

Chapter 343

Special Educational Facilities

343 010	Evening schools in second class districts	343.244	Superintendent of Public Instruction to employ personnel to supervise instruction
343.090	Establishment of part-time schools or classes for employed minors	343.248	Instruction of hospitalized handicapped children
343.100	Purpose of part-time schools	343.254	Cooperation with other agencies
343.110	Minimum school sessions in part-time schools	343.258	County or regional facilities for instruction of handicapped children
343 120	State board duties as to part-time schools	343.264	Operation of county or regional facilities by a school district
343.130	Homemaking and agriculture education in cities over 8,000 population	343.268	Operation of county or regional facilities by a county school superintendent
343.140	Department of research and guidance in districts of 10,000 inhabitants	343 274	Determination of eligibility for instruction
343.150	Director of department of research and guidance	343.278	Control over placement of children for instruction
343 160	Survey of public school children; educational improvement	343.284	Employment of certified teachers
343.170	Survey of educationally exceptional children; recommendations	343.288	Reimbursement of school districts for cost of educating handicapped children
343.180	Special educational facilities	343 294	School districts to submit cost estimates; use of state funds to match federal funds
343.190	Excusing pupils from physical examinations	343.298	Use of funds appropriated for education of handicapped children
343.200	Application of ORS 343.140 to 343.190	343.304	State board rules and regulations
343.210	Home instruction of mentally defective children	343 370	Instruction in White Shield Home
343 216	Pilot program for mentally retarded and gifted children	343.380	Duties of state superintendent as to White Shield Home instruction
343 218	Administration of pilot program	343.390	Extension of child guidance clinic to public agencies
343.222	Payment of expenses of pilot program	343 990	Penalties
343 234	Definitions for ORS 343.234 to 343.304		
343.238	District instruction for handicapped children		

CROSS REFERENCES

College level instruction in school districts, 341 070	Part-time school attendance as hours of employment, 653 445
Regional educational aids centers, 326 080(2)	343.120
Schools for backward children in districts having over 20,000 school age population, 332 440	State agency rules, regulations and orders, 183 020
Training schools taught by normal school students, 342 560 to 342 575	343 210
343 010	Training of mentally defective persons, 427 010
Compulsory attendance at evening schools, 339 030(1)	343 278
Evening schools in first class districts, 332 350, 332 440	Educational service for the visually handicapped 346 250
343 110	Exemption from compulsory school attendance, 339 030(4)
Compulsory attendance at part-time schools, 339 030(1)	343 298
Employer to permit part-time attendance, 653 440	Limitation on funds appropriated for handicapped children program, 327 065

343.010 Evening schools in second class districts. The district school board of a second class district may provide and maintain a continuation evening school, fix the hours during which such school shall be in session and fix the length of term for such school at not less than one-third that of the day session in such city. The board may employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if in their judgment there is sufficient demand to justify such provisions; may fix, within the limitations of this section, a course of study required for graduation from the evening high school and may admit any person not receiving instruction in the day session for the public school, without restriction as to age and citizenship.

343.020 [Repealed by 1953 c 110 §2]

343.030 [Repealed by 1953 c 110 §2]

343.040 [Repealed by 1953 c 110 §2]

343.050 [Repealed by 1953 c 110 §2]

343.060 [Repealed by 1953 c 110 §2]

343.070 [Repealed by 1953 c 110 §2]

343.080 [Repealed by 1953 c 110 §2]

343.090 Establishment of part-time schools or classes for employed minors. (1) The district school board of any school district in which reside or are employed, or both, not less than 15 children between the ages of 14 and 18 years who have entered upon employment, shall establish part-time schools or classes for such employed children, excepting under the conditions provided in subsection (2) of this section.

(2) Whenever any school board deems it inexpedient to organize part-time schools or classes for employed minors, it shall state the reason for such inexpediency in a petition to the Superintendent of Public Instruction. When the superintendent judges such reasons valid, the school board shall be excused from the establishment of such part-time schools or classes

343.100 Purpose of part-time schools. A part-time school or class established under ORS 343 090 shall provide an education for children who have entered employment which shall be either supplemental to the work in which they are engaged, or which shall continue their general education, or

shall promote their civic and vocational intelligence.

343.110 Minimum school sessions in part-time schools. Part-time schools or classes established under ORS 343 090 shall be in session not less than five hours a week between the hours of 8 a m and 6 p. m during the number of weeks which other public schools are maintained in the district establishing such part-time schools or classes

343.120 State board duties as to part-time schools. The State Board of Education shall establish rules and regulations governing the organization and administration of part-time schools or classes and shall expend from the funds appropriated for the promotion of vocational education such sums of money as are necessary for the proper enforcement of ORS 343 090 to 343 120.

