

## Chapter 344

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**VOCATIONAL EDUCATION**

**344.010 Purpose of ORS 344.010 to 344.060.** (1) The establishment of vocational schools, departments and classes is necessary for the purpose of providing for the development of vocational education in Oregon to aid in meeting the occupational requirements and demands of agriculture, industry, business and the home; to offer opportunities to youth to select, train for and enter an occupation; to aid in the training and placement of youths on farms and to aid in the rehabilitation of physically disabled persons. ORS 344.010 to 344.060 shall continue and extend vocational education in agriculture, homemaking, trades and industries, and distributive occupations with standard high schools in cooperation with local school districts, assist in the establishment of regional schools, and aid in vocational rehabilitation of physically disabled persons.

(2) The provisions of ORS 344.010 to 344.060 are additional and cumulative to the provisions of any other law now or hereafter existing for vocational education, and shall be interpreted as providing additional powers and not in conflict with or exclusive of the provisions of existing laws on the same subject.

**344.020 Regional vocational education facilities authorized.** The State Board of Education may establish, operate and maintain, in centers it deems best adapted for the purpose, regional vocational schools, departments or classes, of less than college grade, for instruction in agriculture, homemaking, trades and industries, and distributive occupations, and may maintain any such school, department or class already established.

**344.030 State board powers and duties as to ORS 344.010 and 344.020.** The State Board of Education may make rules and regulations controlling the admission of students to any regional vocational school, department or class. The board may appoint and remove teachers; make rules for the management of and expend the funds provided for the support of such regional schools; repair, improve, lease or rent buildings for furthering the vocational program; purchase furniture, equipment, implements, materials and supplies; provide for the vocational rehabilitation of physically disabled persons and have such other duties and powers as are necessary to carry into effect the purposes stated in ORS 344.010. The

board shall make a biennial report to the legislature covering the condition, activities and financial affairs relating to such regional facilities.

**344.040 School district powers as to regional facilities; local committee.** Any school district in which a regional vocational school has been established or is to be established under ORS 344.020 may appropriate funds for maintenance, improvement, leasing or construction of buildings for such schools, and the district may purchase, receive, hold and convey any property, build and repair schoolhouses, levy taxes, and make contracts for the accommodations of such vocational schools, departments or classes. The State Board of Education shall appoint a committee from the area contiguous to any school to advise the board on matters pertaining to conducting the school.

**344.050 Funds for vocational education; reimbursement to high schools.** (1) There shall be made available for the purposes set forth in ORS 344.010 and for establishing, operating and maintaining regional vocational schools, departments or classes under ORS 344.020, all funds now or hereafter provided for vocational education.

(2) If funds are available therefor, reimbursement to standard high schools shall not be less than that made for the fiscal year 1939-1940.

**344.060 Federal funds; gifts and donations.** (1) The State Board of Education may:

(a) Accept from the United States of America or any of its agencies such funds as may be made available to this state for any of the purposes contemplated by ORS 344.010 and 344.020, and may enter into such contracts and agreements with the United States of America or any of its agencies as may be necessary, proper and convenient, not contrary to the laws of this state.

(b) Accept any grant or donation of land or any gift of money or other valuable thing made to the state for any of the purposes contemplated by ORS 344.010 and 344.020.

(2) Any funds received from the United States Government or any of its agencies, or from any other sources for any of the purposes contemplated by ORS 344.010 and 344.020, hereby are appropriated for such purposes

**344.070 School district revolving accounts for federally-sponsored education or training; advances; uses.** (1) The Secretary of State may draw warrants upon any state fund to which federal funds for training or education have been credited, in payment of vouchers approved by the State Board of Education, in favor of first class school districts and high school districts, for such sums, not exceeding \$100,000 for a single district in the aggregate, as the state board, by duly adopted resolution, shall determine. The warrants, upon delivery thereof to the school districts, shall constitute advances from such state funds for the purpose of enabling the districts more readily to effectuate the purposes set forth in any federal law or regulation pertaining to vocational education or training of war workers, or other education or training sponsored by the Federal Government

(2) The districts to which such moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances shall not be considered to be within any limitation upon any indebtedness prescribed by law for school districts of this state. The funds so disbursed to school districts shall not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient school district, in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of vocational training programs. The advances may be made only in those cases in which the Federal Government defrays all or part of the cost of such programs

**344.080 Reimbursement vouchers; accounts and records; bond.** (1) All reimbursement vouchers for claims paid from the revolving funds mentioned in ORS 344.070 shall be approved by the State Board of Education or by such person as the board, by appropriate and duly recorded action taken at a meeting thereof regularly called and held, shall designate, and shall be audited by the Secretary of State. When vouchers are so approved and audited, warrants covering the same shall be drawn by the Secretary of State, payable from the appropriate fund, and be used to reimburse the revolving funds

(2) The school districts receiving such advances shall maintain their accounts and records so as to disclose at all times the

true status of the unpaid vouchers issued for the reimbursement of said funds, the school district warrants drawn against the funds advanced and the balances to the credit thereof

(3) The revolving funds and accounts shall be subject to examination and audit by the state in the manner provided by law for other state funds and accounts. The State Board of Education may require an audit of the revolving accounts and shall take proper precautions as to the safety of, and accountability for, all funds advanced.

