOT PAY FROM OTHER FUND. |
| Edwards v. Board of Commissioners of Okla. Cnty. | DENIED | PAYMENT OF ERRONEOUS TAXES | TAXPAYER DID NOT LIVE IN DISTRICT BUT WAS ASSESSED AND PAID TAXES TO DISTRICT. COURT FOUND IN FAVOR OF DISTRICT AS TAXPAYER WAITED TOO LONG TO TRY TO RECOVER. |
| KC Southern RY. CO. v. Excise Brd. of LeFlore | AFFIRMED | ESTIMATE OF NEEDS - INCLUSION OF SEPARATE SCHOOL | RR COMPANY FILED SUIT IN PROTEST OF TAXES BECAUSE DISTRICT DID NOT ITEMIZE SEPARATE SCHOOL IN ESTIMATE OF NEEDS. COURT SAID NOT A REQUIREMENT. |
| Morley v. State ex rel. Board of Education | AFFIRMED | APPROPRIATIONS AND ESTIMATE OF NEEDS | COURT FOUND FOR DISTRICT AS EXCISE BOARD IS REQUIRED BY LAW TO APPROVE APPROPRIATIONS BASED ON LEGITIMATE ESTIMATE OF NEEDS. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|---|
| Pottawatomie Cnty. v. Chicago R. I. & RY. CO. | AFFIRMED | SALARY OF SUPERINTENDENT FOR SEPARATE SCHOOLS | COURT RULED THAT DISTRICT CANNOT PAY FOR SEPARATE ADMIN FOR SEPARATE SCHOOL. SUPERINTENDENT MUST BE ONE IN THE SAME PAID FOR BY BOE FROM BUDGET. |
| Randolph v. State ex rel. Awtrey | DENIED | DISTRICT PURCHASED INSURANCE POLICY FOR THREE YEARS IN ONE YEAR. TAXPAYER SUED. | COURT DENIED TAXPAYER'S CLAIM, ESTABLISHED HE HAD NO BASIS TO SUE. |
| Reynolds v. Tankersley | REVERSED | INJUNCTION FOR CREATING CONSOLIDATED SCHOOL DISTRICT | SCHOOL WON AT LOWER LEVEL. COURT SAID THAT THE ELECTION QUESTION HELD TO CONSOLIDATE WAS NOT LEGAL AS IT ADDRESSED TRANSPORTATION WHICH IS A GIVEN. |
| Sch. Dist. No. 84 of Potta. Cnty v. Asher Sch. Dist. No. 112 | AFFIRMED | SCHOOL CONSOLIDATION ANNEXATION PETITION AND PROVIDING TRANSPORTATION OF STUDENTS TO ANNEX | RESIDENTS OF ANNEXED DISTRICT WERE UNAWARE THAT NEW DISTRICT MAY CHARGE FOR TRANSPORTING STUDENTS TO ANNEX. COURT SAID PETITION MUST BE FREE OF CONDITIONS. |
| School Dist. No. 1 v. School Dist. No. 2 | AFFIRMED | ORIGINAL SCHOOL DISTRICT BOUNDARIES AT TIME OF STATEHOOD AND CURRENT ANNEXATION | AT ISSUE WAS THE DEFINITION OF A TRACT OF LAND IN THE CITY LIMITS AND WHETHER OR NOT ANNEXATION WAS NECESSARY AS IT WAS IN DISTRICT AT TIME OF STATEHOOD. |
| School Dist. No. 34 v. Trice | AFFIRMED | DISTRICT WANTED TO COMPEL EXCISE BOARD TO SET CERTAIN MILLAGE LEVELS AND APPROPRIATIONS | DISTRICT WANTED EXCISE BOARD TO VOTE THE MAXIMUM 15 MILL LEVY TO OBTAIN INCENTIVE MONEY FROM THE STATE. COURT ORDERED NOT NECESSARY SINCE VOTERS APPROVED. |
| School Dist. No. 58 v. Sch. Dist. No. 56 | AFFIRMED | TRANSFER FEES FROM ONE DISTRICT TO ANOTHER | COURT REASONED THAT IT WAS CONSTITUTIONAL FOR A SCHOOL TO PAY TRANSFER FEES TO ANOTHER PUBLIC SCHOOL. |
| State ex rel. BOE v. Morley | AFFIRMED | EXCISE BOARD DENIED SUPPLEMENTAL APPROPRIATIONS | COURT REASONED THE LEGISLATURE LEFT THE EXCISE BOARD WITHOUT AUTHORITY TO DETERMINE NECESSITY OF SUPPLEMENTAL APPROPRIATIONS. EXCISE'S JOB IS TO DETERMINE |
| State ex rel. King v. White | DENIED | LEGITIMACY OF MAKE UP OF CITY BOARD OF EDUCATION | COURT DETERMINED THAT BOE WHICH EXISTED PRIOR TO 1927 LAW WHICH CHANGED THE MAKE UP OF BOARDS IN CITY SCHOOLS WAS ENTITLED TO STAY THE SAME. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|--|--|
| Union Graded Sch. Dist. No. 5 v. Ford | REVERSED | PURCHASE OF ITEMS NOT LISTED IN APPROPRIATIONS BY EXCISE BOARD | SUIT WAS FOR ITEMS PURCHASED. COURT SAID DISTRICT DID NOT HAVE TO PAY BECAUSE IT WAS NOT IN APPROPRIATIONS AND SUPERINTENDENT NOT AUTHORIZED TO BUY FOR SCHOOL. |
| BOE of Okla. City v. Excise Brd. of Okla. Cnty. | AFFIRMED | MILLAGE LEVY LEVEL PER ESTIMATE OF NEEDS. AUTHORITY OF EXCISE BOARD TO SET MILLAGE LEVEL | DISTRICT WANTED MILLAGE LEVEL AT RATE VOTED ON BY DISTRICT AND ASKED FOR IN ESTIMATE OF NEEDS. EXCISE BOARD HAD REDUCED. COURT ORDERED LEVEL ASKED BY DISTRICT. |
| BOE of Ringling v. State ex rel. Benton Co. | AFFIRMED | MISAPPROPRIATION OF FUNDS. ISSUE OF WARRANTS IN EXCESS OF BANK ACCOUNT | COURT RULED THAT DESPITE ERROR BY BANK IN NOT TRANSFERRING MONEY TO ACCOUNT, WARRANT WAS AN INAPPROPRIATE EXPENDITURE. |
| Excise Brd. of Okla. Cnty. v. Continental Oil Co. | DENIED | USE OF SURPLUS IN GENERAL FUND DUE TO TAX PROTEST AS ASSETS IN ESTIMATE OF NEEDS | COURT REASONED THAT SURPLUS SHOULD NOT BE INCLUDED IN ESTIMATE OF NEEDS DUE TO NOT KNOWING THE OUTCOME OF THE PROTEST. MAY OR MAY NOT BE ASSET. |
| First National Bank of Wichita v. BOE of City of Enid | AFFIRMED | FAILURE OF DISTRICT TO INCLUDE BOND INDEBTEDNESS IN ESTIMATE OF NEEDS | DISTRICT HAD NOT INCLUDED THE BOND INDEBTEDNESS IN PREVIOUS 10 YEARS. COURT SAID OWNER OF BONDS COULD NOT GET RELIEF IMMEDIATELY BECAUSE DISTRICT COULD INCLUDE IN FUTURE. |
| Mannsville Cons. Sch. Dist. No. 7 v. Williamson | AFFIRMED | WHETHER OR NOT UNCOLLECTED TAXES COUNTED AS OFFSET WHEN CONSIDERING 5% DEBT LIMIT | COURT REASONED THAT SUCH CANNOT BE CONSIDERED AN OFFSET AND ARE NOT CURRENT ASSETS PRIMARILY BECAUSE THEY CANNOT BE CONVERTED TO CASH EASILY. |
| Means v. Cons. School District | AFFIRMED | USE OF TRACT OF LAND PREVIOUSLY DETACHED BUT RE-ATTACHED IN VALUATION | COURT HELD THAT TRACT SHOULD BE INCLUDED IN VALUATION DUE DETACHMENT OF TRACT HELD VOID BY COURT IN OTHER DECISION. |
| Oklahoma Pipeline Co. V. Excise Brd. of Carter Cnty. | AFFIRMED | ISSUE OF 1927 LEGISLATIVE ENACTMENT OF INCREASE OF 5 MILL TO 15 MILL LIMIT | COURT AGREED WITH DISTRICT THAT IT MAY INCLUDE THE NECESSITY FOR ITS SHARE OF THE COUNTY, CITY, AND SCHOOL 15 MILL LEVY IN EXCESS OF 5 MILLS IF AVAILABLE AND NEEDED. |
| Poindexter v. BOE of Ind. Sch. Dist. No. 39 | DENIED | VALIDITY OF SUPERINTENDENT CONTRACT | TAXPAYER SOUGHT TO VOID SUPERINTENDENT CONTRACT SINCE IT WAS VOTED UPON DURING A PREVIOUS FISCAL YEAR. COURT REASONED SCHOOL YEAR HAD PASSED AND MOOT POINT. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| St. Louis-S.F. R. CO. v. Choctaw Cnty. Excise Brd. | AFFIRMED | LEGITIMACY OF ESTIMATE OF NEEDS FILED WITH EXCISE BOARD | COURT REASONED THAT MILLAGE LEVY WAS PROPERLY VOTED ON AND SCHOOL PROPERLY COMPLETED AND FILED ESTIMATE OF NEEDS, DESPITE DISLIKE FOR ITEMS IN ESTIMATE. |
| Board of Education v. Montgomery | REVERSED | CONTRACT WITH SUPPORT EMPLOYEE - WRONGFUL TERMINATION | COURT REASONED THAT SUPPORT STAFF MEMBER DID NOT HAVE A CONTRACT SINCE IT WAS NOT RATIFIED BY THE BOE. SUP'T SIGNED BUT NOT BOE. |
| Burton v. School District No. 78 | REVERSED | TEACHER CONTRACT AND SALARY | COURT REASONED THAT, SINCE EXCISE BOARD APPROVED LESSER AMOUNT IN ESTIMATE OF NEEDS FOR SALARY, TEACHERS MUST ACCEPT IT DESPITE WHAT CONTRACT DIRECTS. |
| Excise Brd. of Tulsa Cnty. v. BOE | AFFIRMED | COMPELLING EXCISE BOARD TO APPROVE 15 MILL MAXIMUM | COURT REASONED THAT COUNTY, CITY, AND SCHOOL 15 MILL LEVY WAS PROPERLY VOTED AND SUBMITTED TO EXCISE BOARD. SUCH CANNOT REDUCE IF PROPERLY SUBMITTED. |
| In re School District No. 62 | REVERSED | RIGHT OF DISTRICT TO APPEAL TO COUNTY SUP'T CONCERNING CHANGING ITS BOUNDARIES | COURT REASONED THAT CHANGING A SCHOOL'S BOUNDARY DOESN'T JUST AFFECT THE ACREAGE OF A DISTRICT, IT AFFECTS THE DISTRICT - STUDENTS, BUDGET, ETC. |
| Kirk v. Union Graded Sch. District No. 1 | REVERSED | OWNERSHIP OF PROPERTY BUILT ON SCHOOL PROPERTY | SCHOOL EMPLOYEE HAD BUILT A GYM ON SCHOOL PROPERTY AND PAID FOR IT. BOE HAD RATIFIED IN BOE MEETING. COURT FOUND EMPLOYEE OWNED BUILDING. |
| School Dist. No. 79 v. School Dist. No. 78 | AFFIRMED | SPLIT OF DISTRICT INTO TWO PARTS: EQUAL DISTRIBUTION OF BUILDINGS, OTHER | ONE SCHOOL DISTRICT WANTED PAYMENT OF \$1500 DUE TO THE OWNERSHIP ON BUILDING TO OTHER DISTRICT. COURT AGREED ON ISSUE OF EQUITY. |
| Brians v. Cons. Sch. Dist. No. 5, Okmulgee Cnty. | AFFIRMED | TEACHER CONTRACT - VALIDITY AS TO RATIFICATION | TEACHER WAS HIRED BY SUP'T BUT CONTRACT WAS RATIFIED PRIOR TO ESTIMATE OF NEEDS AND JULY 1 OF SCHOOL YEAR IN QUESTION. |
| Lowden v. State | AFFIRMED | LEGITIMACY OF RAIL COMPANY TO MOVE OPERATIONS TO AVOID TAXES | COURT REASONED THAT BUSINESS MAY LOCATE WHERE IT DEEMS BEST SUITED TO COMPANY DESPITE IMPACT ON TAXES IN GOVERNMENTAL AREA. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|-------------------------------|--|---|
| Stanolind Pipe Line Co. v. Tulsa Cnty. Excise Brd. | AFFIRMED | LEGITIMACY OF ESTIMATE OF NEEDS IN AREA OF TRANSFER FEES | PIPE COMPANY ALLEGED THAT DISTRICT DID NOT PROPERLY FILE ESTIMATE OF NEEDS BECAUSE ITS ESTIMATE OF TRANSFER FEES WAS WRONG. COURT DISAGREED. |
| Board of Educ. of Okla. City v. Cloudman | AFFIRMED | ILLEGAL EXPENDITURE OF FUNDS BY BOE MEMBERS - NOT IN ESTIMATE OF NEEDS | PREVIOUS BOARD HAD EXPENDED MONEY ON NATIONAL CONFERENCE AND WAS NOT IN ESTIMATE OF NEEDS. COURT SAID EXPENDING BUDGET IS DISCRETIONARY UNLESS ILLEGAL |
| Brooks v. Shannon | AFFIRMED | LEGITIMACY OF INDEPENDENT DISTRICT CLOSING SCHOOL | COURT REASONED THAT IT WAS A DISCRETIONARY POWER OF AND INDEPENDENTS WERE LEGISLATIVELY GIVEN POWER TO ACT AS INDEPENDENT AGENTS NOT NEEDING AN ELECTION. |
| Cons. Sch. Dist. No. 12 v. Union Graded Sch. Dist. | REVERSED | TRANSFER OF STUDENTS FROM DEPENDENT TO INDEPENDENT SCHOOL DISTRICT | COURT REASONED THAT, AFTER SOME HIGH SCHOOL STUDENTS WERE TRANSFERRED, PARENT WANTED ELEMENTARY TRANSFERRED TOO. COURT SAID OKAY THAT TUITION WAS |
| Dowell v. Brd. of Education of Okla. City | AFFIRMED | COUNTY SUPT'S AUTHORITY TO DETACH AREA AND CREATE NEW SCHOOL DISTRICT | COURT REASONED THAT SUCH DETACHMENT WAS VOID AS DETACHMENT AND CREATING NEW DISTRICT WAS A DECISION TO BE MADE BY ELECTORS. |
| Excise Board of Lincoln Cnty. v. St. Louis | AFFIRMED AND REVERSED IN PART | ESTIMATE OF NEEDS CALLING FOR \$300 FOR ADMINISTRATION COST OF SEPARATE SCHOOL; SINKING FUND FUNDING | COURT SAID MONEY FOR ADMIN. OKAY; SINKING FUND ESTIMATE REVERSED BECAUSE IT MISCALCULATED ITS TAX LEVIES AND IS RESPONSIBLE FOR ANNEXED AREA'S DEBTS. |
| Kay County v. Atchison T. & S.F. RY. CO. | REVERSED | LEGITIMACY OF PARTICULAR ITEMS INCLUDED IN ESTIMATE OF NEEDS | DISTRICT INCLUDED BAND UNIFORMS IN ESTIMATE OF NEEDS. COURT REASONED THAT IT IS THE BOE THAT DETERMINES LEGITIMACY OF MATERIALS TO BE PURCHASED. |
| Missouri-Kansas-Texas RR. CO. v. Cowden | AFFIRMED | INCLUSION OF PROPERTY IN ESTIMATE OF NEEDS FOR MILLAGE AT TIME OF FILING | COURT REASONED THAT ANNEXED PROPERTY WAS PROPERLY ADDED TO ESTIMATE EVEN THOUGH THE ELECTION OCCURRED AFTER JULY 1 BUT ESTIMATE WAS FILED IN TIME. |
| School Board of Cons. Dist. No. 36 v. Edwards | AFFIRMED | OWNERSHIP OF PROPERTY IN ONE DISTRICT AFTER CONS. FAILED THEN NEW CONS. OCCURRED. | COURT REASONED THAT ORIGINAL DISTRICT OWNS BUILDING AND MAY SELL IT TO PAY OFF EXISTING DEBT CAUSED AFTER CONS. FAILED. |

TABLE II (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1930s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--------------------------------------|---------------------|--|---|
| State ex rel. Dawson v. Dinwiddie | REVERSED | CERTIFICATION OF PETITION FOR NEW DISTRICT AND COUNTY SUPERINTENDENT'S OBLIGATION TO DO SO | COURT REASONED THAT TO CERTIFY A PETITION AND CALL FOR AN ELECTION WAS NOT DISCRETIONARY BUT STATUTORY OBLIGATION IF DONE CORRECTLY |
| Wilkinson v. Hale | AFFIRMED | TEACHER CONTRACT | TEACHER WAS NOTIFIED PRIOR TO JULY 1 FOR JOB FOR NEXT YEAR. BOE NEVER RATIFIED. NO WRONGFUL TERMINATION DUE TO INVALID CONTRACT OR NO CONTRACT. |

TABLE III

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1930s

| CATEGORY - Total Number of Cases = 56 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 31 | 55.36% | 15 | 26.79% | 16 | 28.57% |
| Personnel Issues | 11 | 19.64% | 1 | 1.79% | 10 | 17.86% |
| District Issues | 6 | 10.71% | 1 | 1.79% | 3 | 5.36% |
| District v. District Issues | 8 | 14.29% | N/A | N/A | N/A | N/A |

TABLE IV

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1930s

| CATEGORY | NUMBER | PERCENTAGE |
|--|--------|------------|
| Cases Won By School Districts | 41 | 77.36% |
| Cases Lost by School Districts | 12 | 22.64% |
| <p>Fifty-six cases were adjudicated in the 1930s. Three cases involving public school issues did not include school districts as the plaintiff or defendant.</p> | | |
| Cases Won by Districts as Plaintiff | 19 | 35.85% |
| Cases Won by Districts as Defendant | 22 | 41.51% |
| Cases Lost by Districts as Plaintiff | 5 | 9.43% |
| Cases Lost by Districts as Defendant | 7 | 13.21% |

TABLE V

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1940s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|--|--------------|--------------|----------------------------|
| 1 | Fox v. Sedan Cons. Sch. Dist. No. 9 | 1940 | 103 P.2d 946 | OD |
| 2 | Hullum v. R.J. Edwards Inc. | 1940 | 103 P.2d 527 | SD |
| 3 | In re Alteration of Sch. Dist. Boundaries | 1940 | 105 P.2d 536 | SD |
| 4 | In re Bowling | 1940 | 106 P.2d 824 | OD |
| 5 | Lowden v. Texas County | 1940 | 103 P.2d 98 | SD |
| 6 | Musick, Cnty. Sup't. v. Sch. Dist. No. 41 | 1940 | 98 P.2d 590 | OP |
| 7 | Smith v. Sch. Dist. No. 1, Marshall Cnty. | 1940 | 102 P.2d 131 | OD |
| 8 | Stanolind Pipe Line Co. v. Jefferson County | 1940 | 114 P.2d 925 | SD |
| 9 | State ex rel. Grimes v. BOE | 1940 | 99 P.2d 876 | SD |
| 10 | Stringer v. Ross | 1940 | 100 P.2d 438 | SD |
| 11 | Wall v. State ex rel. McConnell | 1940 | 103 P.2d 925 | OD |
| 12 | BOE of Duncan v. Johnston | 1941 | 115 P.2d 132 | SD |
| 13 | Cons. Sch. Dist. No. 41 v. Dacus | 1941 | 117 P.2d 508 | OP |
| 14 | Cons. Sch. Dist. No. 97 v. Jasper Sipes Co. | 1941 | 109 P.2d 829 | OP |
| 15 | Ervin v. Seikel | 1941 | 119 P.2d 563 | SD |
| 16 | Lennon v. Sch. Dist. No. 11, Greer Cnty. | 1941 | 113 P.2d 382 | OP |
| 17 | Lowden v. Luther | 1941 | 120 P.2d 359 | SD |
| 18 | McGowen v. BOE of Union Graded Sch. Dist. No. 25 | 1941 | 112 P.2d 355 | SD |

TABLE V (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1940s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 19 | Nordman v. Sch. Dist. No. 43 | 1941 | 121 P.2d 290 | SD |
| 20 | Okla. Cnty. Excise Brd. v. Kurn | 1941 | 115 P.2d 113 | SD |
| 21 | Petitioners of Sch. Dist. No. 112 v. Linn | 1941 | 121 P.2d 608 | SP |
| 22 | Pottawatomie County v. Standish Pipe Line Co. | 1941 | 115 P.2d 118 | SD |
| 23 | Sch. Dist. No. 44 v. Brd of Cnty. Commissioners | 1941 | 120 P.2d 975 | OD |
| 24 | Standish Pipe Line Co. v. Cleveland County | 1941 | 114 P.2d 945 | SD |
| 25 | Williamson v. Board of Educ. of Woodward | 1941 | 117 P.2d 120 | SD |
| 26 | Cons. Sch. Dist. No. C-41 v. Keen | 1942 | 127 P.2d 184 | OD |
| 27 | Cummings v. Board of Education | 1942 | 125 P.2d 989 | SP |
| 28 | Heubert v. Keen | 1942 | 127 P.2d 180 | SD |
| 29 | Lowden v. Stephens County Excise Board | 1942 | 126 P.2d 1023 | OD |
| 30 | McCoy v. Hall | 1942 | 131 P.2d 60 | SD |
| 31 | Roland Union Graded Sch. Dist. No. 1 v. Thompson | 1942 | 124 P.2d 400 | OD |
| 32 | Sch. Dist. No. 37 v. Latimer | 1942 | 126 P.2d 280 | OP |
| 33 | State ex rel. Bowen v. Scruggs | 1942 | 127 P.2d 152 | SD |
| 34 | Texas-Empire Pipe Line Co. v. Tulsa County | 1942 | 131 P.745 | SD |
| 35 | Wright v. Stapp-Zoe Cons. Sch. Dist. No. 1 | 1942 | 123 P.2d 281 | SD |
| 36 | BOE V. Baldwin | 1943 | 137 P.2d 932 | SD |

TABLE V (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1940s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|---------------|---------------------------|
| 37 | Cons. Sch. Dist. No. 4 v. Mills | 1943 | 139 P.2d 183 | SD |
| 38 | Edmond Ind. Sch. Dist. No. 12 v. Oklahoma Tax Commission | 1943 | 135 P.2d 57 | OP |
| 39 | Ensley v. Goins | 1943 | 138 P.2d 540 | SD |
| 40 | Grand River Dam Auth. v. BOE of Wyandotte | 1943 | 147 P.2d 1003 | SP |
| 41 | Lone Star Gas Co. v. Bryan County Excise Brd. | 1943 | 141 P.2d 83 | SD |
| 42 | Overstreet v. Sch. Dist. No. 57 | 1943 | 141 P.2d 265 | SD |
| 43 | Petitioners of Sch. Dist. No. 9 v. Jones | 1943 | 140 P.2d 922 | SP |
| 44 | Public Service Co. v. Parkinson | 1943 | 141 P.2d 586 | N/A |
| 45 | Roberts v. Paschall | 1943 | 138 P.2d 834 | OD |
| 46 | Ron Cons. Sch. Dist. v. Arnett Cons. Sch. Dist. | 1943 | 141 P.2d 998 | N/A |
| 47 | Russett Sch. Dist. No. C-8 v. Askew | 1943 | 141 P.2d 575 | OP |
| 48 | School District. No. 50 v. Keen | 1943 | 136 P.2d 394 | OP |
| 49 | Stanolind Pipe Line Co. V. Lincoln County | 1943 | 139 P.2d 598 | SD |
| 50 | Wilson v. City of Hollis | 1943 | 143 P.2d 633 | OD |
| 51 | Berryman v. Howell | 1944 | 149 P.2d 505 | SD |
| 52 | Cooperton Cons. Sch. Dist. v. Roosevelt Cons. Sch. | 1944 | 147 P.2d 447 | N/A |
| 53 | Johnston v. Board of Educ. | 1944 | 148 P.2d 195 | OD |
| 54 | Mid-Continent Pipe Line Co. v. Seminole County Excise Board | 1944 | 146 P.2d 996 | SD |

