

Chapter 343

1957 REPLACEMENT PART

Special Educational Facilities

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EVENING AND PART-TIME SCHOOLS AND CLASSES

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343.020 [Repealed by 1953 c.110 §2]

343.030 [Repealed by 1953 c.110 §2]

343.040 [Repealed by 1953 c.110 §2]

343.050 [Repealed by 1953 c.110 §2]

343.060 [Repealed by 1953 c.110 §2]

343.070 [Repealed by 1953 c.110 §2]

343.080 [Repealed by 1953 c.110 §2]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 [Amended by 1957 c.232 §1; renumbered 343.910]

DEPARTMENTS OF RESEARCH AND GUIDANCE

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 outstand-

ing 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 director 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 [Repealed by 1955 c.721 §1]

343.216 [1953 c.444 §§1, 2; repealed by 1955 c.721 §1]

343.218 [1953 c.444 §§3, 4; repealed by 1955 c.721 §1]

343.220 [Repealed by 1953 c.710 §23]

343.222 [1953 c.444 §6; repealed by 1955 c.721 §1]

343.230 [Repealed by 1953 c.710 §23]

HANDICAPPED CHILDREN

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 Chil-

dren, 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 fed-

eral 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]

GIFTED CHILDREN

343.315 Definitions. As used in ORS 343.315 to 343.385:

(1) The term "educationally advanced" refers to children of school age who, because of exceptionally high intelligence, possess academic aptitude and achievement far in advance of that expected for their normal age-grade placement, and for whom, through special instructional facilities, the school provides additional educational experiences designed to make their common school education more commensurate with their ability.

(2) The term "special instructional facilities" means educational services not normally included in the usual school program. [1957 c.556 §2]

343.320 [Repealed by 1953 c.710 §23]

343.325 Purpose of ORS 343.315 to 343.385. The purpose of ORS 343.315 to 343.385 is to provide means to facilitate the common school education of those children in the State of Oregon who are educationally advanced and who are enrolled in the public schools. [1957 c.556 §1]

343.330 [Repealed by 1953 c.710 §23]

343.335 Determination of eligibility of educationally advanced child for special program. No educationally advanced child shall receive special instructional services or be placed in a special program until he has been certified by the Superintendent of Public Instruction, who shall determine his eligibility for such services with the advice of competent educational authorities. It shall not be incumbent upon the school district to keep an educationally advanced child in a special instructional facility when it is determined that the child does not benefit therefrom. [1957 c.556 §3]

343.340 [Repealed by 1953 c.710 §23]

343.345 Operation by school district of special facility for instruction of educationally advanced children; reimbursement of cost of operation. (1) A school district which has established or proposes to establish a special instructional facility for educationally advanced children and which desires reimbursement from the state for part of the cost of maintaining same shall file an application and proposed educational plan with the State Department of Education for the approval of such special instructional facilities on or before June 1 prior to the school year for which such reimbursement is sought. Any school district which has provided an approved special instructional facility during a school year may make application to the Superintendent of Public Instruction for reimbursement from funds provided under ORS 327.057 within the limitation of ORS 327.057 and 343.315 to 343.385; providing, however, in any year when sufficient funds are not available with which to reimburse the districts to the full amount allowed by the Superintendent of Public Instruction, the amount of the reimbursement shall be a pro rata share based upon the ratio that the total amount of funds available bears to the total amount of funds that would be required to make such allowed reimbursement. All claims presented in accordance with the provisions of ORS 343.315 to 343.385 shall be subject to the approval of the Superintendent of Public Instruction.