(4) The State Board of Education may require the filing with it of a bond of a corporate surety duly licensed to transact business in this state to insure the proper handling of and responsibility for any funds advanced. The bond shall be cumulative and supplemental to fidelity insurance coverage already held by the school district concerned. The state may have recourse to any and all fidelity bonds of clerks or other financial officers of the district to protect such advances

**344.090 Procedure when training programs are no longer needed, or when advances are improperly handled or accounted for.** When it appears to the State Board of Education that the training and educational programs for which funds are advanced under ORS 344.070 have been completed, or that the need for such advances or revolving funds no longer exists, or that the sums advanced are not being properly handled or accounted for, the board, by appropriate and duly recorded action taken at a meeting regularly called and held, may require that all or part of the amounts advanced to any school district shall be returned, with any interest earned, to the state funds or accounts from which the amounts originally were withdrawn. Upon receipt of notification from the board that funds advanced are to be returned, the school district concerned shall immediately repay the same to the State Treasurer, for credit to the proper fund or account. To the extent that funds advanced are so repaid, security or protection theretofore required by the board to insure the safety of such funds may be released.

**344.100 Acceptance of provisions of federal vocational education Act.** The State of Oregon hereby accepts all provisions and benefits of an Act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation

with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure”

**344.110 State Treasurer designated custodian of federal appropriation; authority to disburse federal and state appropriations.** The State Treasurer is designated and appointed custodian of all moneys received by the state from the appropriation made by the Act of Congress accepted by ORS 344 100. He is authorized to receive and provide for the proper custody of the moneys and to make disbursements thereof in the manner provided in that Act and for the purposes therein specified. He shall also pay out of any moneys appropriated for vocational education purposes by the State of Oregon upon the order of the State Board of Education.

**344.120 Audit and payment of claims approved by board.** The Secretary of State shall audit all lawfully incurred claims duly approved by the State Board of Education, including all claims to be paid from the moneys received by the state from the Federal Government for vocational education purposes and for which the State Treasurer is made custodian, and shall draw his warrants on the State Treasurer in payment thereof out of the proper appropriations or funds

**344.130 Cooperation by district school boards to establish vocational training.** Any district school board may cooperate with the State Board of Education in establishment of vocational schools or classes giving instruction in agricultural subjects, the trade or industrial subjects, or in home economics subjects, and may use any moneys raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools

**344.140 Special Vocational Trust Fund.** There is created a Special Vocational Trust Fund The State Board of Education shall deposit in such fund all gifts, contributions and bequests for vocational education and moneys received as reimbursements for funds theretofore expended The State Board of Education may expend said fund for the promotion, development and carrying on of vocational education in such manner as the

board shall direct. All claims after being approved by the State Board of Education shall be audited by the Secretary of State and paid out of said fund

**344.150 to 344.300** [Reserved for expansion]

### OREGON TECHNICAL INSTITUTE

**344.310 Oregon Technical Institute; operation; statutes applicable.** (1) The State Board of Education is vested with jurisdiction and control of the property acquired by this state in Klamath County to establish the state vocational school known as the Oregon Technical Institute The board shall maintain and operate such premises for and on behalf of the State of Oregon, and shall operate the institute through its Division of Vocational Education

(2) So far as applicable, all statutes governing operation of other vocational schools operated under the jurisdiction of the State Board of Education, and Acts amendatory and supplementary thereto, shall apply to the Oregon Technical Institute.

**344.320 State board powers as to institute operation.** In operation of the Oregon Technical Institute, the State Board of Education is authorized to

(1) Operate cafeterias for students, their families and other school personnel

(2) Operate the housing facilities of the Mountain View Housing Project and those on the campus of the Oregon Technical Institute for students, their families and school personnel.

(3) Operate or permit the operation of the campus store, bowling alley, concessions, postoffice, rifle range and other similar service operations upon the campus

(4) Enter into contracts with persons, firms or corporations subject to approval by the State Board of Control.