TABLE V (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1940s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|---------------|---------------------------|
| 55 | Ray v. Board of Education of Pond Creek | 1944 | 153 P.2d 233 | OD |
| 56 | State ex rel. Brown v. Board of Education | 1944 | 152 P.2d 262 | SD |
| 57 | Alma Cons. Sch. Dist v. Fox Cons. Sch. Dist. | 1945 | 456 P.2d 607 | N/A |
| 58 | American Asbestos Products v. Ind. Sch. Dist. No. 14 | 1945 | 164 P.2d 619 | SD |
| 59 | BOE of Burbank Ind. Sch. Dist. No. 20 v. Allen | 1945 | 156 P.2d 596 | SP |
| 60 | BOE of Chickasha v. City of Chickasha ex rel. | 1945 | 155 P.2d 723 | OD |
| 61 | Chicago R.I. & R. RY. v. Vogel | 1945 | 156 P.2d 620 | SP |
| 62 | Claiborne v. Joint Cons. Sch. Dist. No. 7 | 1945 | 156 P.2d 602 | SP |
| 63 | Ind. Sch. Dist. No. 48 v. Union Graded Sch. Dist. No. 7 | 1945 | 156 P.2d 609 | N/A |
| 64 | Jones v. Heubert | 1945 | 156 P.2d 605 | SD |
| 65 | Maynard v. Parman | 1945 | 156 P.2d 606 | SD |
| 66 | BOE of Oklahoma City v. State BOE | 1946 | 169 P.2d 295 | SP |
| 67 | Cons. Sch. Dist. No. 6 v. Panther Oil & Grease Mfg. | 1946 | 168 P.2d 613 | SD |
| 68 | Edwards v. Board of Education | 1946 | 169 P.2d 1015 | SD |
| 69 | Fairview Sch. Dist. No. 78 v. Burkhalter, County Treasurer | 1946 | 173 P.2d 452 | SP |
| 70 | Harden v. BOE, Ind. Sch. Dist. No. 22 | 1946 | 173 P.2d 429 | N/A |
| 71 | Mid-Continent Pipe Line Co. v. Creek County Excise Board | 1946 | 169 P.2d 744 | SD |
| 72 | Sch. Brd of Cons. Sch. Dist. No. 47 v. Monsey | 1946 | 175 P.2d 76 | OP |

TABLE V (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1940s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 73 | Thompson v. Freaney | 1946 | 170 P.2d 233 | OD |
| 74 | Cruzan v. Kirk | 1947 | 181 P.2d 842 | SD |
| 75 | Harden v. Morris | 1947 | 179 P.2d 144 | SD |
| 76 | Ind. Cons. Sch. Dist. No. 7 v. Bowen | 1947 | 183 P.2d 251 | OP |
| 77 | Spann v. Creswell | 1947 | 176 P.2d 803 | SD |
| 78 | State ex rel. BOE v. State BOE | 1947 | 196 P.2d 859 | OP |
| 79 | State ex rel. Graham v. Monsey | 1947 | 176 P.2d 1021 | SD |
| 80 | BOE v. State BOE | 1948 | 200 P.2d 394 | SD |
| 81 | Fidelity Pheonix Ins. Co. v. BOE Rosedale | 1948 | 204 P.2d 982 | SP |
| 82 | Kirk v. Harjo Cons. Sch. Dist. No. 5 | 1948 | 196 P.2d 854 | SD |
| 83 | State ex rel. Chapel v. State Board of Education | 1948 | 198 P.2d 412 | OP |
| 84 | Texas Pipe Line Co. v. Tulsa Cnty. Excise Brd. | 1948 | 199 P.2d 822 | SD |
| 85 | BOE of Ind. Sch. Dist. No. 93 v. Dixson | 1949 | 210 P.2d 669 | SP |
| 86 | George v. Randels, Cnty. Supt. | 1949 | 207 P.2d 248 | SD |
| 87 | James v. Union Graded Sch. Dist. No. 2 | 1949 | 207 P.2d 241 | SD |
| 88 | Standish Pipe Line Co. v. Okmulgee County | 1949 | 203 P.2d 877 | SD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE VI

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------------------------|--|---|
| Fox v. Sedan Cons. Sch. Dist. No. 9 | REVERSED | TAXPAYERS SOUGHT TO ENJOIN ISSUANCE OF BONDS BY DISTRICT | FOUND DISTRICT DID NOT GAIN 1/3 OF QUALIFIED ELECTORS ON PETITION FOR BOND ELECTION AS REQUIRED AND AS WAS SAID WAS GAINED |
| Hullum v. R.J. Edwards Inc. | AFFIRMED IN PART; REVERSED IN PART | BONDHOLDER REQUESTED DISTRICT TO PLACE ON ESTIMATE OF NEEDS FOR SINKING FUND FOR DEBT OF | COURT FOUND THAT ACT OF 1933 MANDATES TWO CASES IN DEALING WITH DISTRICTS AND AUTHORIZES TWO OTHERS IN SETTLING DEBT. LEGISLATIVELY THESE OPTIONS ARE AT THE DISCRETION OF THE DISTRICT AND NOT TO BE MANDATED BY THE COURT |
| In re Alteration of Sch. Dist. Boundaries | AFFIRMED | ANNEXATION OF DISTRICT TO OTHER DISTRICT | COURT FOUND ANNEXATION VALID AS ORDERED BY COUNTY SUPERINTENDENT |
| In re Bowling | REVERSED | STATE SOUGHT TO REMOVE BOE MEMBERS AFTER GRAND JURY INQUIRY | COURT FOUND ERROR IN DISTRICT COURT'S ACTION BY DENYING DEMURER AND REMANDED TO TRIAL COURT |
| Lowden v. Texas County | AFFIRMED | PROTEST OF TAX LEVY AS CALCULATION WAS BASED ON PROPERTY NOT IN DISTRICT | COURT FOUND TAX LEVY APPROPRIATE AS DETERMINED BY EXCISE BOARD AND COURT OF TAX REVIEW DOES NOT HAVE AUTHORITY TO DETERMINE BOUNDARIES, JUST LEGALITY OF TAX |
| Musick, Cnty. Sup't. v. Sch. Dist. No. 41 | REVERSED | ISSUE OF DESIGNATING WHICH SCHOOLS IN THE DISTRICT SERVE AS COMMON AND SEPARATE | COURT FOUND THIS IS THE LEGAL DECISION OF THE SCHOOL/COUNTY SUPERINTENDENT |
| Smith v. Sch. Dist. No. 1, Marshall Cnty. | REVERSED | VALIDITY OF TEACHER CONTRACT | COURT FOUND TEACHER CONTRACT WAS VALID AS COUNTY SUPT HAD SIGNED IT AFTER JULY 1ST. TEACHER WAS ABLE TO RETAIN JOB |
| Stanolind Pipe Line Co. v. Jefferson County | AFFIRMED & REVERSED | PROTEST OF TAX LEVIES BY SCHOOL DISTRICT | COURT FOUND THAT DISTRICT LEVIES IN SINKING FUND FOR THE PURPOSE OF SATISFYING BOND DEBTS ARE VALID AS LAW PROVIDES. REVERSED AREA OF MISCALCULATION OF \$500 |
| State ex rel. Grimes v. BOE | AFFIRMED | CREATION OF A SPECIAL BUILDING FUND AFTER SALE OF BUILDING PAID FOR BY BOND MONEY | COURT FOUND THAT DISTRICT MAY DECIDE FATE OF PROPERTY PAID FOR WITH BOND MONEY AND MAY USE THE PROCEEDS OF SALE FOR SIMILAR USES |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|--|--|---|
| Stringer v. Ross | REVERSED | COUNTY SUPERINTENDENT DID NOT FIND ANNEXATION OF DISTRICT IN "BEST INTEREST" OF CHILDREN | COURT SUSTAINED COUNTY SUPT'S ACTIONS AS WITHIN STATUTORY LIMITS AND AFFIRMED ORDER TO NOT ANNEX |
| Wall v. State ex rel. McConnell | AFFIRMED | COUNTY SUPT REFUSED TO ALLOW DETACHMENT OF AREA AND ATTACHMENT TO OTHER DISTRICT | COURT FOUND THAT COUNTY SUPT DID NOT HAVE AUTHORITY TO REFUSE. COURT SAID WRITTEN NOTICE OF ANNEXATION MUST BE PLACED IN 5 PLACES IN THE AREAS AFFECTED AND MANDATORY DUTY OF COUNTY SUPT TO POST NOTICES |
| BOE of Duncan v. Johnston | REVERSED | LACHES ISSUE IN COLLECTION OF BONDS | COURT FOUND THAT BOND HOLDER HAD SUFFICIENT TIME TO COLLECT ON BONDS. GIVEN TIME WAS TOO LONG, IN THIS CASE 10 YEARS |
| Cons. Sch. Dist. No. 41 v. Dacus | AFFIRMED | LEGITIMACY OF COUNTY SUPT IN CALLING FOR ELECTION FOR DETACHMENT | CONSTITUTIONALITY OF DETACHMENT LAW WAS AFFIRMED |
| Cons. Sch. Dist. No. 97 v. Jasper Sipes Co. | AFFIRMED | VALIDITY OF CONTRACT ON SALE OF GOODS | COURT FOUND CONTRACT VALID AND DISTRICT MUST PAY DEBT |
| Ervin v. Seikel | AFFIRMED | BOE MEMBERS WERE OUSTED BY COUNTY SUPT AS A RESULT OF CREATION OF SEPARATE SCHOOLS | COURT FOUND THAT IN THE CREATION OF A SEPARATE SCHOOL THE STATUTES REQUIRE A BOE TO REFLECT THE RACE OF THE SCHOOL |
| Lennon v. Sch. Dist. No. 11, Greer Cnty. | DISPOSITION OF PROPERTY AFTER ANNEXATION | TAXPAYERS DID NOT LIKE LOCATION OF SCHOOL HOUSE | COURT RULED IN FAVOR OF THE DISTRICT CITING THAT LOCATION OF SCHOOL HOUSE WAS DISCRETIONARY |
| Lowden v. Luther | AFFIRMED | RECOVERY OF TAXES UNDER PROTEST BY TAXPAYER | MAY COLLECT TAXES AS ANNEXED PORTION FELL UNDER VALID STATUTE: 70 OKLA. STAT. ANN. 772 |
| McGowen v. BOE of Union Graded Sch. Dist. No. 25 | AFFIRMED | TAXPAYER SOUGHT TO PREVENT ANNEXATION AFTER ELECTION | TAXPAYERS HAD NO AUTHORITY TO OPPOSE ACTION AS THEY WERE NOT RESIDENTS/QUALIFIED VOTERS OF AFFECTED AREA |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|---------------------|--|---|
| Nordman v. Sch. Dist. No. 43 | AFFIRMED | RECOVER OF BOND BY BONDHOLDER | COURT FOUND LIMITATIONS OF TIME HAD EXPIRED FOR COLLECTION OF BOND |
| Okla. Cnty. Excise Brd. v. Kurn | REVERSED | RELATION OF SURPLUS IN BUILDING FUND TO ESTIMATE OF NEEDS FOR NEXT YEAR | COURT FOUND SURPLUS IN BUILDING FUND MAY BE USED FOR EQUIPPING A NEW BUILDING AND DOES NOT HAVE TO BE RETAINED FOR CARRYOVER FOR NEXT YEAR'S ESTIMATE OF NEEDS |
| Petitioners of Sch. Dist. No. 112 v. Linn | REVERSED | VALIDITY OF ANNEXATION AS COUNTY SUPERINTENDENT ORDERED TO VACATE ANNEXATION | COURT FOUND COUNTY SUPT WAS WITHIN CONFINES OF LAW AS PETITION FOR ELECTION ON ANNEXATION WAS NOT CONDUCTED AS PRESCRIBED BY LAW |
| Pottawatomie County v. Standish Pipe Line Co. | REVERSED | VALIDITY OF ADDITIONAL LEVY FOR ERECTING BULDINGS AS PROVIDED BY LAW TO INCLUDE EQUIPPING BUILDING | COURT FOUND THAT THE INTENT OF THE LEGISLATURE AND THE IMPLICATION WAS TO INCLUDE EQUIPPING A NEW BUILDING AS A NATURAL RESULT OF ERECTING A NEW BUILDING |
| Sch. Dist. No. 44 v. Brd of Cnty. Commissioners | AFFIRMED | WARRANT ISSUED BY SCHOOL MARKED UNPAYABLE | WARRANT MUST BE PAID AS FUNDS EXIST TO PAY WARRANT |
| Standish Pipe Line Co. v. Cleveland County | AFFIRMED | PROTEST OF EXCESSIVE TAXES | COURT FOUND NO VIOLATION OF ANNEXATION FOR PART OF BUSINESS PROPERTY OR LEVY ASSESSED BY EXCISE BOARD AND SUCH FELL WITHIN 15 MILL LIMIT |
| Williamson v. Board of Educ. of Woodward | AFFIRMED | EMPLOYMENT OF SUPT AND CONTRACT | FOUND CONTRACT WITH DISTRICT INVALID BECAUSE IT WAS ORAL RATHER THAN WRITTEN AS CONTRACTS WITH SCHOOLS ARE REQUIRED TO BE WRITTEN. PAY IS LEGAL ONLY FOR TIME WORKED |
| Cons. Sch. Dist. No. C-41 v. Keen | DENIED | ORIGINAL ACTION IN SUPREME COURT IN AUTHORITY OF ANNEXATION | COURT FOUND THAT PROPERTY OF ANNEXATION WAS NOT INCLUDED IN PROHIBITION OF ANNEXATION PROPERTY WITHIN SCHOOL. |
| Cummings v. Board of Education | Reversed | Validity of Purchase of Property by District | COURT FOUND THAT PURCHASE OF PROPERTY BY DISTRICT MAY BE VOIDED AS BOARD MEMBER CONSPIRED WITH THE VENDOR TO SUPPORT THE PURCHASE FOR A 10 PERCENT COMMISSION |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|-----------------------------|--|--|
| Huebert v. Keen | DENIED & GRANTED IN PART | ORIGINAL ACTION IN SUPREME COURT BY WRIT OF CERTIORARI TO DETERMINE VALIDITY OF ANNEXATION | COURT APPROVED ANNEXATION. COURT DENIED SUFFICIENCY OF COUNTY SUPT IN THAT A HEARING WAS NOT PROVIDED AS IS PRESCRIBED BY LAW WHEN 25% OF QUALIFIED VOTES ASK FOR HEARING IN ANNEXING DISTRICT |
| Lowden v. Stephens County Excise Board | AFFIRMED & REVERSED IN PART | PROTEST OR TAXES FOR UNPAID OBLIGATIONS FROM PRIOR FISCAL YEAR | COURT SUSTAINED THE MOTION AS THE DISTRICT HAD APPROPRIATE FUNDS TO PAY DEBT WITHOUT LEVY |
| McCoy v. Hall | AFFIRMED | LEGITIMACY OF ANNEXATION | COURT FOUND SIGNATURES ON PETITION CALLING FOR THE ANNEXATION ELECTION VALID AND DECISION OF COUNTY SUPT TO APPROVE ANNEXATION VALID |
| Roland Union Graded Sch. Dist. No. 1 v. Thompson | AFFIRMED | LEGITIMACY OF SCHOOL BONDS | COURT FOUND BONDS APPROVED AT A RATE DIFFERENT THAN STIPULATED |
| Sch. Dist. No. 37 v. Latimer | AFFIRMED | CONSTITUTIONALITY OF STATUTE AFFECTING DETACHMENTS: 70 O.S. 1941 890.1 - 890.8 | COURT FOUND STATUTE CONSTITUTIONAL AND DOES NOT VIOLATE DUE PROCESS BY NOT PROVIDING FOR A REVIEW OF ANNEXATION BY A TRIBUNAL COURT |
| State ex rel. Bowen v. Scruggs | AFFIRMED | ALLEGED ILLEGAL PAYMENT OF WARRANTS | COURT FOUND WARRANTS WERE PAID IN GOOD FAITH SO INDIVIDUALS HAD NO LIABILITY |
| Texas-Empire Pipe Line Co. v. Tulsa County | AFFIRMED | ACCUSATION OF EXCESSIVE GENERAL FUND LEVY BY INADEQUATE VALUATION OF PROPERTY | COURT FOUND THAT PROCESS OF VALUATION AND ASSESSMENT OF LEVY FOLLOWED PROCESS OF LAW AND AFFIRMED COURT OF TAX REVIEW |
| Wright v. Stapp-Zoe Cons. Sch. Dist. No. 1 | AFFIRMED | ACTION BY TAXPAYERS TO PREVENT ISSUANCE OF BONDS | COURT FOUND THAT INTEREST ON BONDS DOES NOT HAVE TO BE INCLUDED IN THE BOND LIMIT OF 5% OF THE DISTRICT VALUATION |
| BOE V. Baldwin | REVERSED | TAXPAYER SOUGHT TO PREVENT SCHOOL FROM SELLING SCHOOL BUSES AND PREVENT CLOSING OF SCHOOL BEFORE END | COURT FOUND THAT SELLING OF SCHOOL BUSES WITHIN LEGAL AUTHORITY OF SCHOOL AND INJUNCTION SHOULD NOT HAVE BEEN ALLOWED BY DISTRICT COURT |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|---------------------|---|---|
| Cons. Sch. Dist. No. 4 v. Mills | REVERSED | DISMISSAL OF TEACHER; VIOLATION OF CONTRACT | COURT FOUND THAT TEACHER VIOLATED THE CONFINE OF THE CONTRACT AND TERMINATION WAS HELD AS VALID |
| Edmond Ind. Sch. Dist. No. 12 v. Oklahoma Tax Commission | Affirmed | RECOVERY BY DISTRICT OF GASOLINE EXCISE TAX ON GAS USED IN SCHOOL BUSES | COURT FOUND THAT IT WAS THE LEGISLATIVE INTENT FOR POLITICAL SUBDIVISIONS, SCHOOLS, TO PAY THE TAX |
| Ensley v. Goins | DENIED | ORIGINAL ACTION IN SUPREME COURT TO INQUIRE INTO COUNTY SUPT'S AUTHORITY IN ANNEXATION CASE | COURT FOUND THAT COUNTY SUPT HAD AUTHORITY TO APPROVE ANNEXATION AS PROCESS OF LAW, INCLUDING THE ELECTION FOR THE ANNEXATION, HAD TAKEN PLACE |
| Grand River Dam Auth. v. BOE of Wyandotte | AFFIRMED | SUIT TO RECOVER DAMAGES TO SCHOOL PROPERTY CAUSED BY ACTIONS OF DEFENDANT | COURT FOUND THAT GRDA WAS LIABLE FOR DAMAGES CAUSED BY BACK-UP OF WATER IN THE DISTRICT |
| Lone Star Gas Co. v. Bryan County Excise Brd. | AFFIRMED | FISCAL YEAR LEGALITY OF 5 MILL LEVY FOR ERECTING SCHOOL BUILDINGS | COURT FOUND THAT DISTRICT MAY ACCUMULATE BOND LEVIES FOR PURPOSES WHICH THEY WERE GENERATED FROM ONE FISCAL YEAR TO THE NEXT |
| Overstreet v. Sch. Dist. No. 57 | AFFIRMED | TAXPAYER SOUGHT TO PREVENT DELIVERY OF SCHOOL BONDS | COURT FOUND THAT CIRCULATION AND PETITION WAS CONDUCTED AS PRESCRIBED BY LAW |
| Petitioners of Sch. Dist. No. 9 v. Jones | GRANTED | VALIDITY OF ANNEXATION AS ORDERED BY COUNTY SUPT | FOUND LOWER COURT EXCEEDED ITS JURISDICTION AND ORDERED ANNEXATION REVERSED |
| Public Service Co. v. Parkinson | Reversed | RECOVERY OF TAXES UNDER PROTEST RELATIVE TO VALIDITY OF SCHOOL ANNEXATION | COURT FOUND THAT PRE-EXISTING DEBT OF ANNEXED SCHOOL DISTRICT SHOULD NOT BE JOINED WITH NEW DISTRICT AS PRE-EXISTING DEBT IS THE OBLIGATION OF ANNEXED PORTION |
| Roberts v. Paschall | REVERSED | PROTEST OF TAXES LEVIED | COURT HELD THAT SCHOOL DISTRICT, WHICH HAD EXPENDED TAXES, WHETHER OR NOT CONDUCTED PROPERLY, HAD STOOD THE TEST OF TIME, SO TAX WAS VALID |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|---|---|
| Ron Cons. Sch. Dist. v. Arnett Cons. Sch. Dist. | REVERSED | LEGITIMACY OF DETACHMENT | COURT FOUND THAT COUNTY SUPT DID NOT POST WRITTEN NOTICE OF ANNEXATION ELECTION AS PRESCRIBED BY LAW |
| Russett Sch. Dist. No. 8 v. Askew | AFFIRMED | ACTION TO PREVENT THE DETACHMENT OF AN AREA FROM A DISTRICT | COURT FOUND IN THIS CASE THAT AN AREA PREVIOUSLY ATTACHED MAY NOT BE DETACHED |
| School District. No. 50 v. Keen | DENIED | ANNEXING PORTION OF DISTRICT WITH PROPERTY ON IT | COURT FOUND THAT PROPERTY OF ANNEXATION WAS NOT INCLUDED IN PROHIBITION OF ANNEXATION PROPERTY WITH A SCHOOL BUILDING OF A SCHOOL DISTRICT AS PROPERTY IN QUESTION DID NOT EXTEND TO WHERE SCHOOL BUILDING WAS LOCATED |
| Stanolind Pipe Line Co. V. Lincoln County | AFFIRMED | PROTEST OF EXCESSIVE TAX LEVY FOR GENERAL FUND | COURT FOUND THAT TO REQUIRE DISTRICTS TO HAVE ALL WORK DONE THAT NEEDED DONE IN FISCAL YEAR WAS IMPRACTICAL. CARROVER OF GENERAL FUND TO PAY FOR WORK LEGAL |
| Wilson v. City of Hollis | REVERSED | PETITIONER SOUGHT PAYMENT BY SCHOOL FOR BONDS HELD BY REQUIRING DISTRICT TO INCLUDE DEBT IN ITS | COURT HELD THAT WRIT OF MANDAMUS COULD NOT BE UPHELD TO COMPEL DISTRICT TO INCLUDE SUCH DEBT IN ESTIMATE OF NEEDS AS PLAINTIFF MAY RECOVER DEBT THROUGH LEGITIMATE MEANS, BY JUDGMENT IN SINKING FUND, AS PRESCRIBED BY LAW |
| Berryman v. Howell | AFFIRMED | JURISDICTION OF COUNTY SUPT IN ANNEXATION/DETACHMENT OF DISTRICTS | COURT FOUND THAT RQUIRED NUMBER OF QUALIFIED ELECTORS (A MAJORITY) SIGNED A PETITION AND THOSE WHO SIGNED PETITION MAY NOT WITHDRAW SIGNATURES AFTER THE COUNTY SUPT POSTS WRITTEN NOTICE FOR ELECTION. |
| Cooperton Cons. Sch. Dist. v. Roosevelt Cons. Sch. | AFFIRMED | APPROPRIATION OF BOND FUNDS AFTER ANNEXATION | COURT FOUND DISTRICT THAT INCOPORATED THE AREA WITH THE BOND WAS ENTITLED TO THE BOND PROCEEDS |
| Johnston v. Board of Educ. | REVERSED | RETIREMENT OF STREET BONDS | THE COURT AGREED W/PLAINTIFF IN THIS CASE BECAUSE LACHES HAD NOT OCCURRED BECAUSE WRIT GRANTED YEARS EARLIER WAS NOT SATISFIED |
| Mid-Continent Pipe Line Co. v. Seminole County Excise Board | AFFIRMED | LEGITIMACY OF ELECTION FOR BOND LEVY | COURT FOUND ELECTION WAS CONDUCTED AS PRESCRIBED BY LAW AND SUFFICIENT QUALIFIED VOTERS VOTED IN FAVOR OF LEVY |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|--------------------------------------|---|---|
| Ray v. Board of Education of Pond Creek | REVERSED | RECOVERY OF VALUE OF CONTRACT FOR DISMISSED SUPT | COURT FOUND TRIAL COURT WAS IN ERROR AND AWARDED COMPENSATION AS STIPULATED BY CONTRACT MINUS PAID AMOUNTS |
| State ex rel. Brown v. Board of Education | AFFIRMED | ACTION BY STATE AGAINST DISTRICT TO RECOVER PENALTIES IMPOSED | COURT FOUND THAT DISTRICT WAS LEGAL IN ITS APPROPRIATION OF SEPARATE SCHOOL FUNDS FOR PURCHASE OF BUSES. WARRANTS WERE NOT DRAWN TECHNICALLY RIGHT BUT NO FOUL WAS THE DECISION OF THE COURT. |
| Alma Cons. Sch. Dist v. Fox Cons. Sch. Dist. | REVERSED | ISSUE OF ANNEXATION BY COUNTY SUPT | COURT FOUND THAT AFTER NUMBER OF NAMES CAME OFF PETITION FOR CALL FOR ELECTION ON ANNEXATION BY REQUEST, ELECTION WAS VOID AND ANNEXATION WAS VOID |
| American Asbestos Products v. Ind. Sch. Dist. No. 14 | AFFIRMED & REVERSED IN PART | LIABILITY OF OFFICIALS WHEN PURCHASE ORDERS FAILED TO SHOW EVIDENCE OF UNENCUMBERED | COURT AFFIRMED THAT INDIVIDUALS WERE LIABLE FOR DEBT. COURT REVERSED IN THAT DISTRICT WAS NOT LIABLE. |
| BOE of Burbank Ind. Sch. Dist. No. 20 v. Allen | REVERSED | DETACHMENT OF TERRITORY BY COUNTY SUIT | COURT FOUND THAT ACT OF 1943 CALLED FOR ONLY WHOLE DISTRICT ANNEXATIONS AS IT RELATED TO THE SITUATION OF THE SCHOOLS IN THIS CASE. |
| BOE of Chickasha v. City of Chickasha ex rel. | REVERSED | BONDHOLDER REQUEST FOR DISTRICT TO INCLUDE IN ITS ESTIMATE OF NEEDS THE DEBT OF PAVING ASSESSMENT | COURT FOUND THAT BOND HOLDER MAY NOT COMPEL DISTRICT TO INCLUDE IN ESTIMATE AS OTHER MEANS AND REMEDIES ARE AVIALABLE AND DISTRICT MAY CHOOSE TO SATISFY DEBT IN OTHER WAY |
| Chicago R.I. & R. RY. v. Vogel | AFFIRMED | SCHOOL ASKED RAILROAD COMPANY TO PROVIDE FOR A SAFE RAIL CROSSING FOR SCHOOL CHILDREN | COURT SUSTAINED RAIL COMMISSION'S DECISION THAT THE RAILROAD IMPROVE THE SAFETY OF THE CROSSING. |
| Claiborne v. Joint Cons. Sch. Dist. No. 7 | AFFIRMED | AUTHORITY OF COUNTY SUIT TO CONDUCT ANNEXATION | COURT FOUND THAT NO AUTHORITY FOR ANNEXATION EXISTED BECAUSE THE TERRITORY WAS NOT PART OF THE DISTRICT TO WHICH THE DETACHMENT DESRIBED |
| Ind. Sch. Dist. No. 48 v. Union Graded Sch. Dist. No. 7 | REVERSED | LEGITIMACY OF COUNTY SUIT IN ANNEXATION OF DISTRICTS | COURT FOUND THAT UNDER ACT OF 1943 THAT SUCH ANNEXATIONS WERE ILLEGAL AS CONDUCTED IN THESE TWO DISTRICTS |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|---------------------|--|--|
| Jones v. Heubert | REVERSED | ISSUE OF AUTHORITY OF COUNTY SUPT TO CALL FOR ANNEXATION | COURT FOUND COUNTY SUPT DID NOT HAVE AUTHORITY OF TO CALL FOR ANNEXATION UNDER CIRCUMSTANCES IN 79 O.S. SUPP. 1943 891.1 |
| Maynard v. Parman | AFFIRMED | PROTEST OF PETITION AND ELECTION FOR DETACHMENT OF AREA AND ANNEXATION TO ANOTHER DISTRICT | COURT SAID THAT PROTESTERS MUST BE IN AREA AFFECTED NOT JUST ELECTORS OF DISTRICT AFFECTED |
| BOE of Oklahoma City v. State BOE | GRANTED | CALCULATION OF ADA OF SEPARATE SCHOOL IN STATE AID FOR SEPARATE SCHOOL | COURT FOUND THAT STATE AID FOR DISTRICTS AT 15 MILL LIMIT ALSO INCLUDES THE ADA CALCULATION FOR STATE AID FOR THE SEPARATE SCHOOLS IN THE DISTRICT |
| Cons. Sch. Dist. No. 6 v. Panther Oil & Grease Mfg. | REVERSED | PAYMENT FOR GOODS SUPPLIED BY VENDOR ACCORDING TO CONTRACT | COURT FOUND THAT CONTRACT AND NEGOTIATIONS FOR GOODS WERE MADE PRIOR TO FISCAL YEAR AND VOID |
| Edwards v. Board of Education | AFFIRMED | TAXPAYER FILED SUIT TO PREVENT TEACHER SALARIES TO BE PAID ABOVE CONTRACTED AMOUNT | COURT FOUND THAT THE TEACHER CONTRACTS CALLED FOR SALARIES TO TEACHERS MORE OR LESS IN SALARY AS EVENTUAL APPROVAL OF LEVIES BY VOTERS AND EXCISE BOARD. SUPPLEMENTAL APPROPRIATIONS BY EXCISE BOARD APPROVED ADDITIONAL MONEY |
| Fairview Sch. Dist. No. 78 v. Burkhalter, County Treasurer | AFFIRMED | REGISTRATION OF WARRANT | COURT FOUND THAT WARRANT SHOULD BE ISSUED BY COUNTY TREASURER AS PAYABLE AS TREASURER DID NOT FILE A BRIEF IN THE CASES |
| Harden v. BOE, Ind. Sch. Dist. No. 22 | DISMISSED | ANNEXATION BOUNDARY | COURT FOUND THAT AFTER COLLECTION OF TAXES AND EXPENDED TAXES THAT THE RIGHTFUL OWNER OF TAX MONEY WAS mootPOINT |
| Mid-Continent Pipe Line Co. v. Creek County Excise Board | AFFIRMED | LEGALITY OF CLOSED DISTRICT TO HAVE LEVY FOR PAY FOR TRANSFER FEES OF STUDENTS TO OTHER DISTRICT | COURT FOUND THAT TEMPORARILY CLOSED DISTRICT MUST PAY TRANSFER FEES AND LEVY FOR PAYMENT WAS LEGAL |
| Sch. Brd of Cons. Sch. Dist. No. 47 v. Monsey | AFFIRMED | RESIDENT PROTEST OF ANNEXATION | COURT FOUND ANNEXATION WITHIN CONFINES OF LAW AS PROCESSED BY COUNTY SUPT |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|--|---|
| Thompson v. Freenev | REVERSED | RECOVERY OF TAXES UNDER PROTEST BY PROTESTEE | COURT FOUND TAXES WERE LEVIED LEGALLY AND APPROVED BY VOTERS IN ELECTION AS PRESCRIBED BY LAW |
| Cruzan v. Kirk | AFFIRMED | TAXPAYER SOUGHT TO PREVENT COUNTY SUPT FROM CARRYING OUT THE ANNEXATION OF DISTRICTS | COURT FOUND THAT EXISTING LEGISLATION REQUIRED THE MAJORITY OF VOTES IN ANNEXATION AND DETACHMENTS CASES IN ORDER TO BE SUCCESSFUL |
| Harden v. Morris | DISMISSED | ELECTION OF BOE MEMBER AND DECLARATION OF WINNER | CASE WAS DISMISSED BECAUSE AREA REPRESENTED BY BOE SEAT WAS REATTACHED TO ANOTHER DISTRICT BY ANOTHER COURT ACTION |
| Ind. Cons. Sch. Dist. No. 7 v. Bowen | AFFIRMED | INJUNCTION SOUGHT BY DISTRICT AGAINST COUNTY SUPT ORDER TO ANNEX | COURT FOUND COUNTY SUPT ACTED WITHIN AUTHORITY AS ELECTION WAS HELD AND APPROVED ANNEXATION |
| Spann v. Creswell | REVERSED | AUTHORITY OF COUNTY SUPT TO DECIDE FATE OF PROPERTY OF ANNEXED DISTRICT AT TIME OF ANNEXATION | COURT FOUND COUNTY SUPT DOES NOT HAVE AUTHORITY TO DECIDED FATE OF PROPERTY/BUILDING OF ANNEXED DISTRICT AT TIME OF ANNEXATION |
| State ex rel. BOE v. State BOE | AFFIRMED | DISTRICT SOUGHT BALANCE OF STATE AID OWED BY STATE BOARD | COURT SAID THAT STATE'S FUNCTION IS TO PROVIDE FOR THE "MINIMUM" NEED OF A DISTRICT AS PRESCRIBED BY STATUTE AND NOT TO PROVIDE FOR A SURPLUS |
| State ex rel. Graham v. Monsey | AFFIRMED | MANDAMUS TO COMPEL COUNTY SUPT TO CONDUCT HEARING FOR ELECTION AND ORDER ANNEXATION | COURT FOUND THAT COUNTY SUPT ACTED WITHIN SCOPE OF STATUTE BY NOT CALLING FOR ANNEXATION |
| BOE v. State BOE | GRANTED | ORIGINAL MANDAMUS IN SUPREME COURT FOR STATE TO PAY STATE AID TO DISTRICT AS PRESCRIBED BY LAW | COURT FOUND THAT STATE AID MUST BE PAID TO DISTRICTS AS SPECIFICALLY PRESCRIBED BY LAW, NOT DISCRETIONARY |
| Fidelity Phoenix Ins. Co. v. BOE Rosedale | AFFIRMED | OBLIGATION OF INSURANCE COMPANY TO PAY FOR DAMAGE TO SCHOOL BY WINDSTORM | COURT FOUND CONTRACT WITH INSURANCE COMPANY VALID AND MUST PAY CLAIM BASED ON DAMAGE CAUSED BY WINDSTORM |