343.130 Homemaking and agriculture education in cities over 8,000 population. (1) In any city of at least 8,000 population, the city governing body, and in any city of at least 100,000 population, the school board, may provide and appropriate funds for the employment of home demonstration agents and boys' and girls' 4-H club agents to conduct educational programs among city youth and homemakers in the sciences of homemaking and agriculture

(2) The State Board of Higher Education, through its federal cooperative extension service, hereby is authorized to receive and administer such funds, administer all personnel and programs provided for in this section and use any funds not otherwise budgeted to cooperate with such cities or school districts in carrying out this section. Such funds may be provided either by special provision in the annual tax levy of such city or school district or by the appropriation of funds not otherwise appropriated. The funds shall be paid to the State Board of Higher Education for deposit with the State Treasurer and expenditure within such city or school district under the supervision of the federal cooperative extension service of Oregon State College and may be used for the payment of expenses and a part of the salary of one or more home demonstration agents or 4-H club agents in accordance with a budget mutually agreed upon between the governing body of such city or school district and said federal cooperative extension service

343.140 Department of research and guidance in districts of 10,000 inhabitants. The district school board of a school district having a general population of 10,000 inhabitants may establish a department of research and guidance in the public schools of such district

343.150 Director of department of research and guidance. The district school board may place the department of research and guidance under the supervision and control of a person of such training, experience and capacity as fit him to conduct the work of the department properly and efficiently. The person shall be known and designated as the director of the department of research and guidance and shall perform his duties under the general control and supervision of the superintendent of schools of the district. The district school board shall have the same powers with respect to his appointment and removal and the fixing of his salary as in the case of the city superintendent of schools and his assistants.

343.160 Survey of public school children; educational improvement. The director of the department of research and guidance shall investigate and ascertain the outstanding capacities, abilities and talents of the children in the district public schools. He shall assist in the development and operation of educational methods and equipment which conserve and develop such capacities, talents and abilities to their fullest extent. To these ends, he shall have the aid and cooperation of the district attendance department.

343.170 Survey of educationally exceptional children; recommendations. The director of the department of research and guidance shall make an enumeration of educationally exceptional children; which term, as used in ORS 343.170 and 343.180, includes any child between the ages of 6 and 17 years, both inclusive, who is not receiving proper benefits from the ordinary instruction in the public schools, either because of exceptionally keen mental qualities or because of mental or physical handicap which incapacitates such child from pursuing the studies scheduled in the classes to which such child would ordinarily belong. The director shall report to the city school superintendent his findings and determination as to any special instruction each of said children may require to insure the fullest educational development within the capacity of such child. The direc-

tor shall determine what special courses, classes or instructions are required for the education of the children so enumerated, and shall make his recommendation to the city school superintendent for the establishment of special classes and special schools which he deems necessary

343.180 Special educational facilities. The district school board referred to in ORS 343.140 may establish and maintain such special schools, courses, classes or instruction as it deems necessary for the proper instruction and education of educationally exceptional children, and may require the attendance of such children at such educational facility so established, although the facility is located outside of the subdistrict wherein the child resides.

343.190 Excusing pupils from physical examinations. Any child may be relieved from any physical examination required or recommended by the department of research and guidance upon written application of his parents to the head of the department, stating the reason for such request. This section shall not be construed in any way to interfere with the requirements of state or local boards of health

343.200 Application of ORS 343.140 to 343.190. ORS 343.140 to 343.190 shall have no application to children assigned by proper authority to state schools or state institutions for delinquent or defective children.

343.210 Home instruction of mentally defective children. Upon written application of the parent of any child between and including the ages of 6 and 20, who is mentally handicapped to the extent that, in the opinion of the county school superintendent of the county in which he resides, or, in first class districts, the city school superintendent, he cannot profit from the regular school program but who has the intellectual capacity to profit from home instruction in the usual branches taught in the first eight grades of the public schools, the school board of any district shall provide such home instruction at a cost of not less than the per pupil cost of operating the elementary schools in the district during the preceding year and not more than twice such per pupil cost. The school board of any district which maintains a special school or schools for mentally handicapped children shall not be required to provide such home instruction

343.216 Pilot program for mentally retarded and gifted children. (1) The State Department of Education shall direct and supervise a pilot program in special education for mentally retarded and gifted children.