**344.330 Oregon Technical Institute Account.** All funds received by the State Board of Education from any source applicable to payment of current expenses in connection with the Oregon Technical Institute, except direct legislative appropriations out of the General Fund and except money or funds arising out of any gift from private sources for the use of such institute, shall be paid into the General Fund of the State Treasury and credited to a special account to be known as the Oregon Technical Institute Account. The funds shall be paid out only on warrants

of the Secretary of State, based on duly verified vouchers, as other claims are paid, for support and maintenance of the Oregon Technical Institute. The sums of money so paid in hereby are appropriated for the purposes stated in ORS 344.340.

**344.340 Oregon Technical Institute Revolving Fund.** (1) For the purpose of providing funds to pay ordinary and current expenses of the State Board of Education incurred in the operation of the Oregon Technical Institute, where it may be desirable and necessary to make immediate cash payments to obtain trade discounts and for travel, postage, expressage, emergency advances and items which are payable immediately in cash upon presentation, the State Board of Education may use the Oregon Technical Institute Revolving Fund of \$7,500.

(2) The person duly designated as disbursing officer of the Oregon Technical Institute by the State Board of Education shall, from time to time, file with the Secretary of State verified vouchers covering disbursements from the revolving fund, accompanied by an itemized statement showing in detail the names of the persons, firms or corporations to whom and the purposes for which such disbursements were made pursuant to law, upon which vouchers and statement the Secretary of State shall issue his warrant for the amount thereof, but not to exceed \$7,500, in favor of the disbursing officer and payable out of moneys available by operation of law for the functioning of the Oregon Technical Institute. The verified vouchers for disbursements shall bear the approval of the person authorized by the State Board of Education to sign vouchers for disbursement of funds for the Oregon Technical Institute as provided by law. The warrants issued upon such vouchers shall be credited to the Oregon Technical Institute Revolving Fund and may be held as petty cash funds or carried with the State Treasurer as are suspense funds as provided by law or deposited in banks.

(3) Disbursements from the revolving fund shall be made only by the disbursing officer in payment of claims authorized by law.

(4) The revolving fund shall be secured by a surety bond for \$7,500, given by such disbursing officer, running to the State of Oregon and executed by a surety company duly authorized to transact business in Ore-

gon. The bond premium shall be paid by the Oregon Technical Institute.

**344.345 Oregon Technical Institute Warehouse Revolving Fund.** There hereby is established a revolving account in the General Fund in the State Treasury, to be known as the Oregon Technical Institute Warehouse Revolving Account, which account hereby is continuously appropriated to the Oregon Technical Institute for the payment of the expenses of storage, purchase and replacement of equipment and supplies under the control of the Oregon Technical Institute. Said account shall be reimbursed monthly through charges allocated by the Director of the Oregon Technical Institute to the several accounts or appropriations of such institute based on expenses applicable to such account or appropriation in the same manner as other claims against the state are paid [1953 c 722 §1]

**344.350 Oregon Technical Institute special checking account.** Unless otherwise provided by law, or by federal order or regulation with respect to federal funds, the State Board of Education, with the approval of the State Treasurer, may deposit with the State Treasurer any moneys coming into the possession of the Oregon Technical Institute. Such moneys, other than such money as is required by law to be disbursed only upon warrant of the Secretary of State, shall be credited by the State Treasurer to a special checking account and may be disbursed by check or order of the State Board of Education upon the State Treasurer, signed by such officer or administrative head as the board by motion or resolution, shall nominate for that purpose.

**344.360 Use of special checking account.** The special checking account authorized by ORS 344.350 may be used for the purpose of clearing items subject to subsequent credit to state funds, making payroll disbursements, handling salary and wage deductions for the purchasing by employes of obligations of the Federal Government, withholding and paying, pursuant to law, federal or other taxes from salaries and wages of employes, and depositing and disbursing athletic, student and employe retirement moneys, and such other funds within the lawful custody of the State Board of Education as the board by resolution duly adopted shall ordain.

**344.370 to 344.500** [Reserved for expansion]

### VOCATIONAL REHABILITATION

**344.510 Definitions.** As used in ORS 344 510 to 344 630.

(1) "State Board" means the State Board of Education.

(2) "Division" means the Division of Vocational Rehabilitation established by ORS 344 520.

(3) "Director" means the director of the Division of Vocational Rehabilitation.

(4) "Occupational handicap" means a condition which, regardless of its physical or mental origin, constitutes, contributes to, or, if not corrected, will probably result in, an obstruction to occupational performance.

(5) "Disabled individual" means any person who has a substantial occupational handicap, except the blind.