TABLE VI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1940s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Kirk v. Harjo Cons. Sch. Dist. No. 5 | AFFIRMED | TAXPAYER SOUGHT TO PREVENT THE SALE OF SCHOOL BONDS | COURT FOUND THAT A THE REQUIRED NUMBER OF QUALIFIED VOTERS, 1/3 OF THE QUALIFIED VOTERS IN DISTRICT, FILED FOR A PETITION FOR THE BOND ELECTION DESPITE SOME NAMES REMOVED DUE TO DISQUALIFICATION |
| State ex rel. Chapel v. State Board of Education | DENIED | ISSUE OF STATE DENYING STATE AID FOR SEPARATE SCHOOL | COURT FOUND IT WAS DUTY TO PROVIDE STATE AID TO SEPARATE SCHOOLS AS STIPULATED BY LAW AND SCHOOL QUALIFIES BY STATUTE |
| Texas Pipe Line Co. v. Tulsa Cnty. Excise Brd. | AFFIRMED | PROTEST OF TAX LEVY FOR TRANSFER FEES | COURT FOUND THAT DISTRICT MAY INCLUDE IN ITS ESTIMATE OF NEEDS FOR GENERAL FUND THE COST OF TRANSFER FEES |
| BOE of Ind. Sch. Dist. No. 93 v. Dixson | GRANTED | DISTRICT BROUGHT SUIT TO REQUIRE COUNTY TREASURER TO TRANSFER PROCEEDS OF BOND TO DISTRICT'S | COURT FOUND THAT USE OF THE BOND MONEY WAS INTENDED FOR SEPARATE SCHOOLS AND WAS LEGAL ACCORDING TO LAW |
| George v. Randels, County Superintendent | AFFIRMED | VALIDITY OF PROCEDURES USED IN ANNEXATION | COURT FOUND THAT COUNTY SUPT FOLLOWED PROCEDURES AS PRESCRIBED BY LAW IN ANNEXATION OF DISTRICTS |
| James v. Union Graded Sch. Dist. No. 2 | AFFIRMED | ISSUE OF PROPERTY OWNERSHIP AFTER ANNEXATION | COURT FOUND THAT DISTRICT MAY USE OR DISPOSE OF PROPERTY, BUILDINGS AT DISCRETION AFTER ANNEXATION |
| Standish Pipe Line Co. v. Okmulgee County | AFFIRMED | TAX PROTEST OF LEVIES | COURT FOUND THAT ITEMIZATION OF BUILDINGS AND FUNDS ON ESTIMATE OF NEEDS WAS DISCRETIONARY FUNCTION OF THE DISTRICT |

TABLE VII

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1940s

| CATEGORY - Total Number of Cases = 88 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 47 | 53.41% | 11 | 12.50% | 36 | 40.90% |
| District Issues | 35 | 39.77% | 14 | 15.90% | 21 | 23.86% |
| Personnel Issues | 6 | 6.81% | 1 | 1.13% | 5 | 9.09% |

TABLE VIII

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1940s

| CATEGORY | NUMBER | PERCENTAGE |
|---|--------|------------|
| Cases Won By School Districts | 56 | 68.29% |
| Cases Lost by School Districts | 26 | 31.71% |
| <p>Eighty-eight cases were adjudicated in the 1930s. Six cases involving public school issues did not include school districts as the plaintiff or defendant.</p> | | |
| Cases Won by Districts as Plaintiff | 11 | 13.42% |
| Cases Won by Districts as Defendant | 45 | 54.89% |
| Cases Lost by Districts as Plaintiff | 12 | 14.64% |
| Cases Lost by Districts as Defendant | 14 | 17.05% |

TABLE IX

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1950s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|---|--------------|---------------|----------------------------|
| 1 | BOE of Wakita v. Schultz | 1950 | 224 P.2d 258 | OP |
| 2 | Carnino v. Simon | 1950 | 219 P.2d 1019 | SD |
| 3 | Derieg v. Board of Education of Carnegie | 1950 | 216 P.2d 307 | SD |
| 4 | Sewell v. Reinhardt | 1950 | 219 P.2d 996 | SD |
| 5 | St. Louis-San Francisco RY Co. v. Long, County Treasurer | 1950 | 223 P.2d 542 | SD |
| 6 | Barnett v. Allen | 1951 | 238 P.2d 811 | SD |
| 7 | City of Healdton ex rel. Johnston v. BOE | 1951 | 232 P.2d 138 | OD |
| 8 | Davenport v. Board of Education | 1951 | 230 P.2d 271 | SD |
| 9 | Kreiger v. Cons. Dist. No. 2 | 1951 | 134 P.2d 389 | SP |
| 10 | St. Louis-San Francisco RY Co. v. Craig Cnty. Excise Brd. | 1951 | 230 P.2d 896 | SD |
| 11 | Tri-State Cas. Ins. Co. v. La Fon | 1951 | 237 P.2d 124 | OD |
| 12 | Wooten v. State ex rel. Butler, County Treasurer | 1951 | 230 P.2d 889 | OD |
| 13 | Bowen v. Brock | 1952 | 244 P.2d 546 | SD |
| 14 | Duncan v. Askew | 1952 | 251 P.2d 515 | OD |
| 15 | Joachim v. Board of Education of Walters | 1952 | 249 P.2d 129 | SD |
| 16 | Liles v. Smith | 1952 | 244 P.2d 582 | SD |
| 17 | Martin v. Cnty. Election Board | 1952 | 245 P.2d 714 | OP |
| 18 | Merritt Ind. Sch. Dist. No. 2 v. Jones | 1952 | 249 P.2d 1007 | SD |

TABLE IX (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1950s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 19 | Mid-Continent Pipe Line Co. v. Creek Cnty. Exc. Brd. | 1952 | 249 P.2d 79 | SD |
| 20 | SEBA v. Ind. Sch. Dist. No. 3 | 1952 | 253 P.2d 259 | SP |
| 21 | Spencer v. BOE of Sch. Dist. No. 6 | 1952 | 246 P.2d 333 | SD |
| 22 | State ex rel. v. Board of Education | 1952 | 246 P.2d 368 | SD |
| 23 | Board of Education v. State | 1953 | 257 P.2d 1080 | SD |
| 24 | Dominic v. Davis | 1953 | 262 P.2d 143 | SD |
| 25 | Ind. Sch. Dist. No. 1 v. Williamson | 1953 | 262 P.2d 701 | SP |
| 26 | Ind. Sch. Dist. No. 62 v. Dep. School Dist. No. 66 | 1953 | 259 P.2d 826 | N/A |
| 27 | Ins. Sch. Dist. No. 65 v. Stafford | 1953 | 257 P.2d 172 | OD |
| 28 | State v. State Board of Education | 1953 | 256 P.2d 446 | SP |
| 29 | York v. Garrison | 1953 | 253 P.2d 835 | SD |
| 30 | Bryant v. Mitchell | 1954 | 275 P.2d 271 | SP |
| 31 | Douglas v. Board of Cnty Commissioners | 1954 | 271 P.2d 720 | OD |
| 32 | Littlefield v. Howery | 1954 | 266 P.2d 957 | OD |
| 33 | Mundy v. Dep. Sch. Dist. No. 32 | 1954 | 272 P.2d 209 | SD |
| 34 | Murphy v. Darnell | 1954 | 268 P.2d 860 | SD |
| 35 | Sears v. Board of Education, Etc. | 1954 | 271 P.2d 319 | SD |
| 36 | St. Louis-San Francisco RR Co. v. Bryan Cnty. Ex. Brd. | 1954 | 271 P.2d 389 | SD |

TABLE IX (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1950s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 37 | Grady v. Marshall | 1955 | 288 P.2d 1101 | SD |
| 38 | Ind. Sch. Dist. No. 65 v. State Board of Education | 1955 | 289 P.2d 379 | OP |
| 39 | Jones v. McKenzie | 1955 | 285 P.2d 438 | OD |
| 40 | Loper v. Shumate | 1955 | 282 P.2d 239 | SD |
| 41 | Matlock v. Board of Cnty. Commissioners | 1955 | 281 P.2d 169 | SD |
| 42 | Sch. Dist. No. 22, Osage Cnty. v. Worten | 1955 | 289 P.2d 150 | SP |
| 43 | State v. State Board of Education | 1955 | 287 P.2d 704 | SP |
| 44 | State v. State Board of Education | 1955 | 289 P.2d 653 | OP |
| 45 | State v. State Board of Education | 1955 | 295 P.2d 279 | OP |
| 46 | Grand Lodge of Okla., Etc. v. Webb | 1956 | 306 P.2d 340 | OP |
| 47 | Jeffers v. Edge | 1956 | 295 P.2d 787 | OD |
| 48 | Kiowa Cnty. Exc. Brd. v. St. Louis-San Fran RR | 1956 | 301 P.2d 677 | SD |
| 49 | State v. State Board of Education | 1956 | 293 P.2d 583 | OP |
| 50 | Duncan v. Golden | 1957 | 316 P.2d 1116 | OP |
| 51 | Mid-Continent Pipe Line Co. v. Stephens County | 1957 | 312 P.2d 883 | SD |
| 52 | Smith v. Ind. Sch. Dist. No. 16 | 1957 | 321 P.2d 430 | SP |
| 53 | Board of Adjustment v. Board of Education | 1958 | 326 P.2d 800 | SP |
| 54 | Butler v. Prokop | 1958 | 321 P.2d 400 | OD |

TABLE IX (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1950s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 55 | Dep. Sch. Dist. No. 13 v. Williamson | 1958 | 325 P.2d 1045 | SP |
| 56 | Driskell v. Ind. School District | 1958 | 323 P.2d 964 | SD |
| 57 | Ind. Sch. Dist. No. 4 v. Purdy | 1958 | 322 P.2d 206 | SP |
| 58 | St. Louis-San Francisco RR Co. v. Johnston County Excise Board | 1958 | 330 P.2d 206 | SD |
| 59 | St. Louis-San Francisco RR Co. v. Marshall Cnty. Exc. | 1958 | 330 P.2d 203 | SD |
| 60 | Wilds v. Golden | 1958 | 330 P.2d 373 | SD |
| 61 | Burgess v. Ind. Sch. Dist. No. 1 | 1959 | 336 P.2d 1077 | SD |
| 62 | Dahl v. Hughes | 1959 | 307 P.2d 248 | SD |
| 63 | Ind. Sch. Dist. No. 1, McIntosh Cnty. v. Howard | 1959 | 336 P.2d 1097 | SD |
| 64 | Jones v. Burkett | 1959 | 346 P.2d 338 | SD |
| 65 | McCurtain Cnty. Exc. Brd. v. St. Louis-San Fran RR | 1959 | 340 P.2d 313 | SD |
| 66 | Meinders v. BOE of Wynnewood | 1959 | 344 P.2d 572 | SD |
| 67 | Osage Cnty. Exc. Brd. v. Missouri-Kan-Tex RR Co | 1959 | 340 P.2d 217 | SD |
| 68 | State v. BOE of Ind. Sch. Dist. No. 1 | 1959 | 339 P.2d 534 | SD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE X