(2) The pilot program shall be a limited service to mentally retarded and gifted children in public schools and shall consist of the operation of special classes by the Department of Education in certain selected school districts. The classes shall be operated for the purpose of devising, testing and improving field procedures and more accurately determining costs, means of reimbursement and budget requirements for such services if they were to be state-wide in scope and provided for an indefinite period of time. The pilot program shall also provide for the specialized preliminary training of a limited number of teachers selected in accordance with the rules and regulations to be set up by the State Department of Education [1953 c 444 §§1,2]

343.218 Administration of pilot program. (1) The State Department of Education shall administer ORS 343.216 to 343.222. It may establish rules and regulations relative to qualifications of teachers, courses of study, methods of instruction, duration of the pilot program, admission, diagnosis, eligibility of pupils, size of special classes, rooms and equipment, supervision, territory to be served and such other rules and standards as it deems necessary.

(2) The State Department of Education may employ one additional staff member and necessary office help to carry out the administration of the pilot program [1953 c 444 §§3,4]

343.220 [Repealed by 1953 c.710 §23]

343.222 Payment of expenses of pilot program. The funds set aside in a special account by the State Treasurer, pursuant to subsection (2) of ORS 327.065, or so much as may be necessary, shall be used by the State Department of Education for payment or school districts, for teachers' salaries, for the purchase or rental of equipment or supplies, for teacher education in the field of gifted and mentally retarded children to be offered in conjunction with the state system of higher education, for transportation of children and for payment of other necessary expenses, other than expenses incur-

red under subsection (2) of ORS 343.218, in the proper administration of the pilot program. [1953 c.444 §6]

343.230 [Repealed by 1953 c 710 §23]

343.234 Definitions for ORS 343.234 to 343.304. As used in 343.234 to 343.304, unless otherwise provided by context

(1) "Facility" and "facilities" include special services, special classes, special instruction, home instruction, special schools and instruction in regular classes

(2) "Handicapped" includes all children who have the intellectual capacity and mental health to profit from such instruction and who for their education require instruction by means of a facility because they are crippled, blind, partially sighted, deaf, hard-of-hearing, speech defective, cardiopathic, tuberculous, or otherwise physically handicapped, and which physical incapacity has been continuous and extending over a period of at least two months unless it is established that the child's handicap is of a permanent nature, or because they are maladjusted, or have extreme learning problems exclusive of mental retardation. [1953 c.710 §2]

343.238 District instruction for handicapped children. With the approval of the Superintendent of Public Instruction, the district school board of any school district in which there are handicapped children under 21 years of age who can profit from such instruction

(1) Shall, as part of the district school system, provide instruction in their homes, in regular classes, in special schools or in special classes for such children.

(2) May organize suitable special facilities whenever at least eight such children, each of whom is totally or partially deaf, totally or partially blind, speech defective, is crippled, cardiopathic or otherwise physically handicapped, has been diagnosed as emotionally maladjusted, or has extreme learning problems, will profit by a type of instruction differing from that given in regular school classes.

(3) May, if less than eight children of any single type enumerated in subsection (2) of this section are in the district and upon mutual agreement of the district school boards involved, contract for the instruction of such children in a school district maintaining an appropriate facility. The contract

price of such instruction shall not be in excess of the regular per-child cost of conducting the facility.

(4) May provide special materials and equipment for the education of handicapped children in regular or special classes, special schools or home instruction

(5) In cooperation with public agencies providing psychiatric services for children, may use clinical services for elementary and high school children who are maladjusted. [1953 c.710 §3]

343.240 [Repealed by 1953 c 710 §23]

343.244 Superintendent of Public Instruction to employ personnel to supervise instruction. The Superintendent of Public Instruction shall employ personnel qualified by training and experience to supervise the types of services defined in subsections (1), (2), (3) and (4) of ORS 343 238, established under ORS 343 234 to 343 304 Personnel so employed shall assist the school districts in the organization of special classes or educational facilities for handicapped children, have general supervision of facilities provided for in ORS 343 234 to 343 304 and assist school districts in obtaining special equipment and materials required for the education of handicapped children, particularly where the school district does not have a sufficient number of handicapped children to justify the purchase of such equipment or supplies. [1953 c 710 §7]

343.248 Instruction of hospitalized handicapped children. The Superintendent of Public Instruction in cooperation with the hospital authorities shall establish classes and appoint teachers in the state tuberculosis hospitals, Doernbecher Memorial Hospital and the Shriners' Hospital for Crippled Children, and shall assume the responsibility for observation and supervision of instruction, the provision of instructional supplies and the payment of teachers' salaries from funds provided for the education of handicapped children This responsibility may be delegated to the school district in which the hospital or institution is located or to an adjacent school district When a school district assumes such responsibility it shall be reimbursed for the cost thereof from funds provided for the education of handicapped children [1953 c 710 §8]

343.250 [Repealed by 1953 c 710 §23]

343.254 Cooperation with other agencies. The Superintendent of Public Instruction shall cooperate with the existing agencies, such as the State Child Guidance Clinic, the State Board of Health, the Oregon State School for the Blind, the Oregon State School for the Deaf, the Oregon State Tuberculosis Hospitals, Doernbecher Memorial Hospital and other agencies concerned with welfare and health of handicapped children, and coordinate their educational activities in the interest of handicapped children; and these agencies and institutions hereby are empowered to cooperate in this program [1953 c 710 §9]

343.258 County or regional facilities for instruction of handicapped children. If more economical or more effective than the methods provided for in ORS 343 238, or for those areas in which a school district is not providing for the education of handicapped children under ORS 343 238, the Superintendent of Public Instruction may provide county or regional facilities for the education of handicapped children A region served by a regional facility may be established and administered by the Superintendent of Public Instruction or his delegate without regard to county boundaries Unless he delegates such responsibility under ORS 343 264 and 343 268, the Superintendent of Public Instruction shall operate the county or regional facility and be responsible for its administration [1953 c.710 §11]

343.260 [Repealed by 1953 c 710 §23]

343.264 Operation of county or regional facilities by a school district. (1) The Superintendent of Public Instruction may delegate full responsibility for operation and administration of any facility provided under ORS 343 258 to the school district in which such facility is located. He shall reimburse the school district, from funds provided for education of handicapped children, for expenses incurred in such operation and administration.

(2) In order to qualify for reimbursement under subsection (1) of this section the district must set aside a sum not less than the total per capita cost of educating the preschool handicapped and other children had they been enrolled in the public schools the preceding year. Such sums shall be expended in the instruction of handicapped children, for teachers' salaries, the purchase

or rental of equipment or supplies and for transportation [1953 c 710 §§12,15]

343.268 Operation of county or regional facilities by a county school superintendent.

(1) The Superintendent of Public Instruction may delegate full responsibility for operation and administration of a county or regional facility established under ORS 343 258 to a county school superintendent of his choice. In such case, the Superintendent of Public Instruction may advance or transfer money, from funds available for the education of handicapped children, to the county school superintendent so chosen. A county school superintendent so chosen may accept such money from the Superintendent of Public Instruction and money provided by school districts for such purposes, and shall expend it for the operation and administration of any facilities which the Superintendent of Public Instruction has approved and which meet the standards established by the State Board of Education.

(2) In case a county school superintendent is delegated responsibility under subsection (1) of this section, the cost of providing for the education of handicapped children shall be borne by the state and by the school district in which the child resides in accordance with percentages to be established by the regulations of the State Board of Education. Each such school district participating in the service of the facility shall budget for and pay the proportionate share to the county school superintendent responsible for operation of the facility. The proportionate share of a school district shall be based upon the ratio of the number of regularly enrolled school age children in that district to the total number of such children in all school districts in the county or region which utilizes the county or regional facility services [1953 c.710 §§13,14]

343.270 [Repealed by 1953 c 710 §23]

343.274 Determination of eligibility for instruction.

(1) The Superintendent of Public Instruction shall determine the eligibility of handicapped children for special classes or instruction through the advice of competent medical and educational authorities which shall include the State Board of Health, the Superintendent of the Oregon State School for the Deaf where the deaf and hard-of-hearing are concerned, the Superintendent of the Oregon State School for the Blind where

the blind and visually handicapped are concerned, the State Child Guidance Clinic where the maladjusted are concerned and the Superintendent of the Oregon Fairview Home where questions of mental incapacity are involved.

(2) The medical examination necessary for the certification of handicapped children shall be conducted by a physician licensed to practice by the Board of Medical Examiners. Visual examinations of the eyes may be made and the findings certified to either by qualified oculists or by qualified optometrists licensed by this state.

(3) Any school district may employ its own plan for certification of handicapped children for special instruction subject to the approval of the Superintendent of Public Instruction, provided that the plan meets with standards for medical examination set forth in subsection (2) of this section [1953 c 710 §§5,10,19]

343.278 Control over placement of children for instruction.

(1) Officials of school districts or state schools shall have control over the placement of eligible handicapped children coming under their jurisdiction. When these school authorities have approved the recommendation that a handicapped child be admitted to a special class or that instruction be provided for this handicap, the parent or guardian shall enroll the child for instruction in such special classes or instruction as are or may be established for grades one to eight, and may enroll those in grades 9 to 12 or other available appropriate facility. The maximum number of pupils per teacher shall be determined by the local school authorities in accordance with the rules and regulations of the State Board of Education.

(2) No school district is required to keep a handicapped child in regular instruction when the child cannot sufficiently profit from the work of the regular classroom nor to keep such handicapped child in the special class or instruction for handicapped children when it is determined that the child can no longer benefit therefrom or needs more specialized opportunity available elsewhere in the state. [1953 c.710 §20,21]

343.280 [Repealed by 1953 c.710 §23]

343.284 Employment of certified teachers. The school board of each school district providing for the education of handicapped children shall employ qualified teachers

certified by the Superintendent of Public Instruction as teachers for such children. The qualifications for such teachers shall be established by the State Board of Education. [1953 c 710 §4]

343.288 Reimbursement of school districts for cost of educating handicapped children. (1) Any school district which meets the requirements of ORS 343 238, 343 248, subsection (2) of 343.264, subsections (2) and (3) of 343.274, ORS 343 278, 343.284 and 343.294, or which expends more than the regular per capita cost on home instruction of handicapped pupils may apply to the Superintendent of Public Instruction for reimbursement of the excess cost of educating such handicapped children over and above the per capita cost of instruction for other children of such district.

(2) If the superintendent approves the application, he may reimburse the district in an amount not exceeding one and one-half times the per capita cost of instruction for other children of such district. If available funds will not permit maximum reimbursement, all districts claiming over \$500 shall receive a pro rata reimbursement based upon the ratio that the total amount of funds available bears to the total amount of funds required for maximum reimbursement. [1953 c 710 §18]

343.290 [Repealed by 1953 c.710 §23]

343.294 School districts to submit cost estimates; use of state funds to match federal funds. Before state funds can be made available, the school district shall submit an estimate for the education of handicapped children for the ensuing school year to the Superintendent of Public Instruction. If federal funds are made available on a matching basis, the state funds available for education of handicapped children shall be used to match the federal funds [1953 c 710 §16]

343.298 Use of funds appropriated for education of handicapped children. Funds appropriated for education of handicapped children shall be used to reimburse school districts as provided in ORS 343 248, 343 264 and 343 288, to pay salaries and traveling expenses of administrative and supervisory personnel, to purchase equipment and supplies, to provide instruction for teachers in the field of special education and to pay other expenses necessary for the proper administration of the handicapped

children program established by ORS 343 234 to 343 304 [1953 c.710 §17]

343.300 [Repealed by 1953 c.710 §23].

343.304 State board rules and regulations. The State Board of Education shall make such rules and regulations as are necessary to the execution and administration of ORS 343.234 to 343 304. [1953 c 710 §6]

343.310 [Repealed by 1953 c 710 §23]

343.320 [Repealed by 1953 c.710 §23]

343.330 [Repealed by 1953 c.710 §23]

343.340 [Repealed by 1953 c 710 §23]

343.350 [Repealed by 1953 c 710 §23]

343.360 [Repealed by 1953 c.710 §23]

343.370 Instruction in White Shield Home. The Superintendent of Public Instruction shall arrange for and provide instruction in high school subjects to Oregon residents under 20 years of age who have not completed the first 12 years of public school education and who are able to take such instruction while in the Salvation Army White Shield Home in Portland. With the cooperation of the Salvation Army, the instruction shall be given in the White Shield Home by persons holding a state teacher's certificate authorizing the holder to teach high school subjects.

343.380 Duties of state superintendent as to White Shield Home instruction. (1) The Superintendent of Public Instruction shall be responsible for supervision of instruction, provision of instructional supplies and payment of costs of instruction provided under ORS 343 370.

(2) The Superintendent of Public Instruction may arrange with the school district within which the White Shield Home is located to provide such instruction subject to reimbursement for the cost thereof from funds appropriated for such purposes or he may employ teachers to give such instruction

343.390 Extension of child guidance clinic to public agencies. The State Board of Higher Education, through the University of Oregon Medical School, may extend the benefits of the child guidance clinic to all Oregon counties in cooperation with all fed-

eral, state, county departments and school boards, together with all municipal, and all child-caring agencies therein dealing with juveniles

343.990 Penalties. Violation of any of the provisions of ORS 343 010, 343 090 to 343 120 or 343.140 to 343 210 is a misdemeanor. [Amended by 1953 c 110 §1]