(6) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services necessary to enable a disabled individual to engage in a remunerative occupation. The term shall include, but shall not be limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, occupational tools, equipment and supplies, maintenance and training books, supplies and materials

(7) "Rehabilitation training" means all training provided, directly or through public or private instrumentalities, to a disabled individual to compensate for his occupational handicap. The term includes but is not limited to manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of achieving broader and more remunerative skills and capacities

(8) "Prosthetic appliance" means any artificial appliance designed to support or take the place of a part of the body or to increase the acuity of a sense organ.

(9) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially modify a disabled individual's occupational handicap within a reasonable length of time. The term includes but is not limited to medical, psychiatric, dental and surgical treatment, nursing services, hospital and convalescent home care, medical and surgical drugs and supplies, and prosthetic appliances, exclud-

ing curative treatment for acute or transitory conditions.

(10) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in any occupation.

(11) "Maintenance" means money payments, during vocational rehabilitation, to disabled individuals found to require financial assistance with respect thereto in order to effectuate the vocational rehabilitation of such individuals.

(12) "Occupational tools, equipment and supplies" means such customary implements, appliances, apparatus, fixtures and materials as are necessary for the successful prosecution of the disabled individual's employment objective

(13) "Resident" means any individual who voluntarily lives within the state for other than a temporary purpose

(14) "Severely handicapped individual" means a disabled individual who, because of the nature of his disabilities, is not able to participate fully in competitive employment, and for whom specialized employment opportunities must be provided

**344.520 Division of Vocational Rehabilitation.** There is established, under the general direction and control of the state board, a Division of Vocational Rehabilitation, consisting of a director and such other personnel as may be necessary for the efficient performance of the functions of this division. The division shall administer, under general supervision of the state board, the vocational rehabilitation functions of the state board.

**344.530 State board rehabilitation duties.** Notwithstanding any other provisions of the law of this state, the state board shall, through the division, perform the following vocational rehabilitation functions.

(1) Provide for the vocational rehabilitation of all eligible disabled individuals and for their placement in remunerative occupations

(2) Establish and enforce such rules and regulations as may be necessary or desirable to carry out the provisions of ORS 344 510 to 344.630, to safeguard the confidential character of vocational rehabilitation information and records, and to maintain a system of personnel standards, subject to the State Civil Service Law, governing the selection, appointment and employment upon a merit basis of all personnel engaged in the

administration of the vocational rehabilitation program.

(3) Cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of ORS 344 510 to 344.630, such programs, facilities and services as may be necessary or desirable

(4) Enter into reciprocal agreements with other states relative to the provision of vocational rehabilitation to residents of the states concerned.

(5) Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals

(6) Encourage and assist severely handicapped individuals in the establishment, maintenance and conduct of appropriate home industries within their capacities and in the promotion of the sale and distribution of the products of such home industries. All funds collected or received from such activities shall be deposited in a permanent special fund in the State Treasury and shall be used for the operation of such home industries upon the order of the state board

(7) Establish, conduct and maintain such facilities for the sheltered employment of severely handicapped individuals as may be necessary; pay the individuals employed in such facilities suitable wages; devise means for the sale and distribution of the products of such facilities and take such other action as may be deemed necessary or desirable to insure the successful operation of the facilities established. All funds collected or received from such activities shall be deposited in the State Vocational Rehabilitation Account and hereby are appropriated and shall be used for the operation of such facilities upon the order of the state board

(8) Prepare and submit to the Governor and legislature an annual report of the activities and expenditures of the division

(9) Take such other action as may be necessary or desirable to carry out the provisions of ORS 344 510 to 344 630

**344.540 State board and federal cooperation.** The state board, through the division, shall cooperate with the Federal Government in carrying out the purposes of any federal Act pertaining to vocational rehabilitation, and in other matters of mutual con-

cern, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of plans for vocational rehabilitation

**344.550 Eligibility for rehabilitation services.** Vocational rehabilitation services shall be provided to any disabled individual except the blind:

(1) Who is a bona fide resident of the state at the time of filing his application therefor and provided it is evident that the individual has voluntarily established himself in the state for other than a temporary purpose.

(2) Who is eligible therefor under the terms of an agreement with another state or with the Federal Government. Except as otherwise provided by law or as specified in any agreement with the Federal Government with respect to classes of individuals certified to the state board thereunder, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

(a) Physical restoration

(b) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary.

(c) Occupational licenses

(d) Customary occupational tools and equipment

(e) Maintenance

(f) Training books and materials.