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| BOE of Wakita v. Schultz | AFFIRMED | TRANSFER OF STUDENTS | COURT FOUND THE TRANSFERS VALID AS BOE DID NOT FILE TRANSFER IN TIME AS PRESCRIBED BY LAW |
| Carnino v. Simon | AFFIRMED | OWNERSHIP OF LAND | COURT FOUND THAT LAND WAS DEEDED TO SCHOOL DISTRICT BY DECEASED RELATIVE OF PLAINTIFF AND DESPITE LACK OF SCHOOL ACTIVITY ON LAND, PROPER OWNERSHIP REMAINED WITH SCHOOL DISTRICT |
| Derieg v. Board of Education of Carnegie | DISMISSED | DISPOSITION OF SCHOOL PROPERTY | COURT FOUND THAT DISTRICT MAY DISPOSE OF PROPERTY IF PAID TO PLACE ON LAND WITH PERMISSION OF OWNER AND PROCEEDS OF DISPOSITION IS PROPERTY OF DISTRICT |
| Sewell v. Reinhardt | AFFIRMED | USE OF SCHOOL PROPERTY AFTER ABANDONMENT | PROPERTY OF THE SCHOOL DISTRICT MAY BE DISPOSED OF BY THE SCHOOL DISTRICT DESPITE ON PROPERTY OWNED BY OTHER WHEN DEED STIPULATED IT REVERT BACK TO OWNER UPON NOT USING PROPERTY FOR SCHOOL PURPOSE. |
| St. Louis-San Francisco RY Co. v. Long, County Treasurer | AFFIRMED | ANNEXATION | COURT FOUND THAT COUNTY SUPERINTENDENT ACTED ACCORDING TO LAW IN ORDERING ANNEXATION OF DISTRICTS AS WAS VOTED ON BY MAJORITY OF ELECTORS |
| Barnett v. Allen | AFFIRMED | ANNEXATION | COUNTY SUP'T WON IN HIS ANNEXATION ORDER AS THE PROCESS OF THE STATUTE WAS FOLLOWED WITH AN ELECTION WITH THE REQUIRED NUMBER ON THE PETITION AND VOTING IN FAVOR OF THE ANNEXATION DESPITE THE WISHES OF THE ANNEXING DISTRICT. |
| City of Healdton ex rel. Johnston v. BOE | REVERSED | REQUIREMENT OF DISTRICT TO ISSUE LEVY FOR DEBT OWED FOR PAVEMENT ASSESSMENTS | COURT FOUND THAT IT WAS LEGAL TO SUE A SCHOOL DISTRICT AND REQUIRE IT TO ISSUE LEVY FOR DEBT FOR STREET IMPROVEMENTS IT WAS LEGALLY OBLIGATED TO PAY, BUT ORIGINAL DECISION TO REQUIRE TO PAY PENALTY NOT VALID. |
| Davenport v. Board of Education | AFFIRMED | LEGITIMATE TITLE OF SCHOOL LAND | COURT FOUND THAT ACTION BY PLAINTIFF TO QUIET TITLE INVALID AS OWNERSHIP OF PROPERTY WAS PROPERLY IDENTIFIED AS TO THE SCHOOL DISTRICT |
| Kreiger v. Cons. Dist. No. 2 | AFFIRMED | USE OF SCHOOL PROPERTY AFTER CONSOLIDATION | COURT FOUND THAT PROPERTY NOT INTENDED TO BE ABANDONED BY ANNEXED DISTRICT TO REMAIN PROPERTY OF DISTRICT |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|---|---|
| St. Louis-San Francisco RY Co. v. Craig Cnty. Excise Brd. | AFFIRMED | LEGITIMACY OF 15 MILL INCREASED LEVY | COURT FOUND THAT PROPERLY HELD ELECTION FOR INCREASED 15 MILL LEVY PROPER UNDER SCHOOL LAW OF 1949 AND ARTICLE 10, SECTION 9 OF STATE CONSTITUTION |
| Tri-State Cas. Ins. Co. v. La Fon | AFFIRMED | WORKMAN'S COMPENSATION RELATED TO PUBLIC SCHOOLS | WORKER ON A SCHOOL BUILDING WAS HURT AND FILED CLAIM WITH INSURANCE COMPANY PURCHASED BY AGENCY OUTSIDE OF SCHOOL AS WORKMAN'S COMP. SCHOOLS AT THIS TIME DID NOT FALL UNDER WORKMAN'S COMP AND WAS ENTITLED TO REWRITE POLICY |
| Wooten v. State ex rel. Butler, County Treasurer | AFFIRMED | LEGITIMACY OF COUNTY SUPERINTENDENT IN HOLDING OFFICE | COURT FOUND THAT THERE WAS NO VACANCY IN THE OFFICE TO WHICH TO APPOINT A COUNTY SUPERINTENDENT; THE OUSTING OF THE COUNTY SUPERINTENDENT WAS VALID. |
| Bowen v. Brock | REVERSED | REPLACEMENT OF BOE MEMBER AFTER RESIGNATION | COURT FOUND THAT BOE MAY REPLACE BOE MEMBER AFTER RESIGNATION |
| Duncan v. Askew | GRANTED | WRIT FOR CERTIORARI IN TRANSFER OF STUDENTS | COURT FOUND THAT COUNTY SUPERINTENDENT MUST APPROVE TRANSFER AS IT IS NOT DISCRETIONARY IN STATUTE WHEN STUDENT HAS COMPLETED THE GRADES OFFERED IN SENDING DISTRICT TO A HIGH SCHOOL DISTRICT |
| Joachim v. Board of Education of Walters | AFFIRMED | ACCEPTANCE OF BID | COURT FOUND THAT THE BOE IN THIS CASE AS JUST IN ASKING FOR AN ORAL INTERPRETATION OF A BID AND FOUND BID GOOD AS BOE HAD FRAUD OR BAD FAITH IN THEIR ACTION. THE PLAINTIFF WANTED HIS LOWER BID TO WIN. |
| Liles v. Smith | AFFIRMED | QUIET TITLE OF LAND OWNERSHIP | COURT FOUND SCHOOL DISTRICT WAS ENTITLED TO LAND UNDER THEORY OF ADVERSE POSSESSION AS PLAINTIFF WAITED TOO LONG TO ATTEMPT TO QUIET TITLE |
| Martin v. Cnty. Election Board | AFFIRMED | ELECTION OF COUNTY SUPERINTENDENT | COURT FOUND THAT PERSON SEEKING REGISTRATION TO RUN FOR COUNTY SUPERINTENDENT WAS RIGHTLY DENIED REGISTRATION AS HE DID NOT MEET STATUTORY REQUIREMENT OF CERTIFICATION |
| Merritt Ind. Sch. Dist. No. 2 v. Jones | REVERSED | OWNERSHIP OF SCHOOL PROPERTY AFTER ANNEXATION AND NOT USED | COURT FOUND THAT SCHOOL PROPERTY CANNOT BE OBTAINED BECAUSE OF LACK OF USE BY ADVERSE POSSESSION. |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Mid-Continent Pipe Line Co. v. Creek Cnty. Exc. Brd. | AFFIRMED | CALCULATION OF TAX LEVY | TAX LEVY ASSESSED WAS NOT EXCESSIVE AS CASH SURPLUS IN HAND AT CLOSE OF PREVIOUS FISCAL YEAR WAS AN ACTIVITY ACCOUNT AND NOT SUBJECT TO THE BALANCE CONTROLLED BY THE COUNTY TREASURER. CANNOT BE USED IN BALANCE OF DISTRICT UNLESS IN POSSESSION OF. |
| SEBA v. Ind. Sch. Dist. No. 3 | AFFIRMED | AFFIRMED | COURT FOUND THAT DISTRICT ACTED WITHIN THE LAW IN CONDEMNATION OF LAND AND ACQUIRED LAND BY EMINENT DOMAIN FOR BUILDING OF LAND FOR SCHOOL GYMNASIUM AGAINST THE WISHES OF THE LAND OWNERS. |
| Spencer v. BOE of Sch. Dist. No. 6 | AFFIRMED | DISPOSITION OF SCHOOL PROPERTY | COURT FOUND THAT DISTRICT MAY DISPOSE OF PROPERTY ERECTED BY SCHOOL ON PROPERTY OWNED BY INDIVIDUAL |
| State ex rel. v. Board of Education | AFFIRMED | LIABILITY OF BOE MEMBERS IN WRONGFULLY APPROVING EXPENDITURE OF FUNDS | COURT FOUND THAT A TAXPAYER MAY BRING SUIT AGAINST A DISTRICT FOR MISAPPROPRIATING FUNDS AND BOE MEMBERS MAY BE HELD LIABLE FOR KNOWINGLY DOING SO. |
| Board of Education v. State | AFFIRMED | SUPERINTENDENT'S SALARY AND LIABILITY OF BOE MEMBERS FOR PAYING SALARY | COURT FOUND THAT THE BOE MEMBER THAT WAS A PLAINTIFF IN THIS CASE SHOULD BE BROUGHT IN AS A DEFENDANT AND BOE VIOLATED THE LAW AS SUP'T DID NOT HAVE VALID CERTIFICATE TO BE A SUPERINTENDENT. |
| Dominic v. Davis | AFFIRMED | SCHOOL ANNEXATION ELECTION | COURT FOUND ELECTION WAS CONDUCTED PROPERLY AND EVIDENCE SUPPORTING CLAIM OF ILLEGAL VOTERS (BLACK) WAS NOT SUBSTANTIATED |
| Ind. Sch. Dist. No. 1 v. Williamson | GRANTED | LEGITIMACY OF BONDS BY SCHOOL | COURT FOUND THAT BONDS SHOULD BE ISSUED AS THE STATUTE 70 O.S. 1951, SEC. 7-1 IS CONSTITUTIONAL |
| Ind. Sch. Dist. No. 62 v. Dep. School Dist. No. 66 | AFFIRMED | ANNEXATION OF DEPENDENT SCHOOL DISTRICT | COURT FOUND THAT ANNEXATION OF DEPENDENT SCHOOL DISTRICT WAS VALID UNDER CURRENT STATUTE |
| Ins. Sch. Dist. No. 65 v. Stafford | AFFIRMED | BREACH OF CONTRACT OF TEACHER BY BOE | COURT FOUND THAT TEACHER WAS ENTITLED TO PAY AS DESCRIBED IN HER CONTRACT AND WAS WRONGFULLY TERMINATED BASED ON THE SITUATION AT HAND; ANNEXATION WITH OTHER DISTRICT. |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|---|
| State v. State Board of Education | REVERSED | REAPPORTIONMENT OF STATE AID FUNDS BY STATE BOARD | COURT FOUND THAT OTHER FEDERAL MONIES RECEIVED BY DISTRICTS SHOULD NOT BE USED IN CALCULATING MINIMUM PROGRAM INCOME THUS AFFECTING THE AMOUNT OF ELIGIBILITY FOR STATE AID |
| York v. Garrison | AFFIRMED | ANNEXATION | COURT AFFIRMED THE ORDER OF THE COUNTY SUPERINTENDENT AS THE ELECTION FOR ANNEXATION WAS VALID AND CONDUCTED ACCORDING TO STATUTE |
| Bryant v. Mitchell | AFFIRMED | ANNEXATION | COURT FOUND THAT THE COUNTY SUPERINTENDENT CONDUCTED THE ELECTION AS PRESCRIBED BY LAW AND THAT THE LAW FOR CONDUCTING SUCH ELECTIONS IS CONSTITUTIONAL |
| Douglas v. Board of Cnty Commissioners | AFFIRMED | REDUCTION OF SALARY OF TEACHER BY BOARD OF COUNTY COMMISSIONERS | COURT FOUND THAT BOARD OF COUNTY COMMISSIONERS DID NOT HAVE AUTHORITY TO REDUCE TEACHER SALARY. |
| Littlefield v. Howerly | REVERSED | ANNEXATION | COURT FOUND THAT BLACKS WERE QUALIFIED ELECTORS AND WHEN CONSIDERED AS SUCH THE PETITION FOR ANNEXATION IN THIS CASE DID NOT HAVE ENOUGH SIGNATURES; THEREFORE, ELECTION AND RESULT WAS INVALID. |
| Mundy v. Dep. Sch. Dist. No. 32 | AFFIRMED | OWNERSHIP OF SCHOOL PROPERTY | COURT FOUND THAT PLAINTIFF EXCEEDED STATUTE OF LIMITATIONS ON CHALLENGING DEED TO LAND |
| Murphy v. Darnell | AFFIRMED | LEGITIMACY OF COUNTY SUPERINTENDENT TO HOLD OFFICE | COURT FOUND THAT WINNER OF COUNTY SUPERINTENDENT ELECTION WAS ELIGIBLE TO HOLD OFFICE EVEN THOUGH HE DID NOT HAVE ADMIN. CERTIFICATE AT TIME OF ELECTION BUT BY THE TIME HE TOOK OFFICE. |
| Sears v. Board of Education, Etc. | AFFIRMED | PAYMENT FOR SERVICES NOT PROPERLY APPROVED BY BOE AND ENCUMBERED | COURT FOUND THAT BILL FOR SERVICES RENDERED BY PLAINTIFF WAS NOT PAYABLE DUE TO THE FACT THAT THE BOE DID NOT APPROVED THE EXPENDITURE NOR WAS THERE AN ENCUMBRANCE PRIOR TO THE WORK |
| St. Louis-San Francisco RR Co. v. Bryan Cnty. Ex. Brd. | AFFIRMED | ESTIMATE OF NEEDS | COURT FOUND THAT WHEN A SCHOOL HOLDS AN ELECTION FOR AN ADDITIONAL 5 MILL LEVY FOR THE ERECTION OF A SCHOOL BUILDING AND IT IS APPROVED BY EXCISE BOARD, THE FAILURE TO POST THE ESTIMATE OF NEEDS DOES NOT NEGATE THE LEVY |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|---|---|
| Grady v. Marshall | REVERSED | REQUIREMENT OF COUNTY SUPERINTENDENT TO CALL FOR ANNEXATION ELECTION | COURT FOUND IN FAVOR OF THE COUNTY SUPERINTENDENT IN HIS REFUSAL TO CALL AN ANNEXATION ELECTION AS IT IS THE JOB OF THE COUNTY SUPERINTENDENT TO VERIFY THE LEGITIMACY OF THE PETITION AND THE VALIDITY OF THE SIGNATURES |
| Ind. Sch. Dist. No. 65 v. State Board of Education | AFFIRMED | LEGITIMACY OF STATE CHANGING STATUS OF DISTRICT FROM DEPENDENT TO INDEPENDENT | THE COURT FOUND THAT THE TIME CONSTRAINTS PLACED ON THE STATE IN NOTIFYING THE SCHOOL DISTRICT OF ITS CHANGE IN STATUS WAS MOOT AS THE LEGISLATURE CHANGED THE NOTICE REQUIREMENT FOUND IN 70 O.S. 1951, SEC. 4-2. |
| Jones v. McKenzie | REVERSED | PROPERTY | COURT FOUND THAT BUILDING ON PROPERTY OWNED BY SCHOOL DISTRICT WAS DISTRICT PROPERTY BUT COST OF REMOVAL WAS AT ISSUE. COST OF SUCH REMOVAL SHOULD HAVE BEEN AT THE EXPENSE OF THE SCHOOL DISTRICT. |
| Loper v. Shumate | GRANTED | REMOVAL OF BOE MEMBER FROM BOARD | COURT FOUND THAT INFERIOR JUDGE ACTED INCORRECTLY IN ORDERING REMOVAL OF BOE MEMBER FROM BOARD AS THE STATUTE WAS MISAPPLIED. |
| Matlock v. Board of Cnty. Commissioners | AFFIRMED | LEGITIMACY OF BOND ELECTION PROCESS | COURT FOUND THAT PROCESS OF BOND ELECTION FOR IMPROVEMENT OF SEPARATE SCHOOLS WAS NOT UNCONSTITUTIONAL IN LIGHT OF THE U.S. SUPREME COURT CASE <u>BROWN V. BOE</u> |
| Sch. Dist. No. 22, Osage Cnty. v. Worten | GRANTED | TRANSFER OF STUDENTS | COURT GRANTED DISTRICT'S REQUEST FOR COURT TO DENY INFERIOR JUDGE'S DECISION TO GRANT THE TRANSFER OF 11 STUDENTS TO DISTRICT. SENDING SCHOOL HAD PROGRAM OF STUDY NEEDED BY STUDENTS |
| State v. State Board of Education | REVERSED | STATE AID TO SCHOOL | COURT FOUND THAT IN COMPUTING MINIMUM PROGRAM INCOME, THE SCHOOL DOES NOT HAVE TO INCLUDE REVENUE THAT MAY BE RECEIVED, ONLY REVENUE KNOWN TO BE RECEIVED. STATE AID WAS IMPROPERLY REDUCED BY STATE. |
| State v. State Board of Education | AFFIRMED | STATE EQUALIZATION AID TO SCHOOL | COURT FOUND THAT INCLUSION OF ESTIMATED AMOUNT OF FEDERAL FLOOD RELIEF SHOULD HAVE BEEN INCLUDED IN ESTIMATE OF NEEDS THUS AFFECTING MINIMUM PROGRAM INCOME AND ELIGIBILITY FOR STATE AID |
| State v. State Board of Education | AFFIRMED | STATE AID TO SCHOOL | COURT FOUND THAT FLOOD CONTROL RENTALS INCLUDED IN ESTIMATE AND CALCULATION IN MINIMUM PROGRAM INCOME BY STATE VALID EVEN IF OVERESTIMATED BECAUSE ALL IS ESTIMATED. |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------------------|---|--|
| Grand Lodge of Okla., Etc. v. Webb | AFFIRMED | SCHOOL PROPERTY OWNERSHIP | COURT FOUND THAT THE PROPER OWNERSHIP OF LAND WAS IN THE LAND OF THE DECEDENT OF THE PERSON WHO PROVIDED THE LAND TO THE SCHOOL. WHEN THE PROPERTY CEASED TO BE USED AS A SCHOOL, IT REVERTED BACK TO THE OWNER |
| Jeffers v. Edge | REVERSED | ACTION TO QUIET TITLE TO PROPERTY IN DISPUTE BETWEEN CHURCH AND SCHOOL | COURT FOUND THAT THE SCHOOL DISTRICT WAS NOT IN POSSESSION OF THE PROPERTY AS IT HAD NEVER OBTAINED TITLE TO THE PROPERTY; COURT WILL ERR ON THE SIDE OF THE ONE WHO POSSESSES THE PROPERTY. |
| Kiowa Cnty. Exc. Brd. v. St. Louis-San Fran RR | REVERSED/AFFIRMED IN PART | GENERAL FUND TAX LEVY | ALL PUPILS ATTENDING SCHOOL SHALL BE TAKEN INTO ACCOUNT IN DETERMINING THE NEED FOR A LEVY AND FOUND 70 O.S. SUPP. 1955 SEC 4-40 UNCONSTITUTIONAL AS CONSTITUTION CALLS FOR ALL CURRENT EXPENSES BE USED IN THE CALCULATION OF |
| State v. State Board of Education | AFFIRMED | STATE AID TO SCHOOL | COURT FOUND THAT MINIMUM PROGRAM INCOME CALCULATION BY STATE MUST INCLUDE LEGALLY ESTIMATED INCOME FROM SOURCES OTHER THAN AD VALOREM TAXES, AND DISTRICTS WHICH EXPECTED TO RECEIVE FEDERAL FOREST RESERVE FUNDS, |
| Duncan v. Golden | AFFIRMED | TRANSFER OF STUDENTS | COURT FOUND THAT THE COUNTY SUPERINTENDENT CORRECTLY DENIED THE TRANSFER REQUESTS OF STUDENTS FROM TWO DISTRICTS THAT BOTH PROVIDED SECONDARY PROGRAMS FOR H.S. GRADUATION. |
| Mid-Continent Pipe Line Co. v. Stephens County | REVERSED | ESTIMATE OF NEEDS | COURT FOUND THAT INCOME FROM DISTRICT THAT IS NOT LISTED LEGISLATIVELY AS RECURRENT DOES NOT REDUCE THE NEED OF THE DISTRICT UNTIL IT BECOMES RECURRENT, IN THIS CASE OIL AND GAS FROM WELL ON SCHOOL PROPERTY. |
| Smith v. Ind. Sch. Dist. No. 16 | DISMISSED | AN APPEAL FILED BY THE DEFENDANT DISMISSED REGARDING EMINENT DOMAIN | COURT FOUND THAT APPEAL WAS NOT FILED WITHIN STATUTORY GUIDELINES TO SUPREME COURT. |
| Board of Adjustment v. Board of Education | AFFIRMED | SCHOOL'S REQUEST FOR VARIANCE TO ZONING IN RESIDENTIAL ZONING FOR A PARKING LOT | COURT AFFIRMED LOWER COURT'S ORDER TO GRANT THE VARIANCE AND ALLOW THE SCHOOL TO CONSTRUCT THE PARKING LOTS. COURT FOUND THAT THE FAILURE OF THE ORDINANCE TO SPECIFICALLY ALLOW PARKING LOTS DOES NOT PROHIBIT THEM. |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|--|--|
| Butler v. Prokop | REVERSED | VACANCY OF SCHOOL BOARD POSITION | COURT FOUND THAT THE CASE WAS DISMISSED AT THE LOWER COURT LEVEL BUT WRONGLY DISMISSED WITH PREJUDICE. COURT STATED THAT CASE SHOULD HAVE BEEN DISMISSED WITHOUT PREJUDICE AND PLAINTIFF MAY RE-FILE. |
| Dep. Sch. Dist. No. 13 v. Williamson | GRANTED | WRIT OF MANDAMUS TO REQUIRE APPROVAL OF BOND ISSUE | COURT FOUND THAT SCHOOL TRANSPORTATION EQUIPMENT IS INCLUDED IN THE MEANING OF EQUIPMENT IN ART. 10, SEC. 26 OF THE OKLA. CONSTITUTION. ALSO 10% INDEBTEDNESS FOR TRANSPORTATION EQUIP. NOT VIOLATE CONST. |
| Driskell v. Ind. School District | SUSTAINED | ORIGINAL ACTION TO REVIEW ORDER BY STATE AGENCY | COURT FOUND THAT SCHOOLS ARE NOT MUNICIPALITIES UNDER THE WORKERS COMPENSATION LAWS OF OKLAHOMA AT THIS TIME. |
| Ind. Sch. Dist. No. 4 v. Purdy | DISMISSED | VIOLATION OF CONTRACT BY TEACHER | CASE WAS DISMISSED BY COURT AS THE DEFENDANT TEACHER DID NOT FILE NOTICE IN THE SUPREME COURT WITHIN THE 15 DAY LIMIT AS PRESCRIBED BY COURT RULES. |
| St. Louis-San Francisco RR Co. v. Johnston Cny. Exc. | AFFIRMED | LEGITIMACY OF TAX LEVY | THE ERRORS MADE IN THE ESTIMATE OF NEEDS DID NOT WARRANT VOIDING THE TAX LEVY. ESTIMATE ONLY MENTIONED ERECTING A BUILDING AND DID NOT MENTION FURNITURE. ESTIMATE ALSO TREATED ASSETS FOR USE IN BUILDING AS COMING FROM OTHER THAN AD VALOREM. |
| St. Louis-San Francisco RR Co. v. Marshall Cnty. Exc. | AFFIRMED | LEGITIMACY OF SCHOOL TAXES | COURT FOUND THAT THE ELECTION WHICH CALLED FOR THE ERECTION OF SCHOOL BUILDING IS NOT NULLIFIED BY ESTIMATE CALLING FOR REMODELING, FURNITURE, AND ERECTING A BUILDING. |
| Wilds v. Golden | AFFIRMED | ANNEXATION ELECTION | COURT FOUND THAT A PETITION GIVEN TO THE COUNTY SUPERINTENDENT TO CALL FOR AN ANNEXATION IS NOT INVALID BECAUSE IT DOES NOT LIST THE SCHOOL BUILDING, WITH ITS SITE, TO BE INCLUDED IN THE ANNEXATION. |
| Burgess v. Ind. Sch. Dist. No. 1 | AFFIRMED | ATTEMPT TO QUIET TITLE OF PROPERTY | COURT FOUND THAT SCHOOL OWNED PROPERTY DESPITE THE FACT THE GENERAL DESCRIPTION AND GOVERNMENT DESCRIPTION OF PROPERTY WERE NOT ENTIRELY ACCURATE. |
| Dahl v. Hughes | AFFIRMED | PERSONAL INJURY OF STUDENT | COURT FOUND THAT THE GENERAL RULE OF SCHOOLS ARE OPERATED BY THE STATE AND LIABILITY OF STUDENTS AND SCHOOLS IS NOT PRESENT AS SCHOOLS PERFORM GOVERNMENTAL FUNCTION. |