(2) Reimbursement for the maintenance of special instructional facilities as defined in ORS 343.315 shall be made from funds provided under ORS 327.057 for teachers' salaries, consultant service, transportation and

supplies needed by children by the nature of their requirement to an amount to be determined by the Superintendent of Public Instruction. [1957 c.556 §§6, 9]

343.350 [Repealed by 1953 c.710 §23]

343.355 Claim for reimbursement. The school authority operating an approved special instructional facility for educationally advanced children shall file, on or before October 1 following the close of the school year for which reimbursement is claimed, a notarized claim with the Superintendent of Public Instruction, such claim to include the names of all children enrolled in the program in the school year for which reimbursement is claimed. [1957 c.556 §8]

343.360 [Repealed by 1953 c.710 §23]

343.365 Qualifications of teachers in special facilities. The teacher or teachers in a special instructional facility for educationally advanced children shall be certified by the Superintendent of Public Instruction and shall meet the qualifications established by the State Board of Education for the teachers of such children. [1957 c.556 §7]

343.370 [Amended by 1955 c.333 §1; renumbered 343.920]

343.375 Superintendent of Public Instruction to administer programs for educationally advanced children. (1) The Superintendent of Public Instruction shall administer ORS 343.315 to 343.385. He may establish rules and regulations relative to qualifications of teachers, courses of study, methods of instruction, admission, evaluation, eligibility of pupils, size of special instructional facilities, rooms and equipment, supervision, territory to be served and such other rules and regulations as he deems necessary to carry out the provisions, intent, and purpose of ORS 343.315 to 343.385.

(2) The Superintendent of Public Instruction shall prescribe the standards and approve the conditions under which the special instructional facilities are furnished in accordance with the rules and regulations of the State Board of Education. [1957 c.556 §§4, 5]

343.380 [Amended by 1955 c.333 §2; renumbered 343.930]

343.385 Provisions of ORS 343.234 to 343.304 not affected. Nothing contained in ORS 327.057 and 343.315 to 343.385 shall be

construed as repealing or affecting any of the provisions of ORS 343.234 to 343.304. ORS 327.057 and 343.315 to 343.385 shall be construed as supplemental to such sections. [1957 c.556 §10]

343.390 [Renumbered 343.940]

343.400 [Reserved for expansion]

MENTALLY RETARDED CHILDREN

343.410 Definitions for ORS 343.410 to 343.520. As used in ORS 343.410 to 343.520:

(1) "Mentally retarded children" means children of compulsory school age who because of well-established retarded intellectual development are incapable of receiving a common school education through regular classroom instruction but whose intellectual ability would indicate a possible scholastic attainment of third-grade level with the benefit of special instructional methods; who are competent in all aspects of the school environment except the academic.

(2) "Special instructional facilities" means a full-time school program for mentally retarded children, offered in special classes in public schools. [1955 c.658 §2]

343.420 Purpose of ORS 343.410 to 343.520. The purpose of ORS 343.410 to 343.520 is to provide means to facilitate the common school education of those children in the State of Oregon who are mentally retarded and to whom the schools have the responsibility of helping establish the ability of self-management and of meeting the practical problems of daily living. [1955 c.658 §1]

343.430 Determination of eligibility of mentally retarded child for special instruction. No mentally retarded child shall be placed in a special instructional facility until he has been certified by the Superintendent of Public Instruction who shall determine his eligibility for such facility with the advice of competent medical and educational authorities. It shall not be incumbent upon the school district to keep a mentally retarded child in a special instructional facility when it is determined that the child does not benefit therefrom. [1955 c.658 §3]

343.440 Operation of special facilities for instruction of mentally retarded children; eligibility for reimbursement of cost of operation. (1) Any school district, county or region may operate a special instructional facility but no school district, county or re-

gion shall be reimbursed for the operation of any special instructional facility unless such facility has been approved by the Superintendent of Public Instruction.

(2) The Superintendent of Public Instruction shall approve special instructional facilities in the order in which the requests for approval were filed.

(3) A school district to be eligible under ORS 343.410 to 343.520 for reimbursement for an approved special instructional facility shall have 12 or more mentally retarded children residing in the district who have been certified as eligible for a special instructional facility pursuant to ORS 343.430 and who are enrolled in such school district. [1955 c.658 §§6, 7; 1957 c.219 §1]

343.450 Establishment of facilities by Superintendent of Public Instruction. The Superintendent of Public Instruction may establish a regional or county special instructional facility when 12 or more mentally retarded children residing in the region or county who have been certified as eligible for a special instructional facility pursuant to ORS 343.430 would be served by such a facility. He may delegate the responsibility for administration of such a facility to a school district or to a county school superintendent of his choice. A region served by such regional facility may be established without regard to county boundaries. The school district in which a child is resident shall bear such other costs for his education as are not covered by the reimbursement made pursuant to ORS 343.470. [1955 c.658 §8]

343.460 Claim for reimbursement. A school district, county or region operating a special instructional facility approved by the Superintendent of Public Instruction pursuant to subsections (1) to (3) of ORS 343.440 shall file, on or before October 1 following the close of the school year for which reimbursement is claimed, a notarized claim with the Superintendent of Public Instruction, such claim to include the names of all children enrolled in the special instructional facility during the school year for which reimbursement is claimed. [1955 c.658 §10]

343.470 Reimbursement; limit on amount. (1) Reimbursement for the expense of operating a special instructional facility approved by the Superintendent of Public Instruction pursuant to subsections (1) to (3) of ORS 343.440 shall be made by the

Superintendent of Public Instruction from funds set aside in a special account pursuant to ORS 327.065, as provided in subsection (2) of this section, upon receipt of the claim filed pursuant to ORS 343.460.

(2) In any fiscal year, the amount of reimbursement to any school district, region or county for each special instructional facility shall not exceed:

(a) \$2,500 for teachers' salaries.

(b) \$700 for the transportation of children.

(c) \$300 for special equipment or supplies, or the amount spent for these items, whichever is the lesser. [1955 c.658 §11]

343.480 Qualifications of teachers in special facilities. The teacher or teachers in a special instructional facility shall be certified by the Superintendent of Public Instruction and shall meet the qualifications established by the State Board of Education for the teachers of mentally retarded children. [1955 c.658 §9]

343.490 Diagnosis of mentally retarded children at Fairview Home. Services of the Outpatient Diagnostic Clinic at Oregon Fairview Home shall be available to school districts for the diagnosis of mentally retarded school-age children. Referrals of school-age children for such service shall be made in accordance with rules and regulations established by the Superintendent of Public Instruction and the Superintendent of Oregon Fairview Home. [1955 c.658 §13]

343.500 Superintendent of Public Instruction to administer programs for mentally retarded children. The Superintendent of Public Instruction shall administer ORS 343.410 to 343.520. He may establish rules and regulations relative to qualifications of teachers, courses of study, methods of instruction, admission, diagnosis, eligibility of pupils, size of special instructional facilities, rooms and equipment, supervision, territory to be served, and such other rules and regulations as he deems necessary to carry out the provisions, intent and purpose of ORS 343.410 to 343.520. He may also make provisions for the training of teachers of mentally retarded children. [1955 c.658 §§4, 5; 1957 c.219 §2]

343.510 Superintendent of Public Instruction to employ personnel for supervision and consultation. The Superintendent

of Public Instruction shall employ personnel to supervise and provide consultant services for special instructional facilities established pursuant to ORS 343.440 or 343.450. [1955 c.658 §12]

343.520 Provisions of ORS 343.234 to 343.304 not affected. Nothing contained in ORS 343.410 to 343.520 shall be construed as repealing or affecting any of the provisions of ORS 343.234 to 343.304. ORS 343.410 to 343.520 shall be construed as supplemental to ORS 343.234 to 343.304. [1955 c.658 §14]

343.530 to 343.600 [Reserved for expansion]

KLAMATH AND WESTERN OREGON INDIANS

343.610 Special education for Klamath and Western Oregon Indians. The State Board of Education may enter into such contracts or agreements with the Secretary of the Interior of the United States as may be necessary, proper and convenient, not contrary to the laws of this state, for the purpose of providing a special program of education and training for the:

(1) Klamath Tribe of Indians as set forth in section 26 of the Act of Congress entitled, "An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes," approved August 13, 1954, Public Law No. 587, 83d Congress (68 Stat. 718); and

(2) Western Oregon tribes of Indians as set forth in section 13 of the Act of Congress entitled, "An Act to provide for the termination of Federal supervision over the property of certain tribes and bands of Indians located in Western Oregon and the individual members thereof, and for other purposes," approved August 13, 1954, Public Law No. 588, 83d Congress (68 Stat. 724). [1955 c.15 §1; 1955 c.410 §1]

343.620 Director; powers of State Board of Education. (1) The State Board of Education may appoint a director to supervise and administer the special program of education and training referred to in ORS 343.610 for the Klamath Tribe of Indians. The State Board of Education shall fix and pay, out of the Indian Education and Training Program Account created by subsection

(2) of ORS 343.630, the compensation of the director in an amount not exceeding \$7,500 per year. The director, his appointment and his compensation shall not be subject to the State Civil Service Law.

(2) Except as otherwise provided in ORS 343.610 to 343.640 the State Board of Education may do all things necessary to carry out the purposes referred to in ORS 343.610. [1955 c.15 §2; 1955 c.410 §2]

343.630 Receipt and disbursement of funds. (1) The State Board of Education may accept, receive, receipt for, disburse and expend for the purposes referred to in ORS 343.610 only such funds as may be made available specifically for such purposes to this state or to the State Board of Education by the United States, the Secretary of the Interior of the United States or any other public or private source.

(2) The State Board of Education shall deposit all funds received by it under subsection (1) of this section in the State Treasury to the credit of the General Fund in an account to be known as the Indian Education and Training Program Account. The funds in such account hereby are continuously appropriated to and shall be disbursed or expended by the State Board of Education only for the purposes referred to in ORS 343.610 and in accordance with the terms and conditions upon which the funds credited to such account were made available. [1955 c.15 §3; 1955 c.410 §3]

343.640 Revolving fund for Indian education. There hereby is established a revolving fund in the sum of \$7,500 for the use of the State Board of Education for the purpose of advancing funds for the payment of estimated subsistence and other emergency expenses of Indians under the special program of education and training referred to in ORS 343.610. The revolving fund shall be carried with the State Treasurer as a suspense fund or deposited in a bank. Disbursements from the revolving fund shall be made only by persons authorized by the State Board of Education. Upon presentation to the Secretary of State of claims duly approved by the State Board of Education setting out disbursements from the revolving fund under this section, the Secretary of State shall audit such claims and issue his warrants in favor of the State Board of Education for the payment of such claims out of the Indian Education and Training

Program Account created by subsection (2) of ORS 343.630, and the warrants so issued shall be used to reimburse the revolving fund. [1955 c.410 §4]

343.650 to 343.700 [Reserved for expansion]

STUDENT DRIVER TRAINING

343.710 Student driver training program established. In order to facilitate the policing of the streets and highways of this state and to reduce the direct cost thereof by educating youthful drivers in safe and proper driving practices, there is established the Student Driver Training Program. The program shall be administered by the Superintendent of Public Instruction. [1957 c.206 §1]

343.720 High school course in automobile driver instruction. Any public, private or parochial high school may offer a course in automobile driver instruction. The course of instruction shall be devoted to the study and practice of the rules of the road, the safe and proper operation of motor vehicles, accident prevention and other matters which promote safe and lawful driving habits and reduce the need for intensive highway policing. The course shall include classroom instruction and instruction in dual control automobiles, but no pupil shall participate in behind-the-wheel instruction unless he is enrolled in or has completed a course in classroom instruction. [1957 c.206 §2]

Note: ORS 343.720 takes effect on July 1, 1958.

343.730 Reimbursement of part of cost of course. Each school district offering a course in automobile driver instruction shall, in such manner as the Superintendent of Public Instruction may direct, keep accurate records of the cost thereof. Each school district shall be reimbursed to the extent of 75 percent of the cost of conducting the course, but the amount paid any school district shall not exceed \$20 per pupil enrolled in the course nor shall it exceed a pro rata portion of the Student Driver Training Fund, based on the number of pupils enrolled in such courses at all public, private or parochial high schools. [1957 c.206 §3]

Note: ORS 343.730 takes effect on July 1, 1958.

343.740 Student Driver Training Fund. (1) There is created the Student Driver Training Fund. All payments required under

subsection (6) of ORS 482.250 and ORS 343.710 to 343.740 and all expenses incurred in the administration of those sections shall be made to and borne by the fund.

(2) The Superintendent of Public Instruction shall annually distribute the funds available in the Student Driver Training Fund, as provided in ORS 343.730. [1957 c.206 §§4, 6]

Note: Subsection (2) of ORS 343.740 takes effect on July 1, 1958.

343.750 to 343.900 [Reserved for expansion]

MISCELLANEOUS PROVISIONS

343.910 Homemaking and agricultural education in cities over 8,000 population. (1) The governing body of any city of at least 8,000 population, the school board of a school district situated in whole or in part within such city, and the county court or board of county commissioners of the county in which such city is situated, may, either singly or in combination, 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, agriculture and related arts and sciences.

(2) The State Board of Higher Education, through its federal cooperative extension service, may 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, school districts and counties in carrying out this section. The funds may be provided either by special provision in the annual tax levy of such city, school district or county 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 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, school district or county and the federal cooperative extension service. [Formerly 343.130]

343.920 Instruction while in White Shield Home or under Boys and Girls Aid Society. 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 or while under the care of The Boys and Girls Aid Society of Oregon. With the cooperation of the Salvation Army or of The Boys and Girls Aid Society of Oregon, the instruction shall be given in the White Shield Home, in the offices of The Boys and Girls Aid Society, or at such other places as may be determined by the Superintendent of Public Instruction, by persons holding a state teacher's certificate authorizing the holder to teach high school subjects. [Formerly 343.370]

343.930 Duties of state superintendent as to instruction under ORS 343.920. (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 343.920.

(2) The Superintendent of Public Instruction may arrange with the school district within which the White Shield Home or the offices of The Boys and Girls Aid Society of Oregon are 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. [Formerly 343.380]

343.940 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 federal, state, county departments and school boards, together with all municipal, and all child-caring agencies therein dealing with juveniles. [Formerly 343.390]

343.950 Education of children at Children's Farm Home and Louise Home. (1) The State Board of Education shall be responsible for the elementary and secondary school education of children living in the Children's Farm Home and the Louise Home and shall pay for the same from the emergency account of the Basic School Support Fund.

(2) The State Board of Education may arrange with one or more operating school districts to provide such instruction subject to reimbursement for the cost thereof or the State Board of Education may employ teachers and provide other necessary services to give such instruction.

(3) In order to carry out the provisions of subsection (2) of this section, an operating school district may establish a school on the campus of the Children's Farm Home or of the Louise Home if such action is deemed desirable.

(4) Children committed to the Children's Farm Home or to the Louise Home shall be enumerated in the school census. The names of such children shall be reported to the county school superintendent of the county from which the children were committed and shall be included in the school census in the appropriate school district in such county.

(5) Benton County School District 42 and Multnomah County School District 30 are abolished effective June 30, 1958 at which time title to all assets of such districts shall be transferred to the State of Oregon and shall be under the jurisdiction of the State Board of Education; provided that nothing in this section shall affect the title of any property belonging to the Children's Farm Home Corporation or to the Albertina Kerr Homes. [1957 c.562 §§1, 2, 3, 4, 5]

343.960 to 343.980 [Reserved for expansion]

PENALTIES

343.990 Penalties. Violation of any of the provisions of ORS 343.010, 343.090 to 343.120 or 343.140 to 343.200 is a misdemeanor. [Amended by 1953 c.110 §1]

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

