Chapter 337

1957 REPLACEMENT PART

Textbooks; Curriculum Improvement

TEXTBOOKS

337.010 State Board of Textbook Commissioners; appointment; vacancies
337.020 Compensation and mileage of commissioners
337.030 Annual circular to school book publishers
337.040 Sessions of textbook commissioners
337.050 Adoption of books and instructional materials
337.060 Submission of proposals by publishers
337.070 Adoption or rejection of proposals; new proposals; delivery of copy of textbook
337.080 Report of textbook adoptions
337.090 Contract with publisher; terms; bond; breach; remedies
337.100 Circular of textbooks adopted
337.110 Adoption of substitute or additional textbooks
337.120 School board selection and use of adopted textbooks and instructional materials
337.130 Adopted books as basic textbooks; duty of school officers and teachers; enforcement of statute
337.140 Textbook adoption in districts having specially qualified executive head
337.150 Free textbooks; duty to provide; "standard school" explained
337.160 When pupils must furnish textbooks; loans to indigent pupils
337.170 District textbook purchases; maximum price
337.180 Donation, sale or exchange of textbooks
337.190 Labeling of district-owned textbooks
337.200 Rules and regulations concerning textbooks
337.210 Application of state regulations to certain first class districts
337.220 Textbook regulations of first class districts
337.230 Disposition of money from sale of textbooks
337.240 Contracts with publishers by state board or first class district board
337.250 Methods of selection of textbooks unchanged
337.260 Textbooks on American history and civil government
337.270 Selection of high school textbooks

CURRICULUM IMPROVEMENT

337.510 Purposes of law
337.520 Definitions
337.530 Duties of Superintendent of Public Instruction
337.540 Apportionments from Curriculum Improvement Fund
337.550 State-wide curriculum improvement plan
337.560 Joint plans
337.570 Funds not to be used for county institutes

PENALTIES

337.990 Penalties

CROSS REFERENCES

Rules of state agencies, 183.310 to 183.410

TEXTBOOKS

Textbooks at state university, 352.010
Textbooks in first class districts with at least 20,000 school age population, 332.440

337.020

Limitation on mileage allowance, 292.210 to 292.260

337.200

"Standard school" explained, 337.150

CURRICULUM IMPROVEMENT

Board of Higher Education power over higher education curricula, 351.200

District school board's authority over courses of study, 332.340

Oregon State College course of study, 352.260

Oregon Technical Institute curriculum, 344.314

University of Oregon course of study, 352.010

TEXTBOOKS

337.010 State Board of Textbook Commissioners; appointment; vacancies. In the month of June in every fourth year after 1927, the State Board of Education shall appoint a State Board of Textbook Commissioners, consisting of five citizens of recognized scholarship and professional standing, who have been actively and continuously engaged in teaching or in supervision of schools in this state for the five years preceding the appointment. Commissioners shall be selected from only such school districts as are, at the time of appointment, required by law to use the textbooks selected by the textbook commissioners, except as provided in ORS 337.140 or from the "education" faculties of normal schools or higher institutions of learning or from among the county school superintendents in whose counties the state-adopted textbooks are used. Commission members shall be selected from various parts of the state and no two shall be from the same county. The term of appointment of the commissioners shall be for four years. The State Board of Education shall fill all vacancies in the board.

337.020 Compensation and mileage of commissioners. Each member of the State Board of Textbook Commissioners shall be paid $100 for each biennium and such travel expense, subsistence and mileage allowances as are authorized pursuant to ORS 291.004 and 292.220. Any claim for compensation under this section shall be audited by the Secretary of State and paid out of any funds in the hands of the State Treasurer not otherwise appropriated. [Amended by 1953 c.526 §1]

337.030 Annual circular to school book publishers. In February of each even-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular and mail a copy of the same to all the leading school book publishers in the United States. The circular shall contain:

(1) The name and postoffice address of each member of the State Board of Textbook Commissioners.

(2) The time and place of meeting of the textbook commissioners to adopt textbooks.

(3) The general form of bid to be followed by publishers in submitting textbooks for adoption.

(4) The general form of contract to be entered into between the State Board of Education and a publisher whose books may be adopted.

(5) The branches of study included in the state course of study for which textbooks are to be adopted for schools of all grades.

(6) The statutory provisions relating to the adoption of textbooks.

(7) Such additional facts and information as may be deemed expedient.