TABLE X (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1950s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------------------|---|---|
| Ind. Sch. Dist. No. 1, McIntosh Cnty. v. Howard | REVERSED | CONTRACT FOR SALE OF ITEMS TO SCHOOL | COURT FOUND THAT THOSE WHO CONTRACT TO SALE ITEMS TO SCHOOL DO SO WITH ASSUMPTION THEY KNOW THE LAW AND RULES FOR SUCH SALE, SUCH AS ENCUMBRANCE, IN CURRENT FISCAL YEAR, EXPENDITURE APPROVED BY THE BOE, ETC. |
| Jones v. Burkett | AFFIRMED | ANNEXATION | COURT FOUND THAT CERTAIN ELECTORS WHO PARTICIPATED IN ANNEXATION ELECTION WERE NOT VALID ELECTORS AS THEY DID NOT MEET THE 30 DAY RESIDENCE REQUIREMENT. |
| McCurtain Cnty. Exc. Brd. v. St. Louis-San Fran RR | REVERSED | TAX PROTEST OF SCHOOL DISTRICT EMERGENCY 5 MILL LEVY | COURT REVERSED LOWER COURT AND FOUND THAT SCHOOL DISTRICTS MAY ISSUE THE 5 MILL EMERGENCY LEVY IF SUSTAINED BY THE VOTE OF THE ELECTORS OF THE DISTRICT. SUCH CANNOT BE DENIED IF LAW AND PROCEDURES ARE FOLLOWED. |
| Meinders v. BOE of Wynnewood | AFFIRMED | ACTION BY PLAINTIFFS TO QUIET TITLE OF SCHOOL PROPERTY | COURT FOUND THAT SCHOOL THAT RECEIVES LAND UNDER CONDEMNATION PROCEEDINGS AFTER 15 YEARS, FREE SIMPLE TITLE FOR THE SCHOOL OCCURS. |
| Osage Cnty. Exc. Brd. v. Missouri-Kan-Tex RR Co | REVERSED/AFFIRMED IN PART | EMERGENCY LEVIES | COURT FOUND THAT CAPITAL OUTLAY EXPENDITURES DO NOT FALL IN THE CATEGORY OF CURRENT EXPENSES, SO NOT IN CONFLICT WITH CONSTITUTION, BUT SECTION OF 70 O.S. 1957 SUPP, SEC 4-40 WHICH CALL FOR SUCH TO BE INCLUDED IS |
| State v. BOE of Ind. Sch. Dist. No. 1 | AFFIRMED | COMPOSITION OF SCHOOL BOARD | COURT FOUND THAT THE CONSTITUTIONAL AND LEGISLATIVE HISTORY OF THE STATE FOUND IT APPROPRIATE FOR THE TULSA SCHOOL DISTRICT TO HAVE 7 BOE MEMBERS AS PRESCRIBED BY ITS ORDINANCE AND MAY FILL IT BY ORDINANCE. |

TABLE XI

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1950s

| CATEGORY - Total Number of Cases = 68 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 29 | 42.65% | 8 | 11.76% | 21 | 30.88% |
| District Issues | 27 | 39.70% | 19 | 27.94% | 8 | 11.76% |
| Personnel Issues | 11 | 16.18% | 10 | 14.70% | 1 | .0147% |
| District v. District Issues | 1 | 1.470% | N/A | N/A | N/A | N/A |

TABLE XII

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1950s

| CATEGORY | NUMBER | PERCENTAGE |
|---|--------|------------|
| Cases Won By School Districts | 49 | 73.13% |
| Cases Lost by School Districts | 18 | 26.87% |
| <p>Sixty-eight cases were adjudicated in the 1950s. One case during this decade involved one school district as the plaintiff and another as the defendant. This case was not included in the statistics.</p> | | |
| Cases Won by Districts as Plaintiff | 11 | 16.42% |
| Cases Won by Districts as Defendant | 38 | 56.72% |
| Cases Lost by Districts as Plaintiff | 8 | 11.94% |
| Cases Lost by Districts as Defendant | 10 | 14.92% |

TABLE XIII

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1960s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|--|--------------|--------------|----------------------------|
| 1 | Pushmataha Cnty. v. St. Louis-San Francisco RY | 1960 | 354 P.2d 404 | SD |
| 2 | St. Louis - San Francisco RY Co. v. McCurtain Cnty. | 1960 | 352 P.2d 896 | SD |
| 3 | Craig v. Unknown Heirs, Etc Ind. Sch. Dist. No. I-29 | 1961 | 358 P.2d 835 | OD |
| 4 | Hatfield v. Jimmerson | 1961 | 365 P.2d 980 | SD |
| 5 | Ind. Sch. Dist. v. Ind. Sch. Dist. | 1961 | 363 P.2d 835 | SS |
| 6 | Afterburn v. Summers | 1962 | 372 P.2d 614 | SD |
| 7 | Board of Education v. City of Vinita | 1962 | 376 P.2d 276 | SD |
| 8 | Edwards v. Pierce | 1962 | 376 P.2d 269 | SD |
| 9 | BOE of Ind. Sch. Dist. No. 52 v. Antone | 1963 | 384 P.2d 911 | OD |
| 10 | Hines v. Ind. Sch. Dist. No. 50, Grant Cnty. | 1963 | 380 P.2d 943 | OD |
| 11 | In Re Warren School District Election | 1963 | 384 P.2d 49 | SD |
| 12 | Gray v. BOE of Pawhuska Ind. Sch. Dist. | 1964 | 389 P.2d 498 | SD |
| 13 | State v. BOE of Dep. Sch. Dist. No. D-38 | 1964 | 389 P.2d 356 | OD |
| 14 | West v. Ind. Sch. Dist. No. 2, McClain Cnty. | 1965 | 412 P.2d 185 | SP |
| 15 | Ind. Sch. Dist. No. 8 v. Hunter | 1966 | 414 P.2d 231 | OD |
| 16 | BOE of Ind. Sch. Dist. No. 1 v. Clendenning | 1967 | 431 P.2d 832 | SP |
| 17 | City of Idabel v. Sch. Dist. No. 5 | 1967 | 434 P.2d 285 | OD |
| 18 | High Hill Rural Development v. Great Plains Rural | 1967 | 428 P.2d 249 | SD |

TABLE XIII (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1960s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|--------------|---------------------------|
| 19 | Morrison v. BOE of Ind. Sch. Dist. No. 6 | 1967 | 424 P.2d 963 | SD |
| 20 | Caddo Ind. Sch. Dist. No. 1-5 v. Sampson | 1968 | 447 P.2d 765 | SD |
| 21 | Ind. Sch. Dist. No. 35 of Cherokee Cnty. v. Doty | 1968 | 448 P.2d 846 | SD |
| 22 | Ind. Sch. Dist. No. 40, Ottawa Cnty. v. Allen | 1968 | 446 P.2d 282 | OP |
| 23 | Oklahoma Farm Bureau v. State Brd. of Educ. | 1968 | 444 P.2d 162 | N/A |
| 24 | BOE of Ind. Sch. Dist. No. 1, Tulsa Cnty. v. Wright | 1969 | 460 P.2d 422 | SD |
| 25 | BOE of Ind. Sch. Dist. No. 2 v. Maris | 1969 | 458 P.2d 305 | SP |
| 26 | Choctaw Cnty. Excise Brd. v. St. Lious-San Fran | 1969 | 456 P.2d 545 | SD |
| 27 | In re Hickory School District D-3, Murray Cnty. | 1969 | 454 P.2d 670 | OD |
| 28 | In re Wickstrum | 1969 | 454 P.2d 660 | SD |
| 29 | Ind. Sch. Dist. No. 25, Adair Cnty. v. Smith | 1969 | 463 P.2d 332 | SP |
| 30 | Ind. Sch. Dist. No. 4 v. State Brd. of Education | 1969 | 451 P.2d 684 | SD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE XIV

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1960s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|---|--|
| Pushmataha Cnty. v. St. Louis-San Francisco RY | REVERSED | ESTIMATE OF NEEDS/TRANSFER OF FUNDS | COURT FOUND THAT LOWER COURT ERRED IN FINDING THE DISTRICT INCORRECTLY APPLIED EXPENDITURES TO THE BULDING FUND AND CHARGED THE GENERAL FUND. |
| St. Louis - San Francisco RY Co. v. McCurtain Cnty. | AFFIRMED | CATEGORIZING EXPENDITURES ON ESTIMATE OF NEEDS | COURT FOUND THAT CLASSIFICATION OF EXPENDITURES IN ESTIMATE OF NEEDS AS CURRENT EXPENSES RATHER THAN CAPITAL OUTLAYS WAS NOT A SUBSTANTIAL VIOLATION OF STATUTE OR STATE BOARD RULE. |
| Craig v. Unknown Heirs, Etc Ind. Sch. Dist. No. 1-29 | REVERSED | OWNERSHIP OF PROPERTY DEEDED TO SCHOOL | COURT FOUND THAT PROPERTY NOT USED IN ACCORDANCE WITH HOW IT WAS DEEDED TO SCHOOL DISTRICT, AS IT WAS UNUSED BY THE DISTRICT SUPPLIED SUFFICIENT CAUSE FOR THE DEED TO REVERT BACK TO THE HEIRS. |
| Hatfield v. Jimmerson | AFFIRMED | ANNEXATION | COURT FOUND THAT THE ANNEXATION OF THE DEPENDENT SCHOOL DISTRICT TO AN INDEPENDENT SCHOOL DISTRICT WAS CONDUCTED BY THE COUNTY SUPERINTENDENT ACCORDING TO STATUTE AND BY ELECTION. |
| Ind. Sch. Dist. v. Ind. Sch. Dist. | REVERSED | ANNEXATION | COURT FOUND THAT THE ANNEXATION OF THREE SCHOOL DISTRICTS INTO ONE WAS NOT CONDUCTED ACCORDING TO STATUTE AND THE COUNT SUPERINTENDENT ERRED IN APPROVING THE ANNEXATION. |
| Afterburn v. Summers | AFFIRMED | ANNEXATION | COURT FOUND THAT ORDER FOR COUNTY SUPERINTENDENT FOR ANNEXATION OF DISTRICT WAS PROPER AND ACCORDING TO STATUTE. |
| Board of Education v. City of Vinita | REVERSED | CLOSING AN ELEMENTARY SCHOOL BUILDING BY DISTRICT | COURT FOUND THAT LOWER COURT WAS IN ERROR WITH GRANTING INJUNCTION AGAINST SCHOOL DISTRICT PROHIBITING THE CLOSING OF AN ELEMENTARY SCHOOL AS SUCH IS A DISCRETIONARY POWER OF THE BOE |
| Edwards v. Pierce | AFFIRMED | ANNEXATION | COURT FOUND THAT THE RUDIMENTS OF A PETITION FOR AN ELECTION FOR AN ANNEXATION HAD NOT BEEN MET AND THE COUNTY SUPERINTENDENT WAS AFFIRMED FOR NOT CALLING AN ELECTION. |
| BOE of Ind. Sch. Dist. No. 52 v. Antone | AFFIRMED | BUSSING OF PAROCHIAL STUDENTS | COURT AGREED WITH LOWER COURT IN GRANTING PERMANENT INJUNCTION PREVENTING SCHOOL DISTRICT FROM BUSSING STUDENTS ATTENDING PAROCHIAL SCHOOL TO AND FROM THE PAROCHIAL SCHOOL |

TABLE XIV (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1960s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|--|---|
| Hines v. Ind. Sch. Dist. No. 50, Grant Cnty. | REVERSED | TRANSFER OF STUDENT | COURT FOUND THAT THE LOWER COURT ERRED IN NOT GRANTING THE TRANSFER OF A STUDENT FROM A DEPENDENT DISTRICT UPON COMPLETION OF 8TH GRADE TO A HIGH SCHOOL DISTRICT. |
| In Re Warren School District Election | AFFIRMED | ANNEXATION | COURT FOUND THAT ANNEXATION PETITION AND ELECTION HELD AND DECISION MADE BY COUNTY SUPERINTENDENT TO APPROVE ANNEXATION WAS CONDUCTED AND APPROVED ACCORDING TO STATUTE. |
| Gray v. BOE of Pawhuska Ind. Sch. Dist. | AFFIRMED | SCHOOL ATTENDANCE IN DISTRICT OTHER THAN WHERE PARENTS LIVE | COURT FOUND THAT STUDENTS WERE ENTITLED TO ATTEND SCHOOL IN THE DISTRICT IN WHICH THEIR PARENTS LIVED AND LIVING WITH GRANDPARENTS WHO WERE NOT GUARDIANS IN ANOTHER DISTRICT DOES NOT GRANT ENTITLEMENT TO ATTEND. |
| State v. BOE of Dep. Sch. Dist. No. D-38 | AFFIRMED | CONTRACT/SALARY OF SCHOOL EMPLOYEE | COURT FOUND THAT TEACHER, WHO WAS ALSO A STATE REPRESENTATIVE, SHOULD RECEIVE HIS SALARY AS A TEACHER BUT IN THE FUTURE SHALL NOT BE ELIGIBLE OR THOSE SIMILARLY SITUATED. |
| West v. Ind. Sch. Dist. No. 2, McClain Cnty. | AFFIRMED | LIABILITY | COURT FOUND THAT PRIVATE COMPANY CAR THAT HAD HIT AND DAMAGED A SCHOOL BUS WAS LIABLE FOR THE DAMAGES TO THE BUS. |
| Ind. Sch. Dist. No. 8 v. Hunter | AFFIRMED | ADVERSE POSSESSION | SCHOOL DISTRICT OCCUPIED AND USED A PIECE OF LAND OWNED IN TITLE BY A PRIVATE PARTY. COURT FOUND THAT ADVERSE POSSESSION WAS NOT FOUND FOR THE DISTRICT IN THIS CASE. |
| BOE of Ind. Sch. Dist. No. 1 v. Clendenning | AFFIRMED | TRANSFER OF STUDENT | COURT FOUND THAT LOWER COURT JUDGE ERRED IN OVERTURNING THE DENIAL OF STUDENT TRANSFERS BY THE COUNTY SUPERINTENDENT. |
| City of Idabel v. Sch. Dist. No. 5 | REVERSED | LIABILITY OF SCHOOL DISTRICT IN PAYING IMPROVEMENT BONDS FOR UNIMPROVED LAND | COURT FOUND THAT SCHOOL DISTRICT WAS LIABLE FOR ITS SHARE OF THE COST OF DELINQUENT IMPROVEMENT BONDS ON IMPROVED LAND OWNED BY THE DISTRICT. |
| High Hill Rural Development v. Great Plains Rural | AFFIRMED | COLLECTION OF INSURANCE FOR FIRE POLICY | COURT FOUND THAT THE INSURANCE COMPANY WHICH CARRIED THE FIRE POLICY FOR THE SCHOOL DISTRICT HAD TO PAY THE SCHOOL DISTRICT FOR THE BUILDING DESTROYED BY FIRE DESPITE THE FACT THAT THE BUILDING WAS NOT USED BY THE DISTRICT. |

TABLE XIV (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1960s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|---|---|
| Morrison v. BOE of Ind. Sch. Dist. No. 6 | AFFIRMED | SCHOOL BONDS | COURT FOUND THAT BONDS APPROVED BY BOE AND VOTERS WERE LEGITIMATE AND WERE PROPERLY ISSUED FOR CONSTRUCTION OF SCHOOL BUILDING. |
| Caddo Ind. Sch. Dist. No. 1-5 v. Sampson | REVERSED | ANNEXATION | COURT FOUND THAT THE ANNEXATION OF TWO SCHOOL DISTRICTS WAS CARRIED OUT BY THE COUNTY SUPERINTENDENT ACCORDING TO STATUTE AND BY THE ELECTION HELD. PROTEST WAS INCORRECTLY FILED WITH WRONG SUPT. |
| Ind. Sch. Dist. No. 35 of Cherokee Cnty. v. Doty | REVERSED | TRANSFER OF STUDENT | COURT GRANTED CERTIORARI TO REVIEW THE DECISION OF A DISTRICT COURT JUDGE IN APPROVING THE TRANSFERS OF SEVENTEEN STUDENTS FROM A SCHOOL DISTRICT TO ANOTHER. COURT REVERSED ORDER. |
| Ind. Sch. Dist. No. 40, Ottawa Cnty. v. Allen | AFFIRMED | TITLE TO PROPERTY | COURT FOUND THAT SCHOOL DISTRICT WAS NOT ENTITLED TO OWN LAND PREVIOUSLY GRANTED TO A SCHOOL DISTRICT THAT HAD BEEN ANNEXED. |
| State Farm Bureau v. State Brd. of Educ. | DENIED | CONSTITUTIONAL ACTIONS OF STATE DEPARTMENT OF EDUCATION | COURT FOUND THAT THE ENFORCEMENT OF REGULATIONS OF THE STATE DEPARTMENT OF EDUCATION, AS AUTHORIZED BY THE STATE BOARD OF EDUCATION AND STATUTES, IS CONSTITUTIONAL, SPECIFICALLY IN THE AREA OF ACCREDITATION. |
| BOE of Ind. Sch. Dist. No. 1, Tulsa Cnty. v. Wright | AFFIRMED | WORKER'S COMPENSATION | COURT FOUND THAT CUSTODIAN WHO WAS INJURED WHILE WORKING FOR THE SCHOOL WAS NOT ENTITLED TO WORKMAN'S COMPENSATION BENEFITS ACCORDING TO THE WORKMAN'S COMPENSATION ACT. |
| BOE of Ind. Sch. Dist. No. 2 v. Maris | AFFIRMED | TRANSFER OF STUDENT | COURT FOUND THAT LOWER COURT JUDGE WAS IN ERROR IN GRANTING TRANSFERS OF STUDENTS FROM ONE IND. SCH. DISTRICT TO ANOTHER. |
| Choctaw Cnty. Excise Brd. v. St. Louis-San Fran | REVERSED | SINKING FUND | COURT FOUND THAT THE SINKING FUND LEVY ISSUED BY THE COUNTY EXCISE BOARD FOR A JUDGMENT AGAINST THE SCHOOL DISTRICT WAS VALID AND THE PROPER METHOD FOR A SCHOOL DISTRICT TO PAY A JUDGMENT. |
| In re Hickory School District D-3, Murray Cnty. | AFFIRMED | ANNEXATION | COURT FOUND THE ANNEXATION ELECTION OF SCHOOL DISTRICTS VOID AND THE PETITION FOR THE ELECTION WAS DEFECTIVE ACCORDING TO REQUIREMENTS OF STATUTE. |

TABLE XIV (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1960s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|-------------------|---|
| In re Wickstrum | AFFIRMED | SCHOOL ANNEXATION | COURT FOUND THAT ANNEXATION BY COUNTY SUPERINTENDENT WAS CORRECT IN AFFIRMING THE ANNEXATION AS THE PETITION AND ELECTION FOR THE ANNEXATION WERE CONDUCTED ACCORDING TO STATUTE. |
| Ind. Sch. Dist. No. 25, Adair Cnty. v. Smith | REVERSED | STUDENT TRANSFER | COURT FOUND THAT DISTRICT COURT JUDGE ERRED IN APPROVING THE TRANSFERS OF TWENTY STUDENTS FROM DISTRICT TO OTHER. FOUND TOPOGRAPHY WAS NOT PROPER GROUNDS FOR TRANSFER. |
| Ind. Sch. Dist. No. 4 v. State Brd. of Education | AFFIRMED | SCHOOL ANNEXATION | PATRONS OF AN ANNEXED DISTRICT SOUGHT TO DISQUALIFY THE ANNEXATION THAT TOOK PLACE IN 1949. COURT FOUND THAT STATUTE OF LIMITATIONS, LACHES APPLIED. |

TABLE XV

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1960s

| CATEGORY - Total Number of Cases = 30 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 8 | 26.67% | 1 | 12.50% | 7 | 87.50% |
| District Issues | 19 | 63.33% | 2 | 10.53% | 17 | 89.47% |
| Personnel Issues | 1 | 3.33% | 0 | 14.70% | 1 | 100% |
| District v. District/ Other Issues | 2 | 6.67% | N/A | N/A | N/A | N/A |

TABLE XVI

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1960s

| CATEGORY | NUMBER | PERCENTAGE |
|--|--------|------------|
| Cases Won By School Districts | 20 | 71.43% |
| Cases Lost by School Districts | 8 | 28.57% |
| <p>Thirty cases were adjudicated in the 1960s. One case during this decade involved one school district as the plaintiff and another as the defendant. Another case involved a private organization as the plaintiff and the State Board of Education as the defendant. These cases were not included in the statistics.</p> | | |
| Cases Won by Districts as Plaintiff | 4 | 14.29% |
| Cases Won by Districts as Defendant | 16 | 57.14% |
| Cases Lost by Districts as Plaintiff | 1 | 3.57% |
| Cases Lost by Districts as Defendant | 7 | 25.00% |

TABLE XVII

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1970s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 1 | BOE of Ind. Sch. Dist. No. 20 v. Adams | 1970 | 465 P.2d 464 | SP |
| 2 | Gammil v. Shackelford | 1970 | 480 P.2d 920 | OP |
| 3 | Hendricks v. McCreary | 1970 | 467 P.2d 478 | SD |
| 4 | Ind. Sch. Dist. No. 53 v. Ind. Sch. Dist. I-128 | 1970 | 474 P.2d 643 | SS |
| 5 | State Ex Rel. Darnell v. State Board of Educ. | 1970 | 475 P.2d 181 | SP |
| 6 | Tryon Depend. Sch. Dist. No. 125 v. Carrier | 1970 | 474 P.2d 131 | SS |
| 7 | Fireman's Fund Ins. Co. v. Overton | 1971 | 491 P.2d 278 | SP |
| 8 | Goble v. Mazie Dep. Sch. Dist. D-32 | 1971 | 488 P.2d 156 | SS |
| 9 | Haller v. Austin | 1971 | 487 P.2d 1360 | SD |
| 10 | Marshall v. Ind. Sch. Dist. No. 1 of Tulsa Cnty. | 1971 | 485 P.2d 1052 | SD |
| 11 | Swezey v. Fisher | 1971 | 484 P.2d 501 | SD |
| 12 | C&C Tile v. Ind. Sch. Dist. No. 7 of Tulsa Cnty. | 1972 | 503 P.2d 554 | SD |
| 13 | Ind. Sch. Dist. No. 16 v. Reed | 1972 | 503 P.2d 1265 | OP |
| 14 | Kitchens v. McGowen | 1972 | 503 P.2d 218 | SD |
| 15 | In re Transfer of Students | 1973 | 507 P.2d 543 | SD |
| 16 | Lovelace v. Ingram | 1973 | 518 P.2d 1102 | OD |
| 17 | Schickram v. Kay Cnty. Sup't. of Schools | 1973 | 513 P.2d 110 | SD |

