

Chapter 346

1957 REPLACEMENT PART

Education and Rehabilitation of the Blind and Deaf

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GENERAL PROVISIONS

346.010 School for blind and school for deaf as training schools and educational institutions. (1) The Oregon State School for the Blind in Salem, Marion County, shall be used as a free training school for blind persons enrolled therein.

(2) The Oregon State School for the Deaf, in Salem, Marion County, shall be used as a free training school for deaf persons enrolled therein.

(3) The state schools for the deaf and blind shall be considered as educational institutions only.

346.020 Pupils in schools for blind and deaf; superintendent's duty. In the Oregon State School for the Blind or the Oregon State School for the Deaf, no pupil may continue in school more than 10 years, except that in special cases the Oregon State Board of Control may extend the time from year to year. No pupil shall be detained in either school after it has been ascertained that such pupil has ceased to make progress or is not being benefited. Any pupil may be dropped for cause, at any time, by the board. The board may deny admission to either school to any person not suitable to be received or instructed therein. The superintendent of each school shall see that all pupils are given reasonable instruction in the subjects taught at the school, and shall select the necessary teachers and employes for the successful maintenance of the school according to the methods in vogue at similar institutions.

346.030 Admission to schools for blind and deaf. Admission to the Oregon State School for the Blind or Oregon State School for the Deaf may be secured by making application to the superintendent direct or through the county school superintendent, upon blanks to be provided by the superintendent of the institution and complying with the rules and regulations of the State Board of Control.

346.040 Traveling expenses and clothing of indigent pupils in schools for the blind and deaf. The actual and necessary traveling expenses of all indigent deaf or blind children going to and from the Oregon State School for the Deaf or Oregon State School for the Blind, together with the cost of all clothing necessary for their comfort, shall be borne by the county of which the children are residents. The traveling expenses

and cost of clothing shall be paid by the county court upon presentation of proper itemized claims duly certified by the county school superintendent or the superintendent of the proper state institution.

346.050 Vocational instruction by schools for blind and deaf. Upon application of the State Industrial Accident Commission, the State Board of Control shall provide, for any person designated by the commission, such vocational instruction at the state school for the blind or the deaf as is furnished to other pupils of the school. The commission shall cause to be paid therefor, to the State Board of Control, such tuition charges as may be fixed by the board; which amount may be expended by the board for support and maintenance of the school.

346.060 Aid to blind students. (1) A sum not to exceed \$750 per year, or so much thereof as may be necessary, hereby is allocated to each and every blind student who has been a resident of Oregon for the three years immediately preceding and is attending any university, college, conservatory of music, or normal, professional or vocational school, whose application therefor has been made to the Commission for the Blind and has been approved by a committee consisting of the Superintendent of Public Instruction, the Superintendent of the Oregon State School for the Blind and an authorized representative of the Commission for the Blind, which sum hereby is appropriated out of any moneys in the General Fund in the State Treasury, not otherwise appropriated, for the purpose of providing readers and subsistence for blind students while enrolled and attending such approved institutions of learning.

(2) No blind student shall receive such assistance for a period of time exceeding, in the aggregate, seven years.

(3) The amounts necessary to carry out this section shall be distributed under the supervision of the Commission for the Blind and shall be paid directly to such blind pupils. The Commission for the Blind may prescribe and enforce all rules and regulations necessary to carry out this section. [Amended by 1957 c.182 §1]

346.070 Aid to deaf students. (1) A sum not to exceed \$500 per year, or so much thereof as may be necessary, hereby is allocated to each and every deaf student who has been a resident of Oregon for three

years immediately preceding and is attending any university, college, conservatory of music, or normal, professional or vocational school within the United States, and hereby is appropriated out of the moneys in the State Treasury, not otherwise appropriated, for the purpose of defraying the annual expenses of such deaf student, while attending institutions of learning as provided in this section.

(2) The institution shall be selected, and such amounts as may be necessary to carry out this section shall be expended under the regulation and supervision of the State Board of Control, or such board as may from time to time have supervision of state schools for the deaf.