**344.560 Application; form.** Applications for vocational rehabilitation under ORS 344 550 shall be made in such manner and form and contain such information as the director may require

**344.570 Division action upon application.** Whenever the division receives an application for vocational rehabilitation under ORS 344 560, it shall promptly cause to be obtained and recorded, with respect to such applicant, all essential, pertinent information concerning his circumstances, health condition, vocational aptitudes and experience, and such other information as may be necessary for the determination of his eligibility and of the nature and amount of vocational rehabilitation services needed.

**344.580 Payments under vocational rehabilitation statutes exempt from process.**



Any payments made to a disabled individual as maintenance under ORS 344.510 to 344.630 shall not be transferable or assignable at law or in equity. None of the money payable under ORS 344.510 to 344.630 shall be subject to execution, levy, attachment, garnishment or other legal process or to the operation of any bankruptcy or insolvency law.

**344.590 Appeal and hearing.** Any individual applying for or receiving vocational rehabilitation who is aggrieved because of the division's decision or delay in making a decision shall be entitled to appeal to the state board in the manner prescribed by it and shall be afforded reasonable notice and opportunity for a fair hearing by the state board.

**344.600 Unauthorized use of official rehabilitation data.** Except for purposes directly connected with the administration of vocational rehabilitation, and in accordance with the rules and regulations of the state board, no person shall solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

**344.610 Benefits subject to future Acts.** All vocational rehabilitation made available under ORS 344.510 to 344.630 shall be deemed to be made available subject to the provisions of any amending or repealing Act that may hereafter be passed. No disabled individual shall have any claim by reason of his vocational rehabilitation being affected in any way by such amending or repealing Act.

**344.620 State Vocational Rehabilitation Account; federal funds; custody and disbursement; records.** (1) There is established in the General Fund of the State Treasury, a State Vocational Rehabilitation Account which shall consist of all moneys made available to the state board for rehabilitation purposes. All moneys in such special account hereby are appropriated for the purposes of the administration of ORS 344.510 to 344.630.

(2) The State Treasurer is designated custodian of all funds received from the Federal Government for the purpose of carrying out any federal Act pertaining to vocational rehabilitation. The State Treasurer shall receive such funds and provide for their custody.

(3) Disbursements from the State Vocational Rehabilitation Account shall be made as directed by the state board. The division shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual departmental activity against which each withdrawal is charged.

**344.630 Gifts for rehabilitation purposes.** The state board may receive and accept, through the division, such gifts, donations and other funds from either public or private sources as may be offered unconditionally or under such conditions as in the judgment of the state board are proper and consistent with the provisions of ORS 344.510 to 344.630. Gifts so accepted shall be held in trust for investment, reinvestment and use in accordance with the conditions of the gift. Such moneys shall be deposited in the State Treasury to the credit of the State Vocational Rehabilitation Account.

**344.640 Rehabilitation Reserve from receipts of State Industrial Accident Commission.** The State Industrial Accident Commission is authorized to set aside and maintain a reserve in the amount of not less than \$100,000 to be known as the Rehabilitation Reserve. There shall be set aside in such reserve monthly, two and one-half percent of the total monthly receipts of the State Industrial Accident Commission from all sources. Whenever the unexpended balance of the Rehabilitation Reserve is greater than \$75,000, the commission shall temporarily either reduce the total monthly receipts to be set aside in the reserve or suspend such setting aside. [Amended by 1953 c.674 §13]

**344.650 Rehabilitation of workmen covered by workmen's compensation.** The State Industrial Accident Commission may provide under uniform rules and regulations, for the vocational rehabilitation of men and women injured by accidents arising out of and in the course of their employment while working under protection of the workmen's compensation law.

**344.660 Use of Rehabilitation Reserve.**

The State Industrial Accident Commission may expend as much of the Rehabilitation Reserve as may be necessary to accomplish the vocational rehabilitation of men and women injured as described in ORS 344.650. Nothing in ORS 344.640 to 344.670 shall be construed to amend or repeal the authority of the commission under ORS 656.242 to 656.246 to expend from the Industrial Accident Fund money for the rent of buildings, the purchase of equipment and supplies, the payment of such doctors and nurses as may be necessary for the purpose of physical rehabilitation of injured workmen under that statute. [Amended by 1953 c.674 §13]

**344.670 Vocational instruction in district schools at request of commission.** Every

school board of every school district maintaining vocational instructors or departments of any kind shall, upon application of the State Industrial Accident Commission and when its facilities will permit, furnish to any person designated by the commission such vocational instruction as is provided for district pupils. The commission shall cause to be paid to the district the actual cost of such instruction as nearly as may be estimated by the school board

**344.680 to 344.980** [Reserved for expansion]

**PENALTIES**

**344.990 Penalties.** Violation of any of the provisions of ORS 344.100 to 344.140 is a misdemeanor.