TABLE XIX (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1970s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|------------------|---------------------------|
| 18 | State v. Brunson | 1973 | 513 P.2d 872 | SP |
| 19 | Adams v. Professional Practices Commission | 1974 | 524 P.2d 935 | SP |
| 20 | BOE of D.S.D. No. 32 v. State BOE | 1974 | 521 P.2d 390 | SP |
| 21 | BOE of Ind. Sch. Dist. No. 48 v. Rives | 1974 | 531 P.2d 335 | SP |
| 22 | Ind. Sch. Dist. N. 89 v. McReynolds | 1974 | 528 P.2d 313 | OP |
| 23 | Assn. of Classroom Teachers v. Sch. Dist. No. 89 | 1975 | 540 P.2d 1171 | OD |
| 24 | Christian v. State Board of Education | 1975 | 540 P.2d 570 | OD |
| 25 | Martin v. Harrah Ind. Sch. Dist. | 1975 | 543 P.2d 1370 | SD |
| 26 | Oldham v. Drummond BOE, Ind. Sch. Dist. I-85 | 1975 | 542 P.2d 1309 | SD |
| 27 | Hennessey v. Ind. Sch. Dist. No. 4 | 1976 | 552 P.2d 1142 | OD |
| 28 | Ind. Sch. Dist. No. 10 v. Lollar | 1976 | 547 P.2d 1324 | OD |
| 29 | Ind. Sch. Dist. No. 8 of Seiling v. Swanson | 1976 | 553 P. 2d 496 | OP |
| 30 | Ind. Sch. Dist. No. I-2 v. Ind. Sch. Dist. No. I-23 | 1976 | 553 P.2d 150 | SS |
| 31 | Assn. of Classroom Teachers v. Ind. Sch. Dist. | 1977 | 571 P.2d 847 | OD |
| 32 | Assn. of Classroom Teachers v. Moore Brd. of Educ. | 1977 | 567 P.2d 979 | OD |
| 33 | Haynes v. Pryor High School | 1977 | 566 P.2d 852 | SD |
| 34 | In Re Appt. of Brd. of Educ. of West. Heights Ind. Sch. Dist. | 1977 | 565 P.2d 677 | SP |

TABLE XIX (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1970s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 35 | Ind. Sch. Dist. No. 1 of Tulsa City v. Albus | 1977 | 572 P.2d 554 | SP |
| 36 | Ind. Sch. Dist. No. 40 v. Sarkey's, Inc. | 1977 | 569 P.2d 1000 | SP |
| 37 | Assn. of Classroom Teachers v. Brd. Of Educ. | 1978 | 576 P.2d 1157 | SD |
| 38 | Cavett v. Geary Brd. of Education | 1978 | 587 P.2d 991 | SD |
| 39 | Graybill v. State Brd. of Education | 1978 | 585 P.2d 1358 | SD |
| 40 | Goodin v. Board of Education, Etc. | 1979 | 601 P.2d 88 | SP |
| 41 | Haskell Lemon Const. v. Ind. Sch. Dist. No. 12 | 1979 | 589 P.2d 677 | SD |
| 42 | Sarkeys v. Ind. Sch. Dist. No. 40, Etc. | 1979 | 592 P.2d 529 | SD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE XVIII

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1970s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|----------------------------------|--|
| BOE of Ind. Sch. Dist. No. 20 v. Adams | GRANTED IN PART | TRANSFER OF STUDENTS | COURT FOUND THAT DISTRICT JUDGE DID NOT HAVE THE EVIDENCE, AS PRESCRIBED AS THE REFUSAL OF THE RECEIVING SCHOOL DISTRICT, NEEDED IN ORDER TO REFUSE THE TRANSFERS. |
| Gammil v. Shackelford | AFFIRMED | ACCREDITATION OF SCHOOL DISTRICT | COURT FOUND THAT THE STATE DEPARTMENT OF EDUCATION HAD AUTHORITY AND CORRECTLY DENIED ACCREDITATION TO THE TRYON SCHOOL DISTRICT. |
| Hendricks v. McCreary | AFFIRMED | ANNEXATION | COURT FOUND BOE MEMBERS COULD STRIKE THEIR NAMES FROM A PETITION FOR AN ANNEXATION ELECTION AND THE COUNTY SUPERINTENDENT ACTED ACCORDINGLY. |
| Ind. Sch. Dist. No. 53 v. Ind. Sch. Dist. I-128 | AFFIRMED | ANNEXATION | COURT FOUND THAT THE TRANSFER OF FUNDS FROM ANNEXED DISTRICT TO THE NEW DISTRICT WAS CONDUCTED ACCORDING TO LAW, DESPITE THE ARGUMENTS OF AN INTERVENING DISTRICT THAT IT WAS ENTITLED TO A PORTION. |
| State Ex Rel. Darnell v. State Board of Educ. | GRANTED | COUNTY SUP'T SALARY | COURT FOUND THAT THE STATE WAS RESPONSIBLE FOR APPORTIONING MONEY TO THE COUNTY FOR A PORTION OF THE SALARY OF THE COUNTY SUPERINTENDENT. |
| Tryon Depend. Sch. Dist. No. 125 v. Carrier | REVERSE D | ANNEXATION | COURT FOUND THAT SCHOOL DISTRICTS WERE ANNEXED IN A MANNER INCONSISTENT WITH THE LAW. THREE SCHOOL DISTRICT ANNEXATIONS WERE COMBINED WITH ONE DECISION AS ALL DISTRICTS WERE INVOLVED. |
| Fireman's Fund Ins. Co. v. Overton | REVERSE D | EMPLOYEE'S INSURANCE CLAIM | COURT FOUND THAT SCHOOL EMPLOYEE WHOSE SALARY WAS PAID OUT OF APPROPRIATED FUNDS WAS NOT ENTITLED TO INSURANCE BENEFITS PAID BY DISTRICT AS HE WAS INJURED WHILE OUTSIDE OF HIS JOB AS TEACHER AND PAID BY ACTIVITY ACCOUNT, |
| Goble v. Mazie Dep. Sch. Dist. D-32 | REVERSE D | ANNEXATION | SCHOOL DISTRICTS THAT WERE ANNEXED DISAGREED OVER WHICH SCHOOL DISTRICT BECAME THE CONTROLLING BOARD AFTER THE ANNEXATION. COURT REVERSED THE JUDGMENT OF THE LOWER COURT AND AWARDED NEW. |
| Haller v. Austin | AFFIRMED | ANNEXATION | COURT FOUND THAT THE PETITION CALLING FOR AN ANNEXATION ELECTION WAS VALID AND DIRECTED THE COUNTY SUPERINTENDENT TO HOLD THE ELECTION |

TABLE XX (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1970s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--------------------------------------|---|
| Marshall v. Ind. Sch. Dist. No. 1 of Tulsa Cnty. | AFFIRMED | WORKER'S COMPENSATION | THE DEPENDENT OF A SCHOOL EMPLOYEE WHO DIED ON THE JOB FILED SUIT SEEKING A CLAIM UNDER WORKER'S COMPENSATION. COURT FOUND THAT THE EMPLOYER/WORKER'S COMPENSATION WAS NOT LIABLE FOR ACCIDENTS. |
| Swezey v. Fisher | DENIED | ANNEXATION | COURT FOUND THAT THE CONFLICT CREATED BY THE ANNEXATION OF TWO SCHOOL DISTRICTS FOR THREE SCHOOL DISTRICTS DID NOT PROVIDE SUFFICIENT REASON TO OVERTURN THE ANNEXATION AS IT WAS CONDUCTED ACCORDING TO LAW. |
| C&C Tile v. Ind. Sch. Dist. No. 7 of Tulsa Cnty. | AFFIRMED | INSURANCE CLAIM | COURT FOUND THAT INSURANCE COMPANY WAS NOT ABLE TO GET A RETURN FROM A LOAN IN TRUST IT HAD PAID THE SCHOOL DISTRICT IN ANTICIPATION FOR PAYING A CLAIM FOR THE SCHOOL DISTRICT. |
| Ind. Sch. Dist. No. 16 v. Reed | REVERSE D | LIABILITY FOR SCHOOL BUS ACCIDENT | COURT FOUND THAT ERRORS WERE MADE IN JURY TRIAL AND LIABILITY FOR BUS ACCIDENT WAS REMANDED TO THE TRIAL COURT FOR DETERMINATION. |
| Kitchens v. McGowen | REFUSED | TERMINATION OF COUNTY SUPERINTENDENT | COURT FOUND NO CAUSE TO ASSUME ORIGINAL JURISDICTION IN THIS CASE AS OTHER CASES HAD DECIDED SIMILAR ISSUES AND THE COURT'S DOCKET WAS FULL. |
| In re Transfer of Students | AFFIRMED | TRANSFER OF STUDENTS | COURT FOUND THAT ORIGINAL ORDER OF COUNTY SUPERINTENDENT TO APPROVE TRANSFER REQUESTS OF STUDENTS WAS VALID AS TIME LIMITS PRESCRIBED IN 70 O.S. 8-103. |
| Lovlace v. Ingram | REVERSE D | TEACHER TERMINATION | COURT FOUND THAT THE LETTER SENT TO THE TEACHER DESCRIBING HER TERMINATION DID NOT MEET STATUTORY REQUIREMENTS AS IT DID NOT STIPULATE A STATUTORY CAUSE. |
| Schickram v. Kay Cnty. Sup't. of Schools | AFFIRMED | ANNEXATION | COURT FOUND THAT COUNTY SUPERINTENDENT APPROVED ANNEXATION ACCORDING TO LAW AND THAT THE ELECTION HELD APPROVING THE ANNEXATION WAS CONDUCTED ACCORDING TO LAW. |
| State v. Brunson | GRANTED | TRANSFER OF STUDENTS | COURT GRANTED WRIT OF ORIGINAL JURISDICTION IN HEARING A WRIT TO DENY THE APPROVAL OF THE TRANSFER OF STUDENTS. COURT HELD TRANSFERS WERE NOT VALID ACCORDING TO LAW. |

TABLE XX (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1970s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Adams v. Professional Practices Commission | GRANTED | TERMINATION OF TEACHER | COURT FOUND THAT THE PROFESSIONAL PRACTICES COMMISSION INCORRECTLY REVERSED THE DECISION TO TERMINATE A TEACHER AS IT HAD NOT COMPLIED WITH THE STATUTE. |
| BOE of Ind. Sch. Dist. No. 48 v. Rives | GRANTED | TRANSFER OF STUDENTS | COURT FOUND THAT THE APPROVAL OF STUDENT TRANSFERS WAS DONE SO CONTRARY TO LAW AND SHOULD NOT HAVE BEEN APPROVED. |
| Ind. Sch. Dist. N. 89 v. McReynolds | GRANTED | DISABILITY BENEFITS | COURT FOUND THAT LOWER COURT AND STATE INDUSTRIAL COURT WERE CORRECT IN AWARDING DEATH BENEFITS TO SPOUSE OF SCHOOL EMPLOYEE WHO DIED WHILE WORKING. |
| Assn. of Classroom Teachers v. Sch. Dist. No. 89 | GRANTED | NEGOTIATIONS & THIRD PART FACT FINDING COMMITTEE | COURT FOUND IN FAVOR OF THE TEACHER ASSOCIATION THAT STATUTORY PROVISIONS ALLOWED FOR A THIRD PARTY THAT WAS MUTUALLY AGREED UPON TO ACT AS A FACT FINDING CHAIRPERSON |
| Christian v. State Board of Education | AFFIRMED | SALARY AND TERMINATION OF COUNTY SUPERINTENDENT | COURT FOUND THAT THE COUNTY SUPERINTENDENT WAS NOT ENTITLED TO AN ADDITIONAL TEN PERCENT IN SALARY. COURT FOUND THAT LOCAL BOARD DID NOT VIOLATE OPEN MEETING LAW IN VOTE TO NOT RE-HIRE SUPERINTENDENT. |
| Martin v. Harrah Ind. Sch. Dist. | REVERSE D | TEACHER TERMINATION | COURT REVERSED THE LOWER COURT AND UPHELD THE TERMINATION OF A TEACHER FROM A SCHOOL DISTRICT. TEACHER FAILED TO COMPLY WITH STATE AND DISTRICT REQUIREMENTS. |
| Oldham v. Drummond BOE, Ind. Sch. Dist. 1-85 | AFFIRMED | TEACHER TERMINATION/OPEN MEETING LAW | COURT FOUND THAT THE BOE DID VIOLATED THE OPEN MEETING LAW IN TERMINATING A TEACHER IN THE DISTRICT. |
| Hennessey v. Ind. Sch. Dist. No. 4 | REVERSE D | USE OF SCHOOL BUILDING | COURT FOUND THAT PTA WAS ABLE TO USE SCHOOL BUILDING FOR ITS MEETINGS AS OTHER ORGANIZATIONS WERE ALLOWED TO USE SCHOOL BUILDING |
| Ind. Sch. Dist. No. 10 v. Lollar | REVERSE D | TEACHER TERMINATION/TEACHER TENURE | COURT FOUND THAT THE SCHOOL DISTRICT ILLEGALLY TERMINATED A TENURED TEACHER WHO WAS PAID WITH FEDERAL FUNDS AND TAUGHT HALF TIME. HALF TIME DID NOT MITIGATE TENURE AND FEDERAL FUNDS ARE PUBLIC FUNDS. |

TABLE XX (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1970s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|---------------------|---|--|
| Ind. Sch. Dist. No. 8 of Seiling v. Swanson | AFFIRME D | STUDENT SUSPENSION | COURT FOUND THAT ISSUE OF STUDENT'S LENGTH OF HAIR WAS NOT SUFFICIENT REASON UNDER OKLAHOMA LAW TO SUSPEND FROM SCHOOL. |
| Ind. Sch. Dist. No. 1-2 v. Ind. Sch. Dist. No. 1- 23 | AFFIRME D | TRANSFER OF STUDENTS | COURT FOUND THAT STUDENTS WERE ABLE TO ATTEND SCHOOL OF THEIR CHOICE BUT MANDATED THAT IN FUTURE MUST ATTEND SCHOOL AS PROVIDED BY LAW IN THE STATE. |
| Assn. of Classroom Teachers v. Ind. Sch. Dist. | AFFIRME D | TEACHER ASSOCIATION RECOGNITION BY BOE | COURT FOUND THAT TEACHER ASSOCIATION HAD COMPLIED WITH LAW IN GETTING REQUIRED MAJORITY OF SIGNATURES ON CARDS NEEDED FOR THE BOE TO RECOGNIZE THE UNIT AS THE BARGAINING UNIT FOR TEACHERS. |
| Assn. of Classroom Teachers v. Moore Brd. of Educ. | AFFIRME D | TEACHER ASSOCIATION RECOGNITION BY BOE | COURT FOUND THAT THE BOE MUST ACCEPT THE AUTHORIZATION CARDS AS SIGNED BY THE MAJORITY OF TEACHERS IN THE DISTRICT AS VALID AUTHORIZATION FOR THE TEACHER ASSOCIATION TO ACT AS THE BARGAINING UNIT. |
| Assn. of Classroom Teachers v. Brd. Of Educ. | DENIED | DETERMINATION OF COLLECTIVE BARGAINING UNIT | COURT FOUND THAT DISTRICT ACTED ACCORDING TO PROCEDURE AND LAW IN THE ELECTION HELD FOR DETERMINING THE TEACHER ORGANIZATION AS THE OFFICIAL COLLECTIVE BARGAINING UNIT. |
| Haynes v. Pryor High School | VACATED | AWARD OF PERMANENT DISABILITY TO SCHOOL EMPLOYEE | COURT FOUND THAT THE AWARD OF PERMANENT DISABILITY BENEFITS TO A COACH WITH A HEART CONDITION WAS NOT VALID AND VACATED THE LOWER COURT'S DECISION. |
| In Re Appt. of Brd. of Educ. of West. Heights Ind. Sch. Dist. | GRANTED | SCHOOL BONDS AND ELECTION | COURT APPROVED THE ELECTION AND BONDS ISSUED BY THE SCHOOL DISTRICT PURSUANT TO THE PROCEDURES OUTLINED IN 70 O.S. 4011 |
| Ind. Sch. Dist. No. 1 of Tulsa City v. Albus | VACATED | DISABILITY BENEFITS | COURT FOUND THAT DISABILITY BENEFITS FOR A SCHOOL EMPLOYEE WERE INCORRECTLY AWARDED BY INDUSTRIAL AND LOWER COURTS. |
| Ind. Sch. Dist. No. 40 v. Sarkey's, Inc. | GRANTED | FINANCIAL - CHARITABLE FOUNDATION | SCHOOL DISTRICT FILED SUIT IN SUPREME COURT FOR ORIGINAL JURISDICTION TO PREVENT THE SALE OF THE MAJORITY OF ASSETS OF A CHARITABLE TRUST FOR WHICH THE SCHOOL DISTRICT WAS A BENEFICIARY. |

TABLE XX (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1970s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|-----------------------------------|---|
| Cavett v. Geary Brd. of Education | AFFIRMED | TEACHER TENURE | COURT FOUND THAT BOE DID NOT VIOLATE THE TENURE LAW AS THE TEACHER DID NOT COMPLETE 3 YEARS OF TEACHING AS REQUIRED BY THE STATUTE. |
| Graybill v. State Brd. of Education | AFFIRMED | TEACHER TERMINATION | COURT FOUND THE TERMINATION OF THE TEACHER IN THE SCHOOL DISTRICT TO BE VALID AND WITHIN THE LAW. COURT FOUND THAT BOE IS NOT REQUIRED TO CONSIDER A REQUEST TO RECONSIDER - SUCH WAS NOT A VIOLATION OF THE STATUTE OR DUE |
| Goodin v. Board of Education, Etc. | REVERSE D | ENTITLEMENT TO FEDERAL FUNDS | COURT OVERTURNED LOWER COURT IN DETERMINATION THAT SCHOOL DISTRICT WAS ENTITLED TO APPORTIONMENT OF FEDERAL FOREST FUNDS APPORTIONED TO THE COUNTY. |
| Haskell Lemon Const. v. Ind. Sch. Dist. No. 12 | AFFIRMED | COMPETITIVE BIDDING ACT | COURT FOUND THAT THE DISTRICT SUBSTANTIALLY COMPLIED WITH THE STATUTES SURROUNDING THE COMPETITIVE BIDDING ACT. |
| Sarkeys v. Ind. Sch. Dist. No. 40, Etc. | DENIED | FINANCIAL - CHARITABLE FOUNDATION | AFTER A RESOLUTION WAS MADE ON THE ASSETS OF A CHARITABLE TRUST FAMILY MEMBERS FILED SUIT TO CHALLENGE THE LEGITIMACY OF THE ATTORNEY GENERAL'S ROLE IN BRINGING THE CASE TO A RESOLUTION. THE COURT DENIED. |
| BOE of D.S.D. No. 32 v. State BOE | GRANTED | TRANSFER OF STUDENTS | COURT FOUND IN FAVOR OF THE PLAINTIFF SCHOOL DISTRICT AS THE TRANSFER OF STUDENTS WAS APPROVED BY THE COUNTY SUPERINTENDENT OUTSIDE THE STATUTORY LIMITATIONS. |

TABLE XIX

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1970s

| CATEGORY - Total Number of Cases = 42 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 7 | 16.67% | 3 | 42.86% | 4 | 57.14% |
| District Issues | 20 | 47.62% | 8 | 40.00% | 12 | 60.00% |
| Personnel Issues | 11 | 26.19% | 3 | 27.28% | 8 | 72.72% |
| District v. District/ Other Issues | 4 | 9.52% | N/A | N/A | N/A | N/A |

TABLE XX

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1970s

| CATEGORY | NUMBER | PERCENTAGE |
|--------------------------------|--------|------------|
| Cases Won By School Districts | 27 | 71.05% |
| Cases Lost by School Districts | 11 | 28.95% |

Forty-two cases were adjudicated in the 1970's. Four cases during this decade involved one school district as the plaintiff and another as the defendant. These four cases were not included in the statistics.

| | | |
|--------------------------------------|----|--------|
| Cases Won by Districts as Plaintiff | 11 | 28.95% |
| Cases Won by Districts as Defendant | 16 | 42.10% |
| Cases Lost by Districts as Plaintiff | 4 | 10.53% |
| Cases Lost by Districts as Defendant | 7 | 18.42% |

TABLE XXI

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1980s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|---|--------------|---------------|----------------------------|
| 1 | Board of Ed. of Dep. Sch. v. Allen | 1980 | 615 P.2d 1009 | SP |
| 2 | Cave Springs Pub. Sch. Dist. I-30 v. Blair | 1980 | 613 P.2d 1046 | OD |
| 3 | Ind. Sch. Dist. No. 89 v. Okla. City Fed. Of Teachers | 1980 | 612 P.2d 719 | SD |
| 4 | Ind. Sch. Dist. No. 1 v. Jackson | 1980 | 608 P.2d 1153 | SP |
| 5 | Miller v. Ind. Sch. Dist. No. 56 | 1980 | 609 P.2d 756 | OD |
| 6 | Baird v. Ind. Sch. Dis. No. 1 | 1981 | 622 P.2d 1072 | SD |
| 7 | Beall v. Altus Public Schools | 1981 | 632 P.2d 400 | SD |
| 8 | Chandler v. Ind. Sch. Dist. No. 12 | 1981 | 625 P.2d 620 | SD |
| 9 | Childers v. Ind. Sch. Dist. No. 1 | 1981 | 645 P.2d 992 | SD |
| 10 | Davis v. Sch. Dist. No. D-14 | 1981 | 625 P.2d 630 | SD |
| 11 | Maupin v. Ind. Sch. Dist. No. 26 | 1981 | 632 P.2d 396 | SD |
| 12 | BOE, Vici Pub. Schools v. Morris | 1982 | 656 P.2d 258 | SD |
| 13 | Ind. Sch. Dist. No. 52 v. Okla. Industries Authority | 1982 | 646 P.2d 1276 | SP |
| 14 | Ind. Sch. Dist. No. 9 v. Glass | 1982 | 639 P.2d 1233 | OP |
| 15 | Jackson v. Ind. Sch. Dist. No. 16 | 1982 | 648 P.2d 27 | OD |
| 16 | Johns v. Wynnewood Sch. BOE | 1982 | 656 P.2d 248 | SD |
| 17 | Earnest v. Sch. Board of Ind. Dist. No. 16 | 1983 | 666 P.2d 1287 | SD |

TABLE XXI (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1980s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 18 | Herweg, by and Through Stanard v. BOE of Lawton | 1983 | 673 P.2d 154 | SD |
| 19 | Ind. Sch. Dist. No. 1 v. Board of County Commissioners | 1983 | 674 P.2d 547 | SP |
| 20 | Lucas v. Ind. Pub. Sch. Dist. No. 35 | 1983 | 674 P.2d 1131 | SD |
| 21 | Wetsel v. Independent School District I-1 | 1983 | 670 P.2d 986 | SD |
| 22 | Wood v. Ind. School District No. 141 | 1983 | 661 P.2d 892 | SD |
| 23 | Independent School Dist. I-29 v. Crawford | 1984 | 688 P.2d 1291 | OD |
| 24 | Burdick v. Ind. Sch. Dist. No. 52 | 1985 | 702 P.2d 48 | OD |
| 25 | Burrows Const. Co. v. Ind. Sch. Dist. No. 2 | 1985 | 704 P.2d 1136 | SD |
| 26 | Maule v. Ind. Sch. dist. No. 9 | 1985 | 714 P.2d 198 | OD |
| 27 | DeLafleur v. Ind. Sch. Dist. No. 11 | 1986 | 727 P.2d 1352 | OD |
| 28 | Ind. Sch. Dist. No. 89 v. City of Okla. City | 1986 | 722 P.2d 1212 | SP |
| 29 | Andrews v. Ind. Sch. Dist. No. 29 | 1987 | 737 P.2d 929 | SD |
| 30 | Fair School Finance Council of Okla. v. State | 1987 | 746 P.2d 1145 | N/A |
| 31 | Spencer Development Co. v. Ind. Sch. Dist. No. I-89 | 1987 | 741 P.2d 477 | SS |
| 32 | Tulsa Cnty. Brd. of Equal. v. Ind. Sch. Dist. No. 1 | 1987 | 143 P.2d 1016 | SP |
| 33 | Whitley v. Ind. Sch. Dist. No. I-4 | 1987 | 741 P.2d 455 | OD |
| 34 | Winters by and through Winters v. City of Okla. City | 1987 | 740 P.2d 724 | SD |