337.040 Sessions of textbook commissioners. The State Board of Textbook Commissioners shall meet at the state capital the third Monday of November of each even-numbered year for the purpose of adopting textbooks and other instructional materials, and may hold such other meetings as are necessary for proper performance of their duties. Four members shall constitute a quorum. They shall immediately organize by electing a chairman from among their number. The Superintendent of Public Instruction shall designate a staff member of the Department of Education to act as secretary. [Amended by 1953 c.526 §2; 1955 c.406 §1]

337.050 Adoption of books and instructional materials. (1) Except as provided in ORS 337.140, the State Board of Textbook Commissioners shall adopt, for a six-year period, a multiple choice list of textbooks for each grade and subject field in the standard curriculum of all public elementary and secondary schools. They may adopt such other instructional material as they deem desirable for each such grade and subject field.

(2) At any biennial meeting, the board shall not change more than one-third of the textbooks used in public schools, which one-third shall be indicated to the board by the Superintendent of Public Instruction.

(3) Board meetings shall be public. The vote upon adoption of each textbook or item of instructional material shall be viva voce and the vote of each member recorded in the board minutes. A minimum of three votes is necessary for adoption of any textbook or item of instructional material.

(4) Subsequent to any biennial adoption the board of textbook commissioners may approve the request of a publisher to substitute a more recent copyright edition of any officially adopted textbook or item of instructional material in lieu of the edition

officially adopted. [Amended by 1953 c.121 §3; 1953 c.526 §3; 1955 c.406 §2]

337.060 Submission of proposals by publishers. The proposals of each publisher shall be submitted to the board in writing, not later than the first day of the session of the board, and shall contain the full title of each textbook proposed to be furnished by him, the date of copyright, the price at which it can be exchanged up to December 31, inclusive, of the year of adoption for the corresponding textbooks then in use in the common schools, the introductory price at which it will be sold to the patrons of the schools of this state up to December 31, inclusive, of the year of adoption, and the retail price thereafter during the period of adoption. The proposal shall further contain an offer to furnish to such patrons the textbooks described, or any one of them, at prices, and no higher, than contained in the proposal, during the period of six years from their adoption, and to comply with the other requirements of ORS 337.060 to 337.130. The State Board of Education may require the proposal to contain the price at which books will be furnished to any school district in accordance with a plan adopted and outlined by said board.

337.070 Adoption or rejection of proposals; new proposals; delivery of copy of textbook. The board may adopt or reject any or all textbooks contained in any proposal. If the price of any textbook in all the proposals is considered by the board unreasonably high, or the book not suitable, the board may reject such textbook, and thereafter, at the same or subsequent session, receive new proposals for such book and adopt it in the same manner as other textbooks are required to be adopted. No publisher shall have the right to have his proposal as to any textbook considered unless he has delivered free of cost to each member of the board one copy of such textbook, at least 60 days before the meeting of the board.

337.080 Report of textbook adoptions. When textbooks have been adopted in accordance with ORS 337.050 to 337.110, the State Board of Textbook Commissioners shall immediately report such adoption to the State Board of Education. The report shall contain the full title of each book adopted, as printed therein, the date of copyright, the exchange, the introductory and the retail price thereof, and such other facts and information as may be deemed expedient. The report shall be signed in triplicate by each member of the board and attested by the secretary. One copy shall be delivered to the Governor, one to the Superintendent of Public Instruction, and one retained by the chairman of the board.

337.090 Contract with publisher; terms; bond; breach; remedies. (1) On receiving the report of the textbook commissioners, the State Board of Education shall, as soon as practicable, enter into a written contract in triplicate with each publisher whose books have been adopted. The contract shall require the publisher to maintain at least one depository in each county in the state, to be designated by the State Board of Education, where such books may be purchased and to furnish the same according to ORS 336.060 to 336.130 and the conditions named in the bid. One copy shall be delivered to the Governor, one to the Superintendent of Public Instruction and one to the publisher named therein.

(2) The State Board of Education shall take from each publisher entering into such contract a good and sufficient bond in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the State Board of Education, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on his part, or, with intent to evade said provisions, sells any of said textbooks in this state at higher prices than provided for in his contract, the State Board of Education may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond.

337.100 Circular of textbooks adopted. In January of every odd-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the State Board of Textbook Commissioners as printed therein, the date of copyright, the exchange, the introductory and the retail price

as may be deemed expedient. The circular thereof and such other facts and information shall be sent to each county school superintendent, free of cost, in sufficient quantities to enable him to supply a copy without charge to each officer in his county.