(3) No deaf student shall receive such assistance for a period of time exceeding, in the aggregate, seven years. [Amended by 1957 c.336 §1]

346.080 to 346.100 [Reserved for expansion]

COMMISSION FOR THE BLIND

346.110 Definitions. As used in ORS 346.110 to 346.280:

(1) "Commission" means the Commission for the Blind.

(2) "Visually handicapped persons" includes persons who are blind or have seriously impaired vision or who are suffering from conditions which might lead to blindness.

346.120 Commission for the Blind; purpose. There is created a commission for the blind and the prevention of blindness to be known as the Commission for the Blind. The commission shall establish and shall be responsible for the administration of a Department of Services for the Blind which is charged with promoting, in the manner set forth in ORS 346.110 to 346.280, the welfare of visually handicapped persons.

346.130 Commission members; meetings; compensation. (1) The commission shall consist of the administrative heads of the State Board of Health, ophthalmology department, University of Oregon school of medicine, State Public Welfare Commission, special education division, State Board of Education and the vocational rehabilitation division, State Board of Education, all acting ex officio, and four members appointed for a four-year term by the Governor, one of

whom shall represent employers and one, labor, and, other things being equal, the lay appointees shall have demonstrated a special interest in the problems of the blind. For the lay appointees, preference should be given to at least one qualified person who is within the legal definition of blindness. Vacancy in the office of appointive member shall be filled by the Governor for the unexpired term. The commission shall hold meetings at least once every two months and such additional meetings as it may deem necessary.

(2) The ex officio members shall be deemed to be serving as such members in the discharge of their full duty to the state as heads of their respective agencies. No member shall receive compensation for his services required by ORS 346.110 to 346.280. Each member shall be reimbursed for his traveling and other necessary expenses incurred in the performance of his official duties. [Amended by 1957 c.294 §1]

346.140 Administrator and other employees. The commission may employ an administrator and such other persons as may be necessary and fix their compensation, except as such compensation otherwise may be regulated by law.

346.150 Rules and regulations. The commission may make and promulgate rules and regulations reasonably necessary or proper to carry out the provisions of ORS 346.110 to 346.280.

346.160 Register of the blind. The commission shall cause to be compiled and maintained as complete as possible a register of the blind in Oregon, which shall describe the extent of blindness, cause of blindness and such other facts in regard to each person so registered as the commission may deem advisable.

346.170 Division for conservation and restoration of sight and prevention of blindness; free eye care. (1) The commission shall maintain a division for the conservation and restoration of sight and the prevention of blindness, the objects of which shall be to investigate causes of blindness in Oregon, to ascertain the proportion of preventable cases and to inaugurate and cooperate in such measures for the prevention of blindness in Oregon as the commission may deem advisable.

(2) The commission in its discretion may arrange for and pay for the examination of the eyes of individual visually handicapped persons and may obtain and pay for medical and surgical treatment and glasses for such persons.

346.180 Division of vocational rehabilitation services. The commission shall maintain a division of vocational rehabilitation services. The object of the division shall be to aid visually handicapped persons in finding employment, to provide such physical restoration as will increase their employability, to establish a program of vending stands and small business enterprises in which such persons are able to work, to establish individual programs of college and university instruction, also training in trades and occupations which may be followed in their homes and elsewhere, to cooperate with the United States Government in vocational rehabilitation programs for the blind, including establishment of vending stands for them in buildings owned or rented by the Federal Government and to assist visually handicapped persons, in whatever manner may seem advisable to the commission, in disposing of the products of their industries.

346.190 Oregon Industries for the Blind.

(1) The commission shall establish and maintain a division of industries for the blind. For that purpose, it shall equip and operate one or more training centers, one or more workshops and a home industry program for the employment of suitable blind persons, and may devise ways and means for the sale and distribution of the products of visually handicapped persons. The commission may conduct such investigation and research as it may deem advisable in selecting new types of industries suitable for visually handicapped workers. All activities provided in this section shall be known as the Oregon Industries for the Blind.