TABLE XXI (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1980s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|---|--------------|---------------|---------------------------|
| 35 | Doe v. Ind. Sch. Dist. No I-89 | 1988 | 780 P.2d 659 | SD |
| 36 | Short v. Kiamichi Area Vo-Tech School | 1988 | 761 P.2d 472 | OD |
| 37 | State ex rel. Ind. Sch. Dist. No. 1 v. Barnes | 1988 | 762 P.2d 921 | SP |
| 38 | Wilson v. Gipson | 1988 | 753 P.2d 1349 | SD |
| 39 | Beacon Realty Investments v. Cantrell | 1989 | 771 P.2d 602 | SD |
| 40 | Dean v. Wes Watkins Vo-Tech School Dist. No. 25 | 1989 | 782 P.2d 116 | OD |
| 41 | Jet-Nash Dist. No. I-4 v. Cherokee Dist. No I-46 | 1989 | 776 P.2d 553 | OD |
| 42 | Mindemann v. Ind. Sch. Dist. No. 6 of Caddo Cnty. | 1989 | 771 P.2d 996 | SD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE XXII

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1980s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|--|---|
| Board of Ed. of Dep. Sch. v. Allen | REVERSE D | LEGITIMACY OF PETITION TO ABOLISH SCHOOL DISTRICT | COURT OVERTURNED THE LOWER COURT AND ORDERED THE PETITION AS INVALID. COURT FOUND THAT PETITION 60 PERCENT MUST BE CALCULATED USING NUMBER OF ELIGIBLE VOTERS RATHER THAN REGISTERED VOTERS. |
| Cave Springs Pub. Sch. Dist. I-30 v. Blair | AFFIRMED | NONRENEWAL OF TEACHER | COURT FOUND THAT SINCE THE DISTRICT DID NOT NOTIFY THE TEACHER BY CERTIFIED MAIL PRIOR TO APRIL 10, THE NON-RENEWAL WAS INVALID AND HER CONTRACT WAS AUTOMATICALLY RENEWED FOR THE FOLLOWING SCHOOL YEAR. |
| Ind. Sch. Dist. No. 89 v. Okla. City Fed. of Teachers | AFFIRMED | BARGAINING UNIT | COURT FOUND THAT THE STATUTES REQUIRE THE SCHOOL DISTRICT TO NOT RECOGNIZE THE BARGAINING UNIT DURING A STRIKE; YET THE NONRECOGNITION SHALL LAST ONLY AS LONG AS THE STRIKE. |
| Indp. Sch. Dist. No. 1 v. Jackson | REVERSE D | LIABILITY OF INSURANCE COMPANY FOR DAMAGE OF SCHOOL PROPERTY BY INSURED. | COURT FOUND THAT THE INSURANCE COMPANY OF THE DRIVER OF A CAR THAT SMASHED INTO THE GYM OF THE SCHOOL WAS LIABLE FOR THE DAMAGES. |
| Miller v. Indp. Sch. Dist. No. 56 | REVERSE D | PROBATIONARY TEACHER NONRENEWAL | COURT FOUND THAT PURSUANT TO LOCAL BOE'S RULES THAT WERE CONSISTENT WITH STATUTE THAT REASONS FOR NONRENEWAL MUST BE STATED. AS THEY WERE NOT, TEACHER NONRENEWAL WAS INVALID. |
| Baird v. Ind. Sch. Dis. No. 1 | AFFIRMED | BOND ISSUE ELECTION | COURT FOUND AS DID THE TRIAL COURT THAT THE BOND ELECTION HELD FOR THE CONSTRUCTION OF AN ELEMENTARY AND HIGH SCHOOL BUILDINGS WAS CONDUCTED ACCORDING TO STATUTE. FOUR MONTH REQUIREMENT DID NOT APPLY. |
| Beall v. Altus Public Schools | AFFIRMED | WORKERS' COMPENSATION AVAILABILTY FOR STUDENT | COURT FOUND THAT A STUDENT INJURED WHILE WORKING ON A SCHOOL PROJECT IS NOT ENTITLED TO WORKMANS' COMPENSATION AS HE IS NOT AN EMPLOYEE NOR IS HE PAID. |
| Chandler v. Ind. Sch. Dist. No. 12 | AFFIRMED | LEGITIMACY OF SCHOOL PROPERTY PURCHASED WITH PREVIOUS DUAL OWNERSHIP | COURT FOUND THAT THE PURCHASE WAS LEGAL AND THE PARTIAL OWNER OF THE PROPERTY BEFORE THE SALE HAD NO LEGITIMATE RIGHT TO DISSOLVE THE PURCHASE AGREEMENT. |
| Childers v. Ind. Sch. Dist. No. 1 | REVERSE D | TEACHER TERMINATION | COURT REVERSED LOWER COURT ORDER TO REVERSE THE TERMINATION IN THAT SUFFICIENT EVIDENCE WAS PRESENTED FOR THE STATUTORY CAUSES FOR TERMINATION AND PROCEDURAL RULES WERE FOLLOWED AS REQUIRED BY LAW. |

TABLE XXII (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1980s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Davis v. Sch. Dist. No. D-14 | AFFIRMED | STUDENT TRANSPORTATION | COURT FOUND IN FAVOR OF THE SCHOOL DISTRICT. THE DISTRICT REFUSED DOOR TO DOOR BUS SERVICE FOR A STUDENT. THE STUDENT LIVED ON A ROAD THAT WAS TOO DANGEROUS FOR BUS TRAVEL. DISCRETION OF SCHOOL WAS ALLOWED. |
| Maupin v. Ind. Sch. Dist. No. 26 | AFFIRMED | NONRENEWAL OF TEACHER | COURT FOUND THAT AFTER THE HEARING PANEL RE-INSTATED A TEACHER TO HIS TEACHING CONTRACT, THE COACHING OR EXTRA DUTIES ONCE OCCUPIED ARE SEVERABLE FROM THE CONTRACT AND NOT PART OF TEACHING CONTRACT. |
| BOE, Vici Pub. Schools v. Morris | AFFIRMED | TERMINATION OF SUPERINTENDENT | COURT FOUND THAT STATUTES DID NOT PROVIDE FOR A DUE PROCESS HEARING OR TENURE OF SCHOOL SUPERINTENDENTS. |
| Ind. Sch. Dist. No. 52 v. Okla. Industries Authority | REVERSE D | AUTHORITY OF SCHOOL DISTRICT TO INTERVENE IN SUIT AGAINST OIA | COURT FOUND THAT A SCHOOL DISTRICT, WHICH COULD BE EFFECTED BY THE TAXES COLLECTED BY THE OIA, WAS WITH AUTHORITY TO INTERVENE LEGALLY IN SUITS AGAINST THE OIA. |
| Ind. Sch. Dist. No. 9 v. Glass | AFFIRMED | DISPOSITION OF PERSONAL PROPERTY TAX REFUND UNDER FREEPORT EXEMPTION | COURT FOUND IN FAVOR OF THE FORD MOTOR COMPANY FOR ITS TAX REFUND ON PERSONAL PROPERTY UNDER THE FREEPORT EXEMPTION. |
| Jackson v. Ind. Sch. Dist. No. 16 | AFFIRMED | NONREEMPLOYMENT OF PROBATIONARY TEACHER | COURT FOUND THAT THE BOE FAILED TO GIVE NOTICE AS TO THE REASONS FOR NONREEMPLOYMENT IN ITS NOTIFICATION TO THE TEACHER. AS SUCH THE NOTICE WAS NOT VALID. |
| Johns v. Wynnewood Sch. BOE | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT TIME LIMITATIONS THAT ARE PART OF THE TORT CLAIMS ACT APPLY TO A MINOR AS THEY DO TO AN ADULT. |
| Earnest v. Sch. Board of Ind. Dist. No. 16 | AFFIRMED | RECOVERY OF SALARY BY SCHOOL EMPLOYEE FOR EMERGENCY LEAVE | COURT FOUND THAT DISTRICT POLICY THAT REQUIRES THE EMPLOYEE TO LOSE THE DAY'S PAY FOR MISSING WORK DUE TO EMERGENCY LEAVE AS VALID AND NOT CONTRARY TO STATE STATUTE. |
| Herweg, by and Through Stanard v. BOE of Lawton | AFFIRMED | TORT CLAIMS ACT FOR INJURY IN ATHLETICS | COURT FOUND IN FAVOR OF THE SCHOOL DISTRICT AND INTERPRETED THE TORT CLAIMS ACT TO INCLUDE ALL INJURIES WHICH RESULT FROM ATHLETICS. |

TABLE XXII (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1980s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--|--|
| Ind. Sch. Dist. No. 1 v. Board of County Comm'rs | AFFIRMED | RECOVERY OF INVESTED TAX FUNDS | COURT FOUND THAT THE BOARD OF COUNTY COMMISSIONERS HAD NO LEGAL RIGHT TO THE INVESTED TAX FUNDS INVESTED BY A SCHOOL DISTRICT. COURT FOUND INVESTMENTS AND USE OF MONEY BY SCHOOL DISTRICT LEGAL. |
| Lucas v. Ind. Pub. Sch. Dist. No. 35 | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE CLAIM FILED BY THE PLAINTIFF WAS INVALID AS IT DID NOT COMPLY WITH STATUTES. STATUTE REQUIRES CLAIM TO BE FILED WITH SUPERINTENDENT WITHIN 120 DAYS. THIS WAS NOT MET. |
| Wetsel v. Ind. Sch. Dit. I-1 | AFFIRMED | LIABILITY OF SCHOOL FOR STUDENT'S INJURY | COURT VACATED COURT OF APPEALS DECISION AND AFFIRMED THE DECISION OF THE TRIAL COURT. COURT FOUND NO LIABILITY ON THE PART OF THE TEACHER OR PRINCIPAL IN INJURY OF STUDENT. |
| Wood v. Ind. Sch. Dist. No. 141 | AFFIRMED | TEACHER NONRENEWAL | COURT FOUND THAT THE DUE PROCESS PROVISIONS OF THE STATUES REQUIRED FOR TEACHER NONRENEWAL HAD BEEN FOLLOWED BY THE SCHOOL DISTRICT. |
| Ind. Sch. dist. I-29 v. Crawford | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE JURY VERDICT IN AWARDDING THE STUDENT WHO WAS HURT AND THE PARENTS AS SEPARATE CLAIMS VALID UNDER THE TORT CLAIMS ACT. |
| Burdick v. Ind. Sch. Dist. No. 52 | AFFIRMED | TRANSFER OF STUDENTS | COURT AGREED WITH LOWER COURT IN SUSTAINING THE LEGITIMACY OF THE STUDENTS TO CONTINUE THEIR ENROLLMENT IN THE SCHOOL DISTRICT THEY HAD ATTENDED FOR FIVE YEARS. FAIRNESS OF LAW WAS THE POINT AND POOR RECORDS. |
| Burrows Const. Co. v. Ind. Sch. Dist. No. 2 | REVERSE D | FEEES FOR CONSTRUCTION AND ATTORNEY FEES AFTER FINDING | COURT FOUND THAT NO SUSTAINABLE ORAL CONTRACT EXISTED BETWEEN THE SCHOOL DISTRICT AND THE CONSTRUCTION COMPANY. COURT ALSO FOUND THAT CONSTRUCTION COMPANY MUST PAY ATTORNEY FEES. |
| Maule v. Ind. Sch. dist. No. 9 | REVERSE D | RECOGNITION OF BARGAINING UNIT | COURT REVERSED BOTH THE TRIAL COURT AND THE COURT OF APPEALS. COURT FOUND THAT THE LOCAL BOE MUST ACT AS THE AGENT BETWEEN TWO COMPETING BARGAINING UNITS, IN THIS CASE THE OEA AND AFT. |
| DeLafleur v. Ind. Sch. Dist. No. 11 | GRANTED | RECOGNITION OF BARGAINING UNIT | COURT ORDERED SCHOOL DISTRICT TO RECOGNIZE UNIT OR CALL FOR AN ELECTION TO DETERMINE THE PROFESSIONAL BARGAINING UNIT. |

TABLE XXII (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1980s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|---|---|
| Ind. Sch. Dist. No. 89 v. City of Okla. City | REVERSE D | ZONING LAWS AS APPLIED TO SCHOOL DISTRICTS | COURT FOUND NO LEGISLATIVE INTENT TO RESTRICT A SCHOOL DISTRICT'S COMPLIANCE TO A CITY'S ZONING LAWS. |
| Andrews v. Ind. Sch. Dist. No. 29 | AFFIRMED | SCHOOL POLICY | COURT AFFIRMED LOWER COURT'S RULING WHICH UPHELD THE LEGITIMACY OF A SCHOOL INCREASING THE REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. SUCH INCREASE DID NOT VIOLATE THE OPEN MEETING ACT. |
| Fair School Finance Council of Okla. v. State | AFFIRMED | LEGALITY OF STATE SYSTEM OF FINANCING PUBLIC SCHOOLS | COURT FOUND THAT THE DISPARITIES THAT EXISTED BETWEEN LOCAL DISTRICTS IN THE ABILITY TO GENERATE LOCAL REVENUES MORE THAN OTHERS DID NOT VIOLATE THE STATE OR FEDERAL CONSTITUTION. |
| Spencer Development Co. v. Ind. Sch. Dist. No. I-89 | REVERSE D | BOUNDARY DISPUTE BETWEEN TWO DISTRICTS | COURT FOUND THAT TRIAL COURT WAS IN ERROR IN REDRAWING BOUNDARIES OF SCHOOL DISTRICTS; THOSE STUDENTS LIVING IN DISPUTED AREA MAY NOT BE FORCED TO ATTEND OTHER DISTRICT AS DRAWN BY LOWER COURT. |
| Tulsa Cnty. Brd. of Equal. v. Ind. Sch. Dist. No. 1 | AFFIRMED | VALUATION OF REAL PROPERTY | COURT FOUND IN FAVOR OF THE SCHOOL DISTRICTS. COURT FOUND THAT THE JOB OF THE BOARD WAS TO RATE PROPERTY BASED ON FAIR CASH VALUE. |
| Whitley v. Ind. Sch. Dist. No. I-4 | REVERSE D | TORT CLAIMS ACT | COURT FOUND THAT TIME LIMITS IN STATUTE WERE NOT APPLICABLE AS THE PROPERTY DAMAGES IN THE CASE WERE SETTLED WHILE NEGOTIATIONS EXTENDED THE TIME LIMIT ON PERSONAL INJURY ISSUES IN THE CASE. |
| Winters by and through Winters v. City of Okla. City | AFFIRMED | ATTORNEY FEES | COURT FOUND THAT THE ATTORNEY WHO HAD FILED THE SUITS HAD DONE SO THREE PREVIOUS OCASSIONS AND HAD LOST ALL THREE. COURT FOUND IN FAVOR OF THE CITY TO GAIN ATTORNEY FEES. |
| Doe v. Ind. Sch. Dist. No I-89 | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE 6 MONTHS TIME LIMIT FOR FILING FOR A CLAIM UNDER THE TORT CLAIMS ACT, AND FAILURE TO COMPLY WITH THE PROVISIONS OF THE TIME LIMITS FORFEITS THE RIGHT TO FILE A CLAIM. |
| Short v. Kiamichi Area Vo-Tech School | REVERSE D | NONRENEWAL OF TEACHER | COURT DETERMINED THAT U.S. SUPREME COURT'S DECISION REQUIRING A PRETERMINATION HEARING WAS RENDERED ONLY TWO WEEKS BEFORE THE BOE TERMINATED THE EMPLOYEE. THE BOE DID NOT HAVE ENOUGH TIME TO KNOW ABOUT |

TABLE XXII (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1980s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|-------------------------------------|---|
| State ex rel. Ind. Sch. Dist. No. 1 v. Barnes | GRANTED | DISTRIBUTION OF PROTESTED TAX FUNDS | COURT FOUND THAT THE STATUTE DID NOT ALLOW DISCRETION IN DISTRIBUTING PROTESTED TAX FUNDS. THE TREASURER DOES NOT HAVE DISCRETION TO HOLD FUNDS. |
| Wilson v. Gipson | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE SCHOOL DISTRICT HAD DISTRIBUTED MONEY FROM INSURANCE THROUGH THE LOWER COURT. APPEAL WAS FOR MORE. COURT FOUND THAT TORT CLAIMS ACT DID NOT REQUIRE MORE. |
| Beacon Realty Investments v. Cantrell | REVERSE D | REFUND OF AD VALOREM TAXES | COURT FOUND THAT THE TRIAL COURT AND THE COURT OF APPEALS WERE RIGHT AND WRONG IN THIS CASE AS THE COURT AFFIRMED AND REVERSED IN PART. COURT FOUND THAT AD VALOREM TAXES MAY NOT BE INCREASED WITHOUT NOTICE TO OWNER. |
| Dean v. Wes Watkins Vo-Tech School Dist. No. 25 | REVERSE D | CHALLENGE TO BOND ELECTION | COURT FOUND THAT PURSUANT TO STATUTES, CHALLENGES TO BOND ELECTIONS MAY BE EXECUTED 30 DAYS AFTER THE ELECTION DESPITE WHETHER OR NOT THE BONDS HAVE BEEN ISSUED. |
| Jet-Nash Dist. No. I-4 v. Cherokee Dist. No I-46 | AFFIRMED | ANNEXATION | COURT FOUND THAT THE ANNEXATION ORDER OF THE FEDERALLY OWNED LAND WAS INVALID. COURT FOUND THAT THE TRANSPORTATION AREA MUST BE ASSIGNED BEFORE ANNEXATION MAY TAKE PLACE. |
| Mindemann v. Ind. Sch. Dist. No. 6 of Caddo Cnty. | AFFIRMED | BOE'S OBLIGATION TO HEAR GREIVANCE | COURT FOUND THAT THE NEGOTIATED AGREEMENT WHICH CALLED FOR GREIVANCES TO GO TO A BINDING ARBITRATOR WAS IN VIOLATION OF STATUTES. |

TABLE XXIII

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1980s

| CATEGORY - Total Number of Cases = 42 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 17 | 40.48% | 5 | 29.41% | 12 | 70.59% |
| District Issues | 13 | 30.95% | 4 | 30.77% | 9 | 69.23% |
| Personnel Issues | 10 | 23.81% | 0 | 0% | 10 | 100% |
| District v. District/ Other Issues | 2 | 4.76% | N/A | N/A | N/A | N/A |

TABLE XXIV

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1980s

| CATEGORY | NUMBER | PERCENTAGE |
|---|--------|------------|
| Cases Won By School Districts | 28 | 70.00% |
| Cases Lost by School Districts | 12 | 30.00% |
| <p>Forty-two cases were adjudicated in the 1980s. One case during this decade involved one school district as the plaintiff and another as the defendant. One case did not involve a particular school as the plaintiff or defendant but decided an issue applicable to all schools. These two cases were not included in the statistics.</p> | | |
| Cases Won by Districts as Plaintiff | 7 | 17.50% |
| Cases Won by Districts as Defendant | 21 | 52.50% |
| Cases Lost by Districts as Plaintiff | 1 | 2.50% |
| Cases Lost by Districts as Defendant | 11 | 37.50% |

TABLE XXV

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1990s

| Number | Case Name | Date Decided | Citation | Decision for School/Other* |
|--------|--|--------------|---------------|----------------------------|
| 1 | Raines v. Ind. School Dist. No. 6 | 1990 | 796 P.2d 303 | SD |
| 2 | Brd. of Cnty. Commissioners v. City of Muskogee | 1991 | 820 P.2d 797 | OD |
| 3 | O'Neal v. Joy Dependent School District | 1991 | 820 P.2d 1334 | OD |
| 4 | Babb v. Ind. School Dist. No. I-5 | 1992 | 829 P.2d 973 | OD |
| 5 | Brewer v. Ind. School Dist. No. 1 | 1993 | 848 P.2d 566 | SD |
| 6 | Hall v. Noble Public Schools | 1993 | 848 P.2d 1157 | SD |
| 7 | Haynes v. Tulsa Public Schools Transit | 1994 | 879 P.2d 128 | OD |
| 8 | Juvenal v. Okeene Public Schools | 1994 | 878 P.2d 1026 | SD |
| 9 | Rusk v. Ind. School Dist. No. 1 | 1994 | 885 P.2d 1365 | SD |
| 10 | Thompson v. Ind. Sch. District No. 94 | 1994 | 886 P.2d 996 | SD |
| 11 | Curtis v. Board of Educ. of Sayre Public Schools | 1995 | 914 P.2d 656 | SD |
| 12 | Barton v. Ind. School Dist. No. I-99 | 1996 | 914 P.2d 1041 | OD |
| 13 | Frank Calvert v. Tulsa Public Schools | 1996 | 932 P.2d 1087 | OD |
| 14 | Pointer v. Western Heights Ind. Sch. Dist. | 1996 | 919 P.2d 5 | SD |
| 15 | Clay v. Ind. School Dist. No. 1 of Tulsa County | 1997 | 935 P.2d 294 | OD |
| 16 | Evans v. Oaks Mission Public Schools | 1997 | 945 P.2d 492 | SD |
| 17 | Franks v. Union City Public Schools | 1997 | 943 P.2d 611 | SD |

TABLE XXV (Continued)

OKLAHOMA SUPREME COURT CASES, CITATIONS,
AND DECISION WINNERS: 1990s

| Number | Case Name | Date Decided | Citation | Decision for School/Other |
|--------|--|--------------|---------------|---------------------------|
| 18 | Hill, Etc. v. BOE Dist. I-009 | 1997 | 944 P.2d 930 | OD |
| 19 | House v. Ind. School Dist. I-29 of Muskogee County | 1997 | 939 P.2d 1127 | SD |
| 20 | Scheer v. Ind. School Dist. No. I-26 | 1997 | 948 P.2d 275 | SD |
| 21 | Brandon v. Ashworth | 1998 | 955 P.2d 233 | OD |
| 22 | In Re: Matter of Tax Levy of Ardmore | 1998 | 959 P.2d 580 | SD |
| 23 | Macy v. Oklahoma City | 1998 | 961 P.2d 804 | SD |
| 24 | Reynolds v. Union Public Schools | 1998 | 976 P.2d 557 | SD |
| 25 | Whitehead v. Tulsa Public Schools | 1998 | 968 P.2d 1211 | OD |
| 26 | Martin v. Johnson | 1999 | 975 P.2d 889 | OD |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE XXVI