337.110 Adoption of substitute or additional textbooks. If at any time during the period for which a textbook is adopted, it becomes necessary to adopt any textbook instead of or in addition to those required by the course of study in force at the time of the regular adoption, the chairman of the board of textbook commissioners or Superintendent of Public Instruction or the Governor, may call a special session of said board. It shall thereupon convene and adopt such textbook in the same manner as other textbooks are required to be adopted. The Superintendent of Public Instruction shall in such case cause the proper circulars and notices to be sent to publishers.

337.120 School board selection and use of adopted textbooks and instructional materials. (1) Except as otherwise provided by ORS 332.440 and 337.140, the district school board, with the advice and assistance of district teachers and school administrators, shall select textbooks and other instructional materials for each grade and subject field from the multiple choice adoption list. The board shall cause the books or materials so selected to be introduced and used in their schools at the beginning of the next school year following adoption.

(2) The Superintendent of Public Instruction is authorized to postpone such introduction for a reasonable period of transition to a new course of study. [Amended by 1953 c.121 §3]

337.130 Adopted books as basic textbooks; duty of school officers and teachers; enforcement of statute. (1) Except as otherwise provided by ORS 332.440 and 337.140, textbooks adopted under ORS 337.040 to 337.130 shall be used as the basic textbooks in the public schools of this state thereafter.

(2) School officers and teachers shall comply with the provisions of ORS 337.040 to 337.130 concerning such adopted textbooks. Any teacher who wilfully violates any of said provisions, shall be deemed to have violated the terms of his contract with the district.

(3) Any taxpayer of a school district, or parent or guardian of a child attending a common school in any district, shall be deemed to have such a beneficial or direct interest in the enforcement of this section that he may bring any proper proceeding in a court of competent jurisdiction to compel the district school board of his district or teachers in his school to perform the duties enjoined upon them by this section and ORS 327.120.

337.140 Textbook adoption in districts having specially qualified executive head. The district school board of any school district which meets the conditions set forth in this section and conforms to the rules and regulations adopted by the State Board of Education relative thereto, may make adoptions of textbooks in the place of or in addition to those named by the State Board of Textbook Commissioners. Such district must have as executive head of its schools a person holding a superintendent's administrative certificate and must submit to the Superintendent of Public Instruction for his approval the complete courses of study for which such adoptions are proposed and a resolution of the district school board approving such proposed adoptions.

337.150 Free textbooks; duty to provide; "standard school" explained. (1) Each district school board shall, in the manner specified by ORS 328.520 and 328.525, provide textbooks, prescribed or authorized by law, for the free and equal use of all pupils residing in its district and enrolled in and actually attending standard elementary schools or grades seven or eight of standard secondary schools.

(2) For the purpose of ORS 328.520, 328.525 and 337.150 to 337.250 a school shall be standard when it meets the standards of the State Board of Education, except with respect to those standards applying to the ratio of pupils to the acre of school site, the square feet of classroom floor space per pupil and the ratio of pupils to teachers in classrooms, and when all teachers engaged in classroom instruction in said school hold a valid Oregon teaching certificate of the proper teaching level. The holding of such a teacher's certificate shall be evidenced by annual registration with the county school superintendent of the county in which the school is situated. [Amended by 1955 c.486 §2; 1957 c.272 §1]

337.160 When pupils must furnish textbooks; loans to indigent pupils. In those cases in which ORS 337.150 is not applicable, the district school board:

(1) Shall require, as a condition of membership in any school, that pupils shall be provided by their parents or guardians with such books as may be prescribed by law.

(2) When directed by a vote of a district, shall loan textbooks to indigent pupils; and, when not directed by a vote of the district so to do, may loan said books to the indigent pupils upon the written report of the clerk that the parents or guardians of such children are unable to purchase such books.

337.170 District textbook purchases; maximum price. Textbooks for use in first class districts may be purchased by the directors thereof direct from the publishers of or dealers in said books, or through the State Board of Education. Textbooks for use in second and third class districts shall be purchased through the State Board of Education. The price paid for textbooks purchased by first class district directors directly from the publishers or dealers, other than books used exclusively in said first class districts, shall not be in excess of the price paid for the same textbooks purchased through the State Board of Education during the same period. All contracts for the purchase of such textbooks by first class district directors direct with the publishers or dealers shall contain a provision that the price paid for the books during the period covered by such contracts shall not exceed the price at which such textbooks or any of them could have been or are being purchased through the State Board of Education.