(2) The commission shall pay visually handicapped workers who have completed their training suitable compensation for their work in the Oregon Industries for the Blind. The wages to be paid to visually handicapped workers who have completed their training shall be comparable to the wages paid by private industry within Oregon for comparable work. The visually handicapped workers in the Oregon Industries for the Blind who have completed their training are not inmates of a state institution or em-

ployed to be relieved from unemployment but are employes of the state for all purposes except as provided in subsection (4) of this section.

(3) The commission, in an emergency on a temporary basis only, may employ such sighted persons as workers in the Oregon Industries for the Blind as are necessary to operate the industries and such persons shall be considered employes of the state for the same purposes as visually handicapped workers under subsection (2) of this section.

(4) Except for those persons employed in a supervisory or administrative capacity, ORS 237.001 to 237.315 and ORS chapter 240 do not apply to workers in the Oregon Industries for the Blind. [Amended by 1957 c.190 §1]

346.200 Payment of educational expenses of visually handicapped. The commission may pay for tuition, lodging, support and all necessary expenses for visually handicapped persons during their training or instruction in any suitable occupation, whether industrial, commercial, professional or any other, in establishments, schools or institutions or through private instruction, whenever in the judgment of the commission such training or instruction will contribute to the efficiency or self support of such visually handicapped persons. When special educational opportunities cannot be had in this state, they may be arranged for, by the commission, outside the state.

346.210 Supplying materials and equipment to visually handicapped. The commission may, whenever it deems proper, aid individual visually handicapped persons or groups of such persons to become self-supporting by supplying materials, equipment or machinery to them, and also may assist them in the sale and distribution of their products. This shall not be deemed to authorize the making of gifts by the commission.

346.220 Preference for products of visually handicapped in state purchases. Whenever any of the products of visually handicapped persons, produced under the supervision and direction of the commission, meet the requirements of any state department or institution as to quality, quantity and price, such products shall have preference and the state departments and institutions shall purchase from the commission such products as may be required.

346.230 Commission accounts; funds; appropriation. The commission shall keep separate books of accounts for its industries. All funds received by the commission from the sale of any products made at its workshops, or from the sale of products made under its supervision to which it has title, shall be paid into the State Treasury and by that office kept separate and apart from other funds. Funds so paid in shall be paid out only on warrants of the Secretary of State, based on duly verified vouchers, as other claims are paid, for the support and maintenance of said industries, the payment of workers in such industries and the carrying on of the work of the commission. The sums of money so paid in hereby are appropriated for the purposes stated.

346.240 Payment of incidental expenses of commission. The Secretary of State may, from time to time, as may be necessary, draw his warrant in favor of the commission for a sum not exceeding \$700 in any one amount, but not in any event in excess of the amount paid into the State Treasury under ORS 346.230, to be used for the purpose of paying for postage, expressage, freight, telegraph, telephone and other incidental expenses for which payment must be made in cash. The commission shall file with the Secretary of State, from time to time, itemized accounts of expenditures of amounts so drawn by him, with accompanying vouchers therefor. Before the commission shall receive any moneys to be expended for incidental expenses, the commission shall designate the person to whom the funds shall be paid. The person so designated shall file in the office of the Secretary of State a bond running to the State of Oregon for the benefit of whomever it may concern, in such amount as the commission may require, not less, however, than the amount of money to be kept on hand by him in said fund at any one time, with an approved surety company as surety, conditioned that he will properly account for said money. The premium on any such bond shall be paid from any funds appropriated for the benefit of the commission.

346.250 Division of social and educational services. The commission shall establish a division of social and educational services for the purpose of ameliorating the condition of visually handicapped persons by promoting visits among them in their homes

for purposes of home teaching or social service which will assist them in making the best possible adjustment to conditions resulting from loss or impairment of sight, as the commission may deem advisable. Special courses of instruction and training shall be established at training centers and workshops for visually handicapped persons which shall include home economics, household mechanics, orientation to better living and such other instruction as will contribute to the economic and social adjustment of visually handicapped persons. Sighted persons with whom visually handicapped persons are living may, whenever the commission deems necessary, be given instruction that will assist them in caring for such visually handicapped persons. The commission through this division also shall cooperate with the Library of Congress and other agencies in the distribution of talking-book machines, sound-reproducing equipment and other devices designed for the use of the blind, and from time to time may cause to be made and distributed to visually handicapped persons in this state specially recorded subjects and Braille publications.

346.260 Cooperation with public welfare commission. The commission shall cooperate with the State Public Welfare Commission in the administration of financial aid to the needy blind; and when requested so to do by the State Public Welfare Commission, it shall make an investigation of the applicant and make such recommendations to the State Public Welfare Commission as seem advisable regarding medical service for restoration of sight and the employability of such applicant.

346.270 Receipt, expenditure and report of gifts and bequests. The commission may receive moneys by gift or bequest and expend the same for any of the objects and purposes of the commission under ORS 346.120, and shall include in its annual report to the Governor a statement of the moneys so received and expended.

346.280 Report to Governor. The commission shall make a detailed report to the Governor on or before January 1 of each year in which the legislature convenes, showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding biennium, and making recommen-

dations therein for the further improvement of the condition of the blind and the prevention of blindness in the state.

346.290 and 346.300 [Reserved for expansion]

OREGON SERVICE CENTER FOR THE BLIND

346.310 Oregon Service Center for the Blind; purpose; location. The Oregon Service Center for the Blind shall serve as the principal office, educational and training headquarters and workshop of the Oregon Industries for the Blind. The service center shall have as its principal objects an industries program for the blind, the education and training of the blind which shall include training in the trades and vocations and the providing of board, lodging and maintenance to such persons as may be admitted for the purpose of receiving resident service. The service center shall be located at such site or sites selected therefor by the Commission for the Blind.

346.320 Admission to service center. Visually handicapped persons who are residents of Oregon, and persons with whom they live, may be admitted without charge to the service center for the blind for training, education and such special services as there may be offered. Nonresident visually handicapped persons also may be admitted to the center, provided they pay fees for training, education or services as fixed by the Commission for the Blind. The commission shall collect such fees and transmit them to the Oregon State Board of Control, to be deposited by that board in the General Fund of the state.

346.330 [Repealed by 1957 c.190 §2]

346.340 Administration of funds and property. Any appropriation or funds otherwise made available for the Oregon Service Center for the Blind shall be administered by the Commission for the Blind in the equipment, maintenance, operation and support of Oregon Industries for the Blind. All other property of the Oregon Service Center for the Blind, except as otherwise provided by statute, shall be and remain within the control and management of the Commission for the Blind.

346.350 [Repealed by 1955 c.112 §1]

346.360 Administration of gifts, bequests, loans or donations to service center. The Commission for the Blind may take, receive and manage all moneys or other property hereafter bequeathed, donated, loaned or otherwise made available to the Oregon Service Center for the Blind, in accordance with the wishes of the testator or other donor, or may reject any thereof, as the commission may deem to be in the best interests of the service center and the visually handicapped persons of this state. At the request and with the approval of the commission, the State Bond Commission may invest moneys so received. The earnings from investments and from such other property shall be used for the purpose for which the gift, bequest, donation or loan was made. If the instrument pursuant to which a gift, bequest or donation was made does not specify the purpose thereof, the earnings shall be used for the support of the service center and for the benefit of visually handicapped persons.

346.370 [Repealed by 1957 c.190 §2]

346.380 [Repealed by 1957 c.190 §2]

346.390 [Repealed by 1957 c.190 §2]

346.400 to 346.500 [Reserved for expansion]

VENDING STANDS ON PUBLIC PROPERTY

346.510 Definitions. As used in ORS 346.510 to 346.570, the term:

(1) "Blind person" means a person having not more than 20/200 visual acuity in the better eye with best correction. Such blindness shall be certified by a licensed physician who specializes in diseases of the eye.

(2) "Vending stand" means:

(a) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles as may be approved by the Commission for the Blind and the agency having care, custody and control of the building or property in or on which the vending stand is located;

(b) Manual or coin operated vending machines or similar devices for vending such articles; or

(c) Cafeteria or snack bar facilities for the dispensing of food stuffs and beverages.

(3) "Operator" means the individual blind person responsible for the day to day conduct of the vending stand operation.

(4) "Public building" or "property" means any building, land or other real property, owned, leased or occupied by any department or agency of the State of Oregon or any of its political subdivisions except public elementary and secondary schools. [1957 c.295 §2]

346.520 Blind persons to operate vending stands in public buildings or on public property. For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, blind persons licensed under the provisions of ORS 346.510 to 346.570 by the Commission for the Blind, as set forth in ORS 346.510 to 346.570, shall operate vending stands in or on any public buildings or properties where, in the discretion of the head of the department or agency in charge of the maintenance of such buildings or properties, such vending stands may properly and satisfactorily operate. [1957 c.295 §1]

346.530 Notice to commission prior to allowing operation of vending stand in public building or on public property. Each head of the department or agency in charge of the maintenance of public buildings or properties shall:

(1) Not later than October 19, 1957, notify the Commission for the Blind in writing of any and all existing locations where vending stands are in operation or where vending stands might properly and satisfactorily be operated.

(2) Not less than 30 days prior to the reactivation, leasing, releasing, licensing or issuance of permit for operation of any vending stand, inform the Commission for the Blind of such contemplated action.

(3) Inform the Commission for the Blind of any locations where such vending stands are planned or might properly and satisfactorily be operated in or about other public buildings or properties as may now or thereafter come under the jurisdiction of the department or agency for maintenance, such information to be given not less than 30 days prior to leasing, re-leasing, licensing or issuance of permit for operation of any

vending stand in such public building or on such property. [1957 c.295 §3]

346.540 Duties of commission with respect to operation of vending stands. The Commission for the Blind shall through its division of vocational rehabilitation:

(1) Make surveys of public buildings or properties to determine their suitability as locations for vending stands to be operated by blind persons and advise the heads of departments or agencies charged with the maintenance of such buildings or properties as to their findings.

(2) With the consent of the head of the department or agency charged with the maintenance of the buildings or properties, establish vending stands in those locations which the Commission for the Blind has determined to be suitable, and may enter into leases or licensing agreements therefor.

(3) Select, train, license and install qualified blind persons as managers of such vending stands.

(4) Establish and effectuate such rules and regulations as it may from time to time deem necessary to assure the proper and satisfactory operation of such vending stands. [1957 c.295 §4]

346.550 Commodities and articles that may be sold at vending stands. A vending stand operated under the provisions of ORS 346.510 to 346.570 shall be used solely for the vending of such commodities and articles as may be approved by the Commission for the Blind and by the head of the department or agency in charge of the maintenance of the building or property in or on which such stand is operated. [1957 c.295 §5]

346.560 Operator subject to applicable laws and ordinances. The operator of each vending stand operated under the provisions of ORS 346.510 to 346.570 shall be subject to the provisions of any and all laws and ordinances applying within the territory within which such stand is located including those requiring a license or permit for the conduct of such business or any particular aspect thereof. [1957 c.295 §6]

346.570 Rights of persons operating vending stands prior to August 20, 1957. (1) Those individuals who are operating vending stands in public buildings or on public properties as defined in ORS 346.510 prior to August 20, 1957, shall not be affected by

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ORS 346.510 to 346.570, except and only in so far as provided in subsection (2) of ORS 346.530.

(2) Any blind person who is presently operating a vending stand in or on public buildings or properties who desires to avail himself of the advantages of the program authorized by ORS 346.510 to 346.570 shall have the right to do so; and, in such instance, the Commission for the Blind may negotiate and consummate arrangements

for the purchase of such vending stand equipment as it may deem necessary for the satisfactory operation of the vending stand. [1957 c.295 §7]

346.580 to 346.980 [Reserved for expansion]

PENALTIES

346.990 Penalties. Violation of any of the provisions of ORS 346.010 to 346.040, 346.060 or 346.070 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

CHAPTERS 347 TO 350

[Reserved for expansion]