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1990s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|---|------------------|---|--|
| Raines v. Ind. School Dist. No. 6 | REVERSE D | BINDING ARBITRATION | COURT REVERSED THE LOWER COURT BY FINDING THAT THE BINDING ARBITRATION AGREEMENT IN THE DISTRICT WAS COUNTER TO STATE STATUTE. THE PROVISION, SPECIFICALLY IN THIS CASE, DELEGATES THE AUTHORITY OF THE BOARD TO REPRIMAND A |
| Brd. of Cnty. Commissioners v. City of Muskogee | AFFIRMED | COLLECTION OF REEVALUTION COSTS | COURT FOUND THAT THE CONSTITUTION ALLOWED FOR THE SCHOOL DISTRICT TO PAY A SHARE OF THE REEVALUATION COSTS OF THE SCHOOL DISTRICT. |
| O'Neal v. Joy Dependent School District | REVERSE D | LIABILITY OF DISTRICT IN STUDENT ACCIDENT/TORT CLAIMS ACT | COURT FOUND THAT THE INTRODUCTION OF THIRD PARTY TESTIMONY DURING THE TRIAL WAS IN ERROR. THE INTRODUCTION OF THE DRIVER'S RECORD IN TH TRIAL WAS IN ERROR AS WELL. |
| Babb v. Ind. School Dist. No. I-5 | REVERSE D | TERMINATION OF TENURED TEACHER THROUGH REDUCTION IN FORCE | COURT REVERSED THE LOWER COURT AND REINSTATED THE TEACHER. COURT FOUND THAT A TENURED TEACHER TAKES PRIORITY OVER A NONTENURED TEACHER IN CASES OF REDUCTION IN FORCE POLICIES. |
| Brewer v. Ind. School Dist. No. 1 | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT UNDER THE TORT CLAIMS ACT THE SCHOOL IS LIABLE, IF BOUGHT INSURANCE, UP TO THE AMOUNT OF THE COVERAGE BEYOND THE LIMITS THE SCHOOL IS NOT LIABLE FOR ATTRACTIVE NUISANCE AND THE FAILURE TO INSPECT. |
| Hall v. Noble Public Schools | AFFIRMED | TERMINATION AND NONREHIRE OF SUPPORT EMPLOYEE | COURT FOUND THAT THE DISTRICT WAS NOT LIABLE FOR WRONGFUL TERMINATION AFTER EMPLOYEE WHO HAD FILED WORKERS COMPENSATION CLAIMS WAS LET GO WITH OTHER EMPLOYEES IN FINANCIAL CRUNCH. COURT FOUND NO REASON DISTRICT HAD TO REHIRE WHEN OTHERS WERE REHIRED. |
| Haynes v. Tulsa Public Schools Transit | DENIED | WORKERS COMPENSATION | COURT FOUND CAUSE TO AWARD THE WORKERS COMPENSATION CLAIM AND DISMISS THE RESPONDENT SCHOOL DISTRICT'S MOTION TO DISMISS THE CASE. |
| Juvenal v. Okeene Public Schools | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE SCHOOL WAS NOT LIABLE FOR A CHILD THAT WAS INJURED WHILE TRYING TO CLIMB THE ROOF OF A SCHOOL BUILDING . THE SCHOOL WAS NOT LIABLE FOR THE INJURY AS IMMUNITY WAS PROVIDED FROM TORT CLAIMS ACT. |

TABLE XXVI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1990s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------------------|---------------------------------------|--|
| Rusk v. Ind. School Dist. No. 1 | DISMISSED | APPEAL TIMELINE | COURT DISMISSED THE APPEAL AS THE APPEAL WAS NOT MAILED BY CERTIFIED MAIL BUT BY PRIORITY MAIL. |
| Thompson v. Ind. Sch. District No. 94 | AFFIRMED | ATTORNEY'S FEES | COURT FOUND THAT THE LOWER COURT WAS CORRECT IN AFFIRMING THE JURY AWARD OF ATTORNEY FEES TO THE SCHOOL. |
| Curtis v. Board of Educ. of Sayre Public Schools | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT PE CLASS ACTIVITIES ARE IMMUNE FROM LIABILITY UNDER TORT CLAIMS ACT, NOT JUST INTERSCHOLASTIC COMPETITIONS. |
| Barton v. Ind. School Dist. No. 1-99 | REVERSE | REDUCTION IN FORCE OF TENURED TEACHER | COURT FOUND AS IT DID IN BABB THAT THE TEACHER WHO IS TERMINATED IN REDUCTION IN FORCE POLICIES MUST BE REASSIGNED TO AN AREA HE IS CERTIFIED YET OCCUPIED BY A NONTENURED TEACHER. |
| Frank Calvert v. Tulsa Public Schools | REVERSE | TORT CLAIMS ACT | COURT FOUND THAT THE PARTIES IN THIS ISSUE WERE RIGHTFULLY ABLE TO PURSUE A SUIT UNDER THE TORT CLAIMS ACT. PARENTS FAILED TO APPOINT THEMSELVES AS THE PERSONAL REPRESENTATIVES OF THE ESTATE AFTER DEATH. |
| Pointer v. Western Heights Ind. Sch. Dist. | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT DESPITE FILING IN FEDERAL COURT THE TIME LIMIT, STATUTE OF LIMITATIONS HAD EXPIRED FOR THIS CASE. LOOKING AT 12 O.S. 1991, SECTION 1367 AND 28 U.S.C. SECTION 100, THE COURT FOUND THE FILING UNTIMELY. |
| Clay v. Ind. School Dist. No. 1 of Tulsa County | AFFIRMED / REVERSE D IN PART | PAYMENT OF REEVALUATION PROGRAM | COURT FOUND THAT SCHOOL DISTRICTS, AS IT HAD PREVIOUSLY, MAY BE HELD ACCOUNTABLE FOR A PORTION OF THE REEVALUATION PROGRAM OF THE COUNTY ASSESSOR'S OFFICE. |
| Evans v. Oaks Mission Public Schools | AFFIRMED | TORT CLAIMS ACT | COURT OVERTURNED APPEALS COURT AND AFFIRMED THE LOWER COURT. COURT FOUND THAT PE CLASS HAS INHERENT RISK OF INJURY AND TORT CLAIMS ACT PROVIDES IMMUNITY FROM LIABILITY FOR SCHOOL IN CASES OF INJURY. |

TABLE XXVI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1990s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|--|------------------|--------------------------------------|---|
| Franks v. Union City Public Schools | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT THE SCHOOL HAD DISCRETIONARY FUNCTION IN PROVIDING SECURITY AND POLICE PROTECTION AT SCHOOL OR SCHOOL FUNCTIONS. |
| Hill, Etc. v. BOE Dist. I-009 | AFFIRMED | TRANSFER OF STUDENTS | COURT HELD THAT A STUDENT ON TRANSFER FOR ELEVEN YEARS MAY NOT BE DENIED THE TRANSFER FOR THE SENIOR YEAR, 70 O.S. SUPP. 1993, SECTION 8 |
| House v. Ind. School Dist. I-29 of Muskogee County | AFFIRMED | TERMINATION OF TEACHER | COURT FOUND THAT THE PROVISIONS OF THE TEACHER DUE PROCESS ACT WERE MET BY THE PRINCIPAL AND AN ADMONISHMENT ALONG WITH A PLAN FOR IMPROVEMENT WERE PROVIDED. |
| Scheer v. Ind. School Dist. No. I-26 | AFFIRMED | TENURE OF TEACHER | COURT FOUND THAT TEACHER GAINS TENURE STATUS UPON COMPLETING THREE YEARS OF TEACHING ON A CONTRACT IN A DISTRICT. THE PERIOD OF TIME EMPLOYED ON A TEMPORARY CONTRACT IS NOT INCLUDED. |
| Brandon v. Ashworth | REVERSE D | SUPERINTENDENT'S CONTRACT | COURT FOUND THAT TAXPAYERS IN A SCHOOL DISTRICT HAD LEGAL STANDING TO BRING ACTION TO QUESTION THE VALIDITY AND LEGALITY OF A SUPERINTENDENT'S CONTRACT. COURT ALSO FOUND CONTRACT DID NOT VIOLATE SECTION 26, ARTICLE 10 OF THE OKLAHOMA CONSTITUTION. |
| In Re: Matter of Tax Levy of Ardmore | AFFIRMED | LEGITIMACY OF BUILDING FUND ELECTION | COURT FOUND THAT THE SECOND BUILDING FUND ELECTION HELD AFTER THE FIRST FAILED WAS CONDUCTED ACCORDING TO STATUTES AND NOT PROHIBITED BY THE CONSTITUTION. |
| Macy v. Oklahoma City | AFFIRMED | LEGITIMACY OF ANNEXATION ELECTION | SUIT WAS BROUGHT TO CHALLENGE THE LEGITIMACY OF A 1966 ANNEXATION ELECTION. COURT FOUND THAT THE SUIT MAY NOT RESULT IN A DECLARATORY JUDGMENT WHEN A STATUTORY RESOLUTION IS AVAILABLE. SUCH IS AVAILABLE IN ANNEXATION |
| Reynolds v. Union Public Schools | AFFIRMED | TORT CLAIMS ACT | COURT FOUND THAT AN INJURY TO A VISITOR AT THE SCHOOL WAS NOT GROUNDS TO HOLD THE SCHOOL LIABLE AS THE EVENT FELL UNDER THE INSPECTION POWERS AND FUNCTIONS CLAUSE OF THE TORT CLAIMS ACT. |

TABLE XXVI (Continued)

OKLAHOMA SUPREME COURT DECISIONS, ISSUES
AND FINAL RESOLUTIONS IN THE 1990s

| Case Name | Court's Decision | Issues Litigated | Decision & Final Resolutions |
|-----------------------------------|------------------|----------------------------------|--|
| Whitehead v. Tulsa Public Schools | DENIED | WORKERS COMPENSATION | MOTION TO DISMISS WAS DENIED BY THE COURT. COURT FOUND THAT APPEAL RULES FOR WORKERS COMPENSATION MAY USE POSTAL DATE BY U.S. POSTAL SERVICES AS DATE OF FILING RATHER THAN DATE RECEIVED. |
| Martin v. Johnson | REVERSE D | NONRENEWAL OF NONTENURED TEACHER | THE COURT FOUND THAT THE DISMISSAL AND AWARDING OF ATTORNEY'S FEES TO THE DEFENDANT WERE INAPPROPRIATE AND REMANDED THE CASE TO THE TRIAL COURT. |

*Key for "Decision" Column: The first letter designates the winner in the case. "S" = School; "O" = Other (Taxpayer, Agency, Business, etc.). "N/A" = A school was not a plaintiff or defendant in the case yet the case concerned public schools. "SS" = a school v. a school. The second letter indicates whether the school was a plaintiff ("P") or defendant ("D").

TABLE XXVII

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1990s

| CATEGORY - Total Number of Cases = 26 | NUMBER OF CASES | PERCENTAGE OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENTAGE DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENTAGE DISTRICT DEFENDANT |
|--|--------------------|------------------------|---------------------------------|-------------------------------------|---------------------------------|-------------------------------------|
| Finance Issues | 8 | 30.78% | 0 | 0% | 8 | 100% |
| District Issues | 9 | 34.61% | 0 | 0% | 9 | 100% |
| Personnel Issues | 9 | 34.61% | 0 | 0% | 9 | 100% |
| District v. District/ Other Issues | 0 | 0% | N/A | N/A | N/A | N/A |

TABLE XXVIII

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1990s

| CATEGORY | NUMBER | PERCENTAGE |
|---|--------|------------|
| Cases Won By School Districts | 15 | 57.69% |
| Cases Lost by School Districts | 11 | 42.31% |
| Twenty-six cases were adjudicated in the 1990s. | | |
| Cases Won by Districts as Plaintiff | 0 | 0% |
| Cases Won by Districts as Defendant | 15 | 57.69% |
| Cases Lost by Districts as Plaintiff | 0 | 0% |
| Cases Lost by Districts as Defendant | 11 | 42.31% |

TABLE XXIX

ISSUES AND PERCENTAGES LITIGATED IN THE
OKLAHOMA SUPREME COURT: 1930 – 1999

| CATEGORY - Total Number of Cases = 352 | NUMBER OF CASES | PERCENT OF CASES | NUMBER DISTRICT PLAINTIFF | PERCENT DISTRICT PLAINTIFF | NUMBER DISTRICT DEFENDANT | PERCENT DISTRICT DEFENDANT |
|--|--------------------|---------------------|---------------------------------|----------------------------------|---------------------------------|----------------------------------|
| Finance Issues | 154 | 43.63% | 43 | 27.92% | 111 | 72.08% |
| District Issues | 123 | 34.84% | 50 | 40.65% | 73 | 59.35% |
| Personnel Issues | 59 | 16.71% | 15 | 25.42% | 44 | 74.58% |
| District v. District/Other Issues | 16 | 4.82% | N/A | N/A | N/A | N/A |

Three hundred fifty-two cases were adjudicated from 1930 to 1999. Fourteen cases involved one school district as the plaintiff and another as the defendant. Three other cases involved parties as the plaintiff and defendant other than school districts yet decided issues affecting public schools.

TABLE XXX

TOTAL PERCENTAGES OF SCHOOL DISTRICTS AS
PLAINTIFFS AND DEFENDANTS IN THE
OKLAHOMA SUPREME COURT:
1930-1999

| CATEGORY - Total Number of Cases = 336 | NUMBER OF CASES | NUMBER PLAINTIFF | PERCENTAGE PLAINTIFF | NUMBER DEFENDANT | PERCENTAGE DFENDANT |
|--|--------------------|---------------------|-------------------------|---------------------|------------------------|
| | 336 | 109 | 32.44% | 227 | 67.56% |

The total number of cases used for this table was reduced by the number of cases that did not involve a school district as the plaintiff or defendant or involved cases that school districts were the plaintiff and defendant. This number was sixteen cases. The total number of cases included in the study was 352.

TABLE XXXI

OKLAHOMA SUPREME COURT CASES WON AND LOST
BY OKLAHOMA PUBLIC SCHOOLS: 1930 – 1999

| CATEGORY | NUMBER | PERCENTAGE |
|--------------------------------|--------|------------|
| Cases Won By School Districts | 238 | 70.73% |
| Cases Lost By School Districts | 98 | 29.27% |

Three hundred fifty-two cases were adjudicated from 1930 to 1999. Fourteen cases involved one school district as the plaintiff and another as the defendant. Two other cases involved parties as the plaintiff and defendant other than school districts yet decided issues affecting public schools. These sixteen cases were not included in the statistics.

| | | |
|--------------------------------------|-----|--------|
| Cases Won by Districts as Plaintiff | 76 | 22.42% |
| Cases Won by Districts as Defendant | 162 | 48.31% |
| Cases Lost by Districts as Plaintiff | 33 | 9.92% |
| Cases Lost by Districts as Defendant | 65 | 19.35% |

APPENDIX B

FIGURES 1 - 3

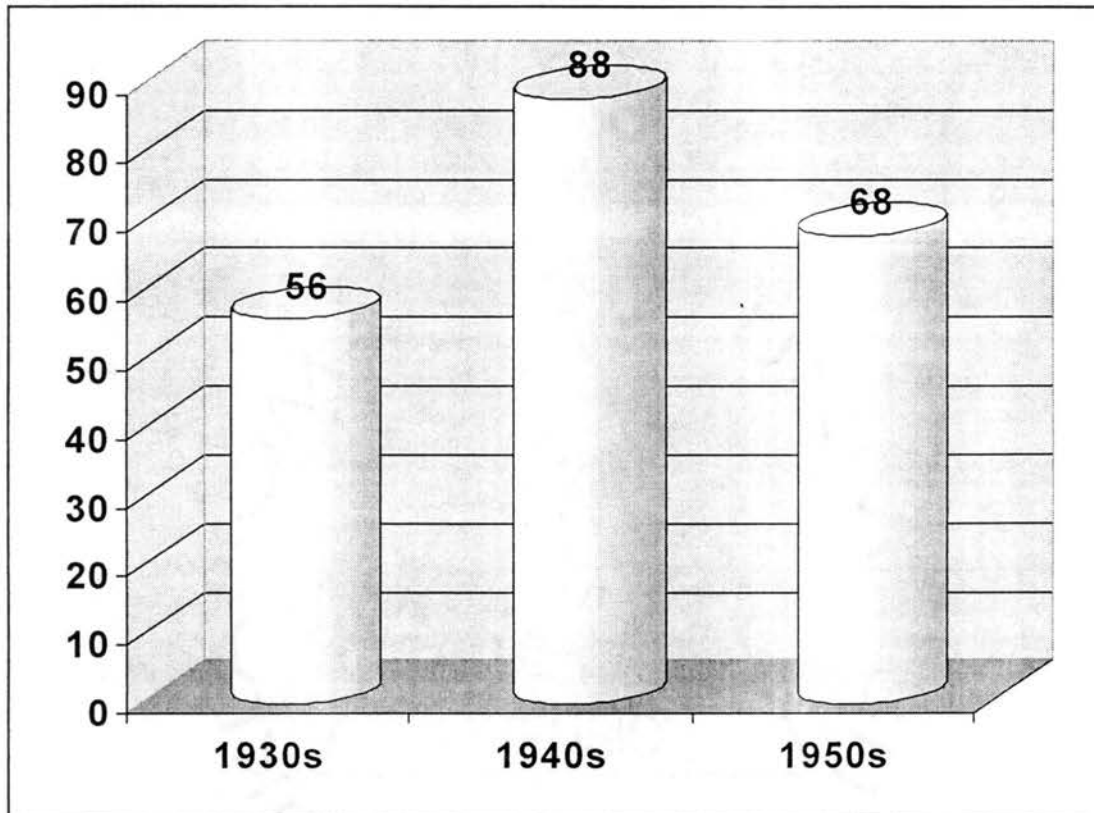


Figure 1. The Number of Oklahoma Supreme Court Cases Adjudicated During the 1930s, 1940s and 1950s.

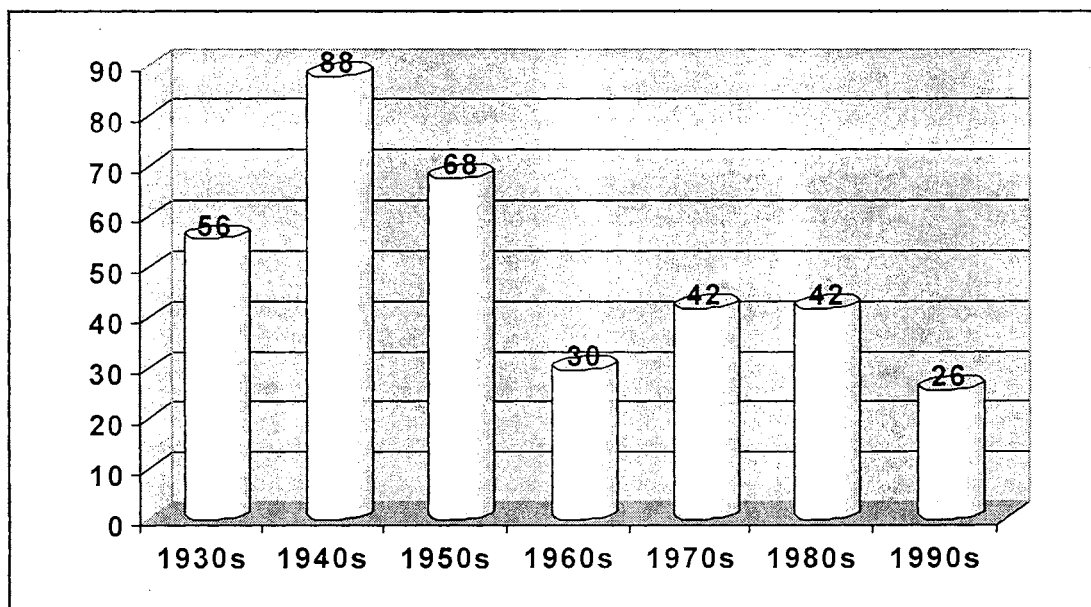


Figure 2. The Number of Oklahoma Supreme Court Cases Adjudicated From 1930-1999.

The number of cases heard by the Court appear on the vertical axis. The decade in which the number cases were heard appear on the horizontal axis. While the 1930s produced a significant increase in the number of cases heard by the Court, the 1940s continued that trend. The 1950s began a downward trend that continued in the 1960s. While a small increase in the number of cases occurred in the 1970s and 1980s, the number of cases again decreased in the 1990s.

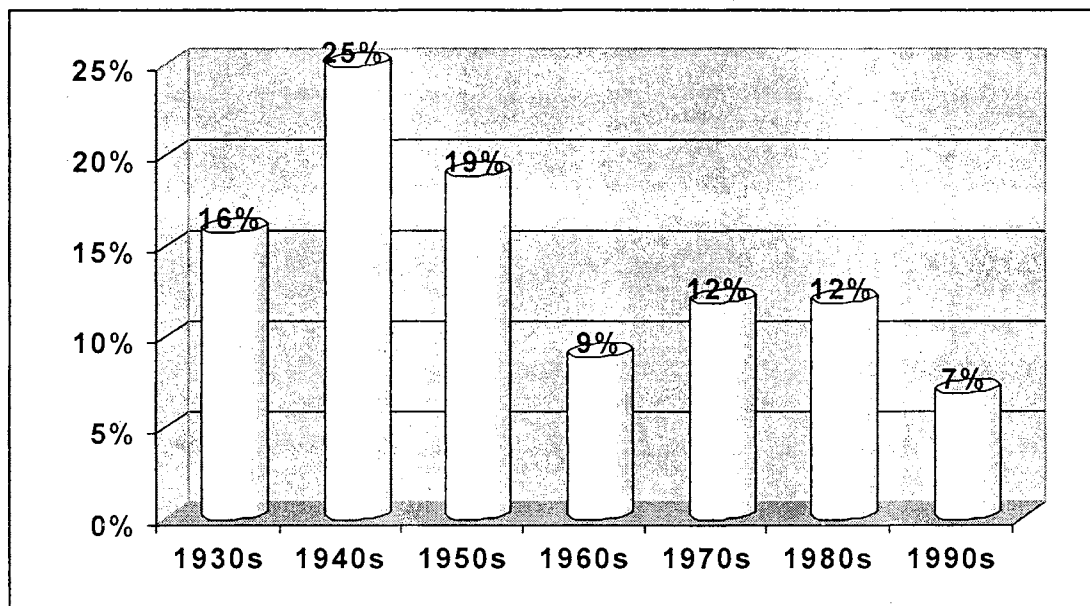


Figure 3. The Percentages of Oklahoma Supreme Court Cases Involving Oklahoma's Public Schools Adjudicated by Decade.

Of the 336 (352 total) cases adjudicated by the Court involving a public school as the defendant or plaintiff in the years 1930 to 1999, this graph represents the percentage of cases heard in each of the seven decades of the study.

APPENDIX C

INSTITUTIONAL REVIEW BOARD APPROVAL

Human subjects were not used for this study,
therefore an Oklahoma State University
Institutional Review Board Approval
was neither requested nor received.

VITA 2

Robert Kyle Wood

Candidate for the Degree of

Doctor of Education

Thesis: A HISTORICAL STUDY OF THE OKLAHOMA SUPREME COURT'S
DECISIONS INVOLVING OKLAHOMA'S PUBLIC SCHOOLS: 1930-1999

Major Field: Educational Administration

Biographical:

Personal Data: Born in Longview, Texas, November 9, 1965, the son of Charles Louis Wood and Gayle Lee and Pat Edmondson, the husband of Lisa Dayle Wood, father of John Dixon Wood, McKinley Regan Wood, and Joe Garrison Wood.

Education: Graduated from Grove High School, Grove, Oklahoma, in May 1984; received Associate of Arts degree in General Studies from Northeastern A&M College, Miami, Oklahoma in May 1986; received Bachelor of Science degree in Secondary Education from Oklahoma State University in May 1989; received Master of Science degree in Educational Administration from Oklahoma State University in May 1991. Completed the requirements for the Doctor of Education degree with a major in Educational Administration from Oklahoma State University in August 2002.

Professional Experience: Classroom teacher in Perry, Oklahoma, 1989-1991; high school assistant principal in Broken Arrow, Oklahoma, 1991-1995; high school principal in Okmulgee, Oklahoma, 1995-96; high school principal in Broken Arrow, Oklahoma 1996 to present.