337.180 Donation, sale or exchange of textbooks. Any district school board may receive donations of any and all textbooks and any and all other books used or which may be used in its school district and may sell such textbooks owned by them or exchange the same for other textbooks.

337.190 Labeling of district-owned textbooks. All textbooks purchased under ORS 337.150 are, and shall remain, the property of the school district. Upon receipt thereof, each of said books shall be immediately and properly labeled as the property of the school district.

337.200 Rules and regulations concerning textbooks. The Superintendent of Public Instruction, with the approval of the State Board of Education, shall promulgate rules and regulations as follows:

(1) Regulating the requisition, purchase, distribution, use, care and handling of district-owned textbooks.

(2) Governing the assignment of textbooks to pupils, their care in the hands of pupils, their return to the teachers and the responsibility of each pupil and the parent or guardian of such pupil for the care and return of all books so assigned. A district school board, to insure the return in good order of district-owned textbooks, shall require an adequate deposit or bond equal to the value of any books furnished to pupils attending a standard elementary school or grades seven or eight of a standard secondary school other than the public school within the district.

(3) Governing the sale of textbooks by the school authorities to pupils attending standard elementary schools or grades seven or eight of standard secondary schools, or their parents or guardians, who may desire to purchase the same.

(4) For the disposal of such textbooks as are no longer in fit condition to be, or which are no longer, used for the purpose of instruction.

(5) For the sale and disposition of textbooks by any district having a surplus, not required by the pupils of said district, to other districts.

(6) For the guidance and direction of the county school superintendents and school boards relative to the order in which textbooks shall be supplied. Such rules and regulations may require that textbooks be acquired according to subjects or grades or both. [Amended by 1955 c.486 §3]

337.210 Application of state regulations to certain first class districts. Rules and regulations promulgated under ORS 327.200 shall apply to such first class districts requesting that textbooks for such districts be purchased through the State Board of Education so far as the rules and regulations apply to the requisition, purchase and distribution of textbooks.

337.220 Textbook regulations of first class districts. First class district school boards shall have the same power and authority in their respective districts as granted by ORS 337.200 to the State Board of Education.

337.230 Disposition of money from sale of textbooks. Any moneys realized from the sale of used textbooks, or textbooks which are no longer needed by any school district, shall be credited to the budget item for the purchase of textbooks of the school district receiving the money.

337.240 Contracts with publishers by state board or first class district board. The State Board of Education may enter into contracts with publishers of or dealers in textbooks for supplying the textbooks to second and third class districts and such first class districts as may request to purchase the books through said board. The contracts shall not bind the state board or any school district to purchase any fixed number or amount of textbooks and shall not be for a period longer than six years. First class district school boards shall have the same power relative to their respective districts as granted in this section to the state board relative to second and third class districts.

337.250 Methods of selection of textbooks unchanged. Nothing contained in ORS 337.150 to 337.240 shall in anywise change, or be construed as changing, the methods now or hereafter provided for the selection of textbooks for use in Oregon public elementary schools.

337.260 Textbooks on American history and civil government. Every board, commission, committee or officer charged with the selection of textbooks for use in the public schools shall select and install textbooks on American history and civil government which adequately stress the services rendered by the men who achieved our national independence, who established our form of constitutional government and who preserved our federal union. No textbook shall be used in our schools which speaks slightingly of the founders of the republic or of the men who preserved the union or which belittles or undervalues their work.

337.270 Selection of high school textbooks. All textbooks used in the two years' required work in high schools shall be selected by the State Board of Textbook Commissioners.

337.280 to 337.500 [Reserved for expansion]

CURRICULUM IMPROVEMENT

337.510 Purposes of law. The purposes of ORS 327.068 and 337.510 to 337.570 are to encourage programs of curriculum improvement by school districts of the state and to increase the scope of curriculum services to the public schools by the Department of Education. [1957 c.642 §1]

337.520 Definitions. As used in ORS 337.510 to 337.570:

(1) "Curriculum" means the planned educational experiences provided for children under the direction of teachers by a school district of the State of Oregon or by personnel of the State Department of Education.

(2) "A curriculum improvement plan" means a written proposal for the study, development or reorganization of the design for educational experiences for children by a school district or by the Department of Education.

(3) "County school superintendent" means county district superintendent of schools, rural school district superintendent or county school superintendent. [1957 c.642 §2]

337.530 Duties of Superintendent of Public Instruction. The Superintendent of Public Instruction shall prescribe the rules and regulations for approval of any curriculum improvement plan and shall review all claims for reimbursement submitted under the provisions of ORS 327.068 and 337.510 to 337.570. On approval of any claim, he shall order the same paid from a special account established under ORS 327.068. [1957 c.642 §3]

337.540 Apportionments from Curriculum Improvement Fund. (1) Upon the presentation of proper evidence to the State Superintendent of Public Instruction that a curriculum improvement plan has been satisfactorily carried on as submitted to and approved by the Superintendent of Public Instruction for that fiscal year, a school district or office of county school superintendent shall be entitled to an apportionment from the Curriculum Improvement Fund established in ORS 327.068.

(2) The amount of reinbursement for which a school district may become eligible for carrying on a curriculum improvement plan under ORS 327.068 and 337.510 to 337.570 shall not exceed an amount which is

the product of 50 cents times the average daily membership of pupils enrolled in the district schools for the school year ending June 30 prior to submission of the plan. The amount of reimbursement shall not exceed the amount of the actual expenditures of the district incurred in carrying out the approved curriculum improvement plan which are in excess of its ordinary expenditures for such purpose.

(3) In the event that the funds available for reimbursement under ORS 327.068 and 337.510 to 337.570 are insufficient to meet all approved claims in any one year, the funds shall be prorated according to the ratio that the total amount of funds available bears to the total amount that would be required to pay all claims under ORS 327.068 and 337.510 to 337.570 for the fiscal year. [1957 c.642 §§5, 6, 7]

337.550 State-wide curriculum improvement plan. As part of a program to increase the scope of curriculum services to the public schools, the Superintendent of Public Instruction may approve a state-wide curriculum improvement plan to be carried on under direction of the Department of Education; and the department may receive payment under such plan of an amount not to exceed 25 percent of the funds provided under ORS 327.068 and 337.510 to 337.570 in any fiscal year for curriculum improvement programs. [1957 c.642 §10]

337.560 Joint plans. (1) Two or more school districts may submit a joint curriculum improvement plan to the county school superintendent of the county in which they are organized, and if the county superintendent approves the plan, he shall submit it to the Superintendent of Public Instruction for approval. Claims for reimbursement under such an approved plan shall be submitted by the school districts through the office of the county school superintendent, and such claims shall bear his approval. The Superintendent of Public Instruction shall then authorize payments to the claimant school districts in the amounts they are entitled to under the provisions of ORS 327.068 and 337.510 to 337.570.

(2) The county school superintendent may, with the consent of the school districts concerned, organize a joint curriculum improvement plan and submit it to the Superintendent of Public Instruction for approval. Reimbursements for such an approved plan shall be made as provided in subsection (1) of this section.

(3) Under the provisions of ORS 327.068 and 337.510 to 337.570, county school superintendents may organize, administer and pay the operating expenses of joint curriculum improvement programs as authorized in subsections (1) and (2) of this section, in which component school districts voluntarily participate. When such joint plan has been approved by the Superintendent of Public Instruction, he may order payments to which the participating school districts are entitled under ORS 327.068 and 337.510 to 337.570 to be made to the office of the county school superintendent who has administered the program as reimbursement to that office for authorized expenditures under the plan. Such payments shall be charged against the amount to which each individual school district is entitled under ORS 327.068 and 337.510 to 337.570 in proportion to its share in the total expenditures under the approved plan based upon the ratio that the amount to which it would be entitled under ORS 327.068 and 337.510 to 337.570 bears to the total amount which all the districts involved in the joint plan would be entitled. [1957 c.642 §§8, 9(1), (2)]

337.570 Funds not to be used for county institutes. No funds appropriated under the provisions of ORS 327.068 and 337.510 to 337.570 shall be used to pay the expenses of county institutes or to reimburse districts for the expenses of their teachers, including salaries, when attending such institutes. [1957 c.642 §9(3)]

337.580 to 337.980 [Reserved for expansion]

PENALTIES

337.990 Penalties. Violation of any of the provisions of ORS 337.010 to 337.040, 337.060 to 337.110 or 337.130 to 337.270 is a misdemeanor.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel