Chapter 343

1961 REPLACEMENT PART

Special Educational Facilities

EVENING AND PART-TIME SCHOOLS AND CLASSES

343.010 Evening schools in second class districts
343.090 Establishment of part-time schools or classes for employed minors
343.100 Purpose of part-time schools
343.110 Minimum school sessions in part-time schools
343.120 State board duties as to part-time schools

DEPARTMENTS OF RESEARCH AND GUIDANCE

343.140 Department of research and guidance in districts of 10,000 inhabitants
343.150 Director of department of research and guidance
343.160 Survey of public school children; educational improvement
343.170 Survey of educationally exceptional children; recommendations
343.180 Special educational facilities
343.190 Excusing pupils from physical examinations
343.200 Application of ORS 343.140 to 343.190

HANDICAPPED CHILDREN

343.211 Definitions for ORS 343.211 to 343.291
343.221 District instruction for handicapped children
343.225 County or regional programs
343.231 Program operated by rural school board
343.235 Establishing criteria for programs
343.241 Certification of eligible children
343.245 Control over placement of children for instruction
343.251 Employment of certified teachers
343.255 Superintendent of Public Instruction to employ personnel to supervise instruction
343.261 Instruction of hospitalized handicapped children
343.265 Cooperation with other agencies
343.271 Centers for teacher training and consultation
343.275 Services for mentally retarded children
343.281 Reimbursement to school districts, counties and rural school boards
343.285 Use of funds appropriated for special education
343.291 State board rules and regulations
343.301 Powers of State Board of Education with respect to deaf, dumb, blind and partially seeing children

GIFTED CHILDREN

343.315 Definitions for ORS 343.315 to 343.385
343.325 Purpose of ORS 343.315 to 343.385
343.335 Determination of eligibility of educationally advanced child for special program
343.345 Operation by school district of special facility for instruction of educationally advanced children; reimbursement of cost of operation
343.355 Claim for reimbursement
343.365 Qualifications of teachers in special facilities
343.375 Superintendent of Public Instruction to administer programs for educationally advanced children
343.385 Provisions of ORS 343.211 to 343.291 not affected
343.391 Purpose of ORS 343.391 to 343.403; supplemental to other laws
343.395 Definitions for ORS 343.391 to 343.403
343.397 Plan for improvement of instruction or curriculum for gifted children
343.399 State aid to local districts
343.401 Plan may be developed and operated at state level
343.403 Rules and regulations

MENTALLY RETARDED CHILDREN

343.410 Definitions for ORS 343.410 to 343.520
343.420 Purpose of ORS 343.410 to 343.520
343.430 Determination of eligibility of mentally retarded child for special instruction
343.440 Operation of special facilities for instruction of mentally retarded children; eligibility for reimbursement of cost of operation
343.450 Establishment of facilities by Superintendent of Public Instruction
343.460 Claim for reimbursement
343.470 Reimbursement; limit on amount
343.480 Qualifications of teachers and supervisors in special facilities
343.490 Diagnosis of mentally retarded children at Fairview Home
343.500 Superintendent of Public Instruction to administer programs for mentally retarded children
343.510 Superintendent of Public Instruction to employ personnel for supervision and consultation
343.520 Provisions of ORS 343.211 to 343.291 not affected

SCHOLARSHIPS FOR TEACHERS OF MENTALLY RETARDED CHILDREN

343.552 Definition for ORS 343.552 to 343.560
343.554 Scholarships for teachers of mentally retarded children
343.556 Procedure for applying for and awarding scholarships
343.558 Repayment by teacher in certain cases
343.560 Administration

KLAMATH AND WESTERN OREGON INDIANS

343.610 Special education for Klamath and Western Oregon Indians
343.620 Director; powers of State Board of Education
343.630 Receipt and disbursement of funds
343.640 Revolving fund for Indian education

STUDENT DRIVER TRAINING
343.710 Student driver training program established
343.720 High school course in automobile driver instruction
343.730 Reimbursement of part of cost of course
343.740 Student Driver Training Fund
MIGRANT CHILDREN
343.810 Definitions for ORS 343.810 to 343.835
343.815 Educational program for migrant children; reimbursement to school districts
343.820 Eligibility of children for program
343.825 Migrant children in regular classes when possible
343.830 1961 and 1962 summer programs for migrant children
343.835 District budget for summer programs not subject to local budget law
MISCELLANEOUS PROVISIONS
343.910 Homemaking and agricultural education in cities over 8,000 population
343.925 Gifts for guidance clinics in rural school districts
343.940 Extension of child guidance clinic to public agencies
343.950 Education of children at Children's Farm Home, Louise Home, White Shield Home and Boys and Girls Aid Society
PENALTIES
343.990 Penalties

CROSS REFERENCES

Administrative procedures and rules of state agencies, Ch. 183
Aging persons, problems of, 414.230
Allotment required before expenditure of state moneys in certain cases, 291.238
Community colleges and education centers, 341.510 to 341.610
Community mental health clinics, 430.610 to 430.660
Farm labor camp regulation, educational program to inform owners and occupants of provisions regarding, 446.640
Firearms, use by persons under 18, 498.805 to 498.820
Regional educational aids centers, 326.080(2)
Schools for backward children in districts having over 20,000 school age population, 332.440
Summer camp program, 418.705 to 418.730
Teacher education and training, funds, 327.485
Training schools taught by normal school students, 342.560 to 342.575
Tuition not charged for special programs, 336.065

343.010

Compulsory attendance at evening schools, 339.030(1)
Evening schools in school districts, 332.350, 332.440

343.110

Compulsory attendance at part-time schools, 339.030(1)
Employer to permit part-time attendance, 653.440
Part-time school attendance as hours of employment, 653.445

343.221

Educational service for the visually handicapped, 346.250

343.245

Exemption from compulsory school attendance, 339.030(4)

343.285

Special account for handicapped children program, 327.065

343.410

Special account for migrant children education, 327.046

343.430

Handicapped children program, when available to mentally retarded children, 343.275
Training of mentally defective persons, 427.010

343.500

Use of funds for training teachers of mentally retarded children, 327.067

343.554

State scholarships generally, 351.605 to 351.675

343.720

Attendance of child by order of juvenile court, 419.541
Driver training by private vocational schools, 345.010

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 outstanding capacities, abilities and talents of the children in the district public schools. He shall assist in the development and operation of

educational methods and equipment which conserve and develop such capacities, talents and abilities to their fullest extent. To these ends, he shall have the aid and cooperation of the district attendance department.

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

HANDICAPPED CHILDREN

343.211 Definitions for ORS 343.211 to 343.291. As used in ORS 343.211 to 343.291, unless otherwise provided by context:

(1) "Special education" includes special instruction in or in addition to regular classes, special classes, special schools, special services, home instruction, hospital instruction.

(2) "Handicapped children" includes all children under 21 years of age who have the mental health and the intellectual capacity to profit from special education and who, to obtain the education of which they are capable, require special education because they are blind, partially sighted, deaf, hard of hearing, speech defective, crippled or physically handicapped continuously and extending over a period of at least two months unless it is established that the condition is permanent, have extreme learning problems exclusive of mental retardation, or are socially or emotionally maladjusted to the extent that they cannot profit from the school program.

(3) "Special services" includes transportation, reader service, special equipment, and psychometric testing.

[1959 c.510 §2 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

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]

343.221 District instruction for handicapped children. The district school board of any school district in which there are children under 21 years of age who require special education, subject to approval of the Superintendent of Public Instruction:

(1) Shall, as part of the district's educational system, provide special education for such children.

(2) May, when there are less than eight children who would be eligible for special education in the district and upon mutual agreement of the district boards involved, contract for the instruction of such children in a school district maintaining appropriate special education. The contract price of such instruction shall not be in excess of the regular per capita cost of the school district main-

taining the special education plus a proportionate share of the cost for special education.

(3) May provide special materials and equipment and special services essential to children who require special education.

(4) May use the clinical services of public agencies which provide psychiatric services for children.

[1959 c.510 §4 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

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

343.225 County or regional programs. (1) The Superintendent of Public Instruction may provide special education on a county basis or on a regional basis without regard to county boundaries when it is deemed more economical or effective to do so. The Superintendent of Public Instruction may operate and administer a county or regional program of special education, he may delegate full responsibility for operation and administration of the program to the school district in which the program is located, or he may delegate responsibility for operation and administration of the program to a county school superintendent of his choice. A school district or a county school superintendent who assumes such responsibility shall be reimbursed for the costs thereof from funds provided for special education.

(2) Any school district which enrolls a child in a district other than that in which he would be regularly enrolled to obtain special education as provided in subsection (1) of this section, shall contribute toward his education as tuition to the district in which he is enrolled a sum not less than the per capita cost of educating preschool and other eligible children in the public schools in the district and not more than the per capita cost of educating preschool and other eligible children in the public schools in the district in which the child is enrolled; any costs for tuition in excess of the per capita cost in the district where the child would be regularly enrolled shall be reimbursed from funds provided for special education.

(3) Any school district which provides special education to children in the district through a county or regional program of special education as provided in subsection (1) of this section in the form of a special class or a special school, shall contribute toward the education of such children a sum not less than the total per capita cost of educating the preschool and other eligible children had they been enrolled in the public schools in the district.

[1959 c.510 §5 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.230 [Repealed by 1953 c.710 §23]

343.231 Program operated by rural school board. (1) A rural school board, subject to approval of the Superintendent of Public Instruction, may establish and operate a special education program and contract with districts in the rural school district to provide special education for eligible children in the contracting districts when it is deemed more economical and effective to do so, and may employ and fix the compensaton of personnel necessary for administration and operation of the program.

(2) The costs of special education as provided in subsection (1) of this section shall be prorated among the participating districts according to mutual agreement of the contracting parties.

[1959 c.510 §6 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.234 [1953 c.710 §2; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.235 Establishing criteria for programs. The Superintendent of Public Instruction may establish criteria to guide the development and operation of special education programs by school districts, counties or rural school boards and may apply these criteria in certifying such special education programs for reimbursement.

[1959 c.510 §11 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.238 [1953 c.710 §3; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.240 [Repealed by 1953 c.710 §23]

343.241 Certification of eligible children. (1) To receive special education a child shall be certified as eligible for such service; as having the mental health and intellectual capacity to profit from special education, this determination to be made upon the advice of competent medical and educational authorities; and shall have a medical examination. The medical examination shall be

given by a physician licensed to practice by the Oregon Board of Medical Examiners. Visual examinations of the eyes may be made and the findings certified either by an ophthalmologist or optometrist licensed by the State of Oregon.

(2) The medical examination will not be required of children who receive special education because of speech defects or extreme learning problems. School authorities may require the medical and/or visual examination in those cases where children with speech defects or extreme learning problems have received special education and have not profited therefrom.

[1959 c.510 §3 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.244 [1953 c.710 §7; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.245 Control over placement of children for instruction. (1) Administrative officials of school districts shall have control over placement of children under their jurisdiction found eligible for special education. When school authorities have approved the recommendation that a child have special education, the parent or guardian shall enroll the child for such special instruction as may be established.

(2) No school district and no county or regional special education program is required to continue to provide a child special education when it is determined that the child cannot profit therefrom or needs more specialized opportunity available elsewhere in the state.

[1959 c.510 §7 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.248 [1953 c.710 §8; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.250 [Repealed by 1953 c.710 §23]

343.251 Employment of certified teachers. The teachers employed in each school district, county, or regional special education program or in such program maintained by a rural school board shall be certified by the Superintendent of Public Instruction as qualified to teach children who require special education. Qualifications for such teachers shall be established by the State Board of Education.

[1959 c.510 §8 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.254 [1953 c.710 §9; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.255 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) and (2) of ORS 343.221 and in ORS 343.225, 343.231 and 343.261. Personnel so employed shall assist the school districts, county and regional facilities, and hospitals in the organization and development of special education programs, shall have general supervision of such programs, and shall assist school districts in obtaining special services and in obtaining special equipment and materials required for children who need special education, particularly where the number of such children is too small to justify district purchase of such equipment and supplies.

[1959 c.510 §9 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.258 [1953 c.710 §11; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.260 [Repealed by 1953 c.710 §23]

343.261 Instruction of hospitalized handicapped children. The Superintendent of Public Instruction, in cooperation with the hospital authorities, shall establish classes and appoint teachers for children under 21 years of age in the state tuberculosis hospitals, the state hospitals for the mentally ill, the University of Oregon Medical School Hospital, Shriners Hospital for Crippled Children, and Crippled Children's Hospital School in Eugene, 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 special education. 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 cost thereof from funds provided for special education.

[1959 c.510 §10 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.264 [1953 c.710 §§12, 15; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.265 Cooperation with other agencies. The Superintendent of Public Instruction shall cooperate with existing agencies such as the State Board of Health, the Oregon State School for the Blind, the Oregon State School for the Deaf, the Oregon State Tuberculosis Hospitals, the Oregon State Hospitals for the mentally ill, Oregon Fairview Home, and other agencies concerned with the welfare and health of children who require special education, and shall coordinate their educational activities in the interest of these children; and these agencies and institutions are hereby empowered to cooperate in this program.

[1959 c.510 §13 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.268 [1953 c.710 §§13, 14; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343 234 to 343.304 as compiled in 1957 Replacement Part)]

343.270 [Repealed by 1953 c.710 §23]

343.271 Centers for teacher training and consultation. The Superintendent of Public Instruction, in cooperation with the State System of Higher Education, may establish in the state institutions of higher learning approved by the State Board of Education for the preparation of teachers, centers which will assist in the preparation of special education teachers and which will provide consultant, evaluative, and instructional services in special education to certain school districts and to certified children of the types enumerated in subsection (2) of ORS 343.211. Funds appropriated for special education may be used to help defray costs to such centers.

[1959 c.510 §12 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.274 [1953 c.710 §§5, 10, 19; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in leiu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.275 Services for mentally retarded children. The Superintendent of Public Instruction may, when he deems it advisable, authorize that certain aspects of special education as provided in ORS 343.211 to 343.291 be made available to mentally retarded children enrolled in a special instructional facility as provided in ORS 343.410 to 343.520.

[1959 c.510 §14 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.278 [1953 c.710 §§20, 21; repealed by 1959 c 510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.280 [Repealed by 1953 c.710 §23]

343.281 Reimbursement to school districts, counties and rural school boards. Reimbursement to school districts, counties or rural school boards for operation and administration of special education programs approved by the Superintendent of Public Instruction shall be made subject to the following provisions:

(1) A school district, county or rural school board shall submit to the Superintendent of Public Instruction an estimate of the costs of providing special education for the ensuing school year before state funds can be made available.

(2) Any school district which provides special education in keeping with the requirements of ORS 343.211, 343.221, 343.241, 343.251 and 343.261 or which expends more than the regular per capita cost on home or hospital instruction of physically handicapped children shall file with the Superintendent of Public Instruction, on or before October 1 following the close of the school year for which reimbursement is claimed, a notarized claim and such other information as may be required by the Superintendent of Public Instruction for reimbursement for the excess cost of providing special education to eligible children to the degree that such costs exceed the regular per capita cost of instruction of other children in the district.

(3) If the Superintendent of Public Instruction approves the application of a school district for reimbursement, he may reimburse said 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.

(4) Any school district or county which provides special education in keeping with ORS 343.221, 343.225, 343.241 and 343.251 shall file with the Superintendent of Public Instruction on or before October 1 follow-

ing the close of the school year for which reimbursement is claimed, a notarized claim and such other information as may be required by the Superintendent of Public Instruction for reimbursement for the cost of operation and administration of special education.

(5) A rural school board which provides special education in keeping with the requirements of ORS 343.231, 343.241 and 343.251 shall be reimbursed for the costs thereof in accordance with the provisions of subsections (1), (2) and (3) of this section and according to the agreement between the board and the contracting districts.

[1959 c.510 §15 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.284 [1953 c.710 §4;repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.285 Use of funds appropriated for special education. (1) Funds appropriated for special education shall be used to reimburse school districts, counties and rural school boards as provided in ORS 343.261 and 343.281, to reimburse the State System of Higher Education as provided in ORS 343.271, to purchase special equipment and supplies to loan to school districts and to county and regional special education programs, such equipment and supplies to be only that required by children in need of special education, to train teachers in special education, and to pay such other expenses as may be necessary for proper administration and operation of the special education program.

(2) Where federal funds are made available on a matching basis for special education, state funds available for special education may be used to match the federal funds.

(3) Funds appropriated under ORS 327.065 for the handicapped children's program shall be available for the program provided in ORS 343.211 to 343.291.

[1959 c.510 §§16, 17, 20 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.288 [1953 c.710 §18; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.290 [Repealed by 1953 c.710 §23]

343.291 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 343.211 to 343.291.

[1959 c.510 §18 (ORS 343.211 to 343.291 and 343.990 (2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part]

343.294 [1953 c.710 §16; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.298 [1953 c.710 §17; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.300 [Repealed by 1953 c.710 §23]

343.301 Powers of State Board of Education with respect to deaf, dumb, blind and partially seeing children. Out of such funds as may otherwise be appropriated to the State Board of Education for the purposes enumerated in this section, the State Board of Education may:

(1) Provide and pay for special training for teachers of blind or partially seeing children being educated in the public schools.

(2) Purchase and prepare equipment and supplies to be loaned to school districts and county or regional special education facilities which provide approved programs for the education of blind or partially seeing children in the public schools.

(3) Contract with and pay an educational institution, either within or without the state, for the purpose of providing educational services for educable children who are deaf, dumb and blind.

[1959 c.58 §1]

343.304 [1953 c.701 §23; repealed by 1959 c.510 §1 (ORS 343.211 to 343.291 and 343.990(2) enacted in lieu of ORS 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.310 [Repealed by 1953 c.710 §23]

GIFTED CHILDREN

343.315 Definitions for ORS 343.315 to 343.385. 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 343.211 to 343.291 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 343.211 to 343.291 and subsection (2) of 343.990. 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]

343.391 Purpose of ORS 343.391 to 343.403; supplemental to other laws. (1) The purpose of ORS 327.058 and 343.391 to 343.403 are to stimulate and assist school districts to improve the instruction or curriculum for educationally able and gifted children enrolled in their schools.

(2) ORS 327.058 and 343.391 to 343.403 are in addition to and do not repeal ORS 343.315 to 343.385.
[1959 c.528 §1]

343.393 [1959 c.528 §11; repealed by 1961 c.500 §2]

343.395 Definitions for ORS 343.391 to 343.403. As used in ORS 327.058 and 343.391 to 343.403, unless the context requires otherwise:

(1) "Educationally able and gifted children" means those children enrolled in a public school who individually meet the criteria for such children as determined by the State Board of Education according to generally accepted standards.

(2) "Plan" means a written plan to improve the instruction or curriculum for educationally able or gifted children.
[1959 c.528 §2]

343.397 Plan for improvement of instruction or curriculum for gifted children. (1) Any school district may submit a written plan for the improvement of instruction or curriculum for educationally able and gifted children enrolled in its schools.

(2) The Superintendent of Public Instruction shall receive plans submitted under subsection (1) of this section and may annually establish a date after which no further plans may be submitted for reimbursement under ORS 327.058 and 343.391 to 343.403. The Superintendent of Public Instruction shall determine which plans will be approved and receive reimbursement under ORS 327.058 and 343.391 to 343.403. In determining which plans will be approved, the Superintendent of Public Instruction shall consider:

(a) The adequacy and type of program proposed.

(b) The number of children who will benefit by the proposed program.

(c) The availability of personnel and facilities in the school district or districts.

(d) The need for such a program in the district or districts.

(e) Whether the plan meets the requirements of ORS 343.391 to 343.403.

(f) Any other factors which will help to accomplish the purposes of ORS 343.391 to 343.403.

(3) No plan shall be approved under subsection (2) of this section unless the district or districts submitting the plan agree to expend for improvement of instruction or curriculum for educationally able and gifted children, out of district funds, an amount equal to a grant by the state to the district or districts under ORS 327.058 and 343.391 to 343.403. In determining the amount expended by a district under this section, expenditures during that year for programs initiated prior to May 23, 1959, for the improvement of instruction or curriculum for educationally able and gifted children shall be counted as part of the district's required expenditure.
[1959 c.528 §§5, 6, 7]

343.399 State aid to local districts. Any school district which has expended money under an approved plan shall report to the Superintendent of Public Instruction at the end of each fiscal year the amount expended pursuant to the plan during that fiscal year. The Superintendent of Public Instruction shall review the reports and shall reimburse each district operating under an approved plan in an amount not exceeding $1.50 per child in average daily membership in the schools of that district for the fiscal year ending June 30 prior to the school year for which the plan was approved and in effect.

Average daily membership shall be determined as provided in ORS 327.006. The Superintendent of Public Instruction may make advances to school districts prior to the end of the fiscal year. In the event that funds available for reimbursement of school districts under ORS 327.058 and 343.391 to 343.403 are insufficient to pay the full reimbursable amount of all approved claims in any one year, the reimbursement to each district 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 approved claims in full under ORS 327.058 and 343.391 to 343.403 for the fiscal year concerned.
[1959 c.528 §8]

343.401 Plan may be developed and operated at state level. As part of a program to increase instructional or curriculum services for educationally able or gifted children, the Superintendent of Public Instruction may approve a plan developed and operated at the state level under the direction of the Department of Education. Expenses of the department under this section for a director of this program and other administrative costs, services, materials, equipment and supplies shall not exceed $25,000 in any one fiscal year.
[1959 c.528 §9]

343.403 Rules and regulations. The State Board of Education shall prescribe rules and regulations to carry out the purposes of ORS 327.058 and 343.391 to 343.403.
[1959 c.528 §10]

343.405 to 343.409 [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) "Eligible mentally retarded children" means mentally retarded children who have been certified by the Superintendent of Public Instruction with the advice of competent medical and educational authorities as eligible for placement in a special instructional facility.

(2) "Mentally retarded children" means children between the ages of 6 and 21 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.

(3) "Special instructional facility" means a full-time school program for eligible mentally retarded children, offered in special classes in public schools, and includes supervisory personnel employed by the school district or county school superintendents subject to the approval of the Superintendent of Public Instruction, to direct the program of a special instructional facility.
[1955 c 658 §2; 1961 c.541 §1]

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 eligible mentally retarded children 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; 1961 c.541 §2]

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. No school district shall be required to keep a mentally retarded child in a special instructional facility when it is determined in the manner provided in ORS 336.100 to 336.150 that the child does not benefit therefrom.
[1955 c.658 §3; 1961 c.541 §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 region 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 eligible mentally retarded children residing in the district who are enrolled in such school district.

(4) After July 1, 1964, any school district having 12 or more mentally retarded

children residing in the district who are eligible for certification for a special instructional facility pursuant to ORS 343.430 shall provide a special instructional facility for all such children to be administered in accordance with ORS 343.500.
[1955 c.658 §§6, 7; 1957 c.219 §1; 1959 c.182 §1; 1961 c.541 §4]

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 a 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; 1961 c.541 §5]

343.460 Claim for reimbursement. A school district, county or region operating an approved special instructional facility 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; 1959 c.182 §2; 1961 c.541 §6]

343.470 Reimbursement; limit on amount. (1) Reimbursement for the expense of operating an approved special instructional facility 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) $3,000 for each teacher's salary.

(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.

(d) An amount equal to 50 percent of each supervisor's salary or $4,000 of each supervisor's salary, whichever is the lesser.
[1955 c.658 §11; 1959 c.182 §3; 1961 c.541 §7]

343.480 Qualifications of teachers and supervisors in special facilities. The teacher or teachers, supervisor or supervisors 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; 1961 c.541 §8]

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 and supervisors, 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; 1961 c.541 §9]

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 to 343.450.
[1955 c.658 §12]

343.520 Provisions of ORS 343.211 to 343.291 not affected. Nothing contained in ORS 343.410 to 343.520 shall be construed as repealing or affecting any of the provisions of ORS 343.211 to 343.291 and subsection (2) of 343.990. ORS 343.410 to 343.520 shall be construed as supplemental to ORS 343.211 to 343.291 and subsection (2) of 343.990.
[1955 c.658 §14]

343.530 to 343.550 [Reserved for expansion]

SCHOLARSHIPS FOR TEACHERS OF MENTALLY RETARDED CHILDREN

343.552 Definition for ORS 343.552 to 343.560. As used in ORS 343.552 to 343.560, "qualified teacher" means a teacher who holds a regular Oregon teacher's certificate, has successfully completed one year of teaching and is otherwise fully qualified for certification to teach mentally retarded children, except that he lacks 12 or less quarter credit hours in courses specifically required for certification as a teacher of mentally retarded children.
[1959 c.218 §1]

343.554 Scholarships for teachers of mentally retarded children. (1) There hereby are established state scholarships to provide assistance to qualified teachers desiring to obtain certification to teach mentally retarded children.

(2) Each scholarship shall entitle the recipient of the scholarship to receive from the state $200 for living expenses and $75 for payment of tuition.

(3) A scholarship shall not be awarded unless:

(a) The district school board of the district in which the teacher is employed agrees to pay the teacher $200 to match the $200 paid by the state as part of the scholarship.

(b) The teacher applying for the scholarship agrees in writing to teach in the local school district that provides the matching funds for one year after receiving his certificate to teach mentally retarded children.

(4) The provisions of ORS 327.067 shall not apply to ORS 343.552 to 343.560.
[1959 c.218 §§2, 3, 10]

343.556 Procedure for applying for and awarding scholarships. (1) The procedure for applying for and awarding the scholarships shall be as follows:

(a) A teacher applying for a scholarship shall present his application to his local district school board.

(b) If a local district school board approves a teacher's application, the school board shall forward the application to the State Board of Education.

(c) Until the money appropriated to carry out the purposes of ORS 343.552 to 343.560 is exhausted, the State Board of Education shall award scholarships to qualified teachers whose applications meet the requirements of law in the order that such applications are received.

(2) No person shall discriminate against an applicant for a scholarship established under ORS 343.552 to 343.560 because of the applicant's sex, race, color, religion or national origin.

(3) If a scholarship is awarded, it shall be paid to the teacher before the teacher commences school under the scholarship program.
[1959 c.218 §§8, 9, 4]

343.558 Repayment by teacher in certain cases. (1) A teacher receiving a scholarship under ORS 343.552 to 343.560 shall repay the State of Oregon and the local school district any money received by him from them to atttend school under ORS 343.552 to 343.560 if he fails:

(a) To earn certification to teach mentally retarded children within the time established by the State Board of Education; or

(b) To teach in the public schools of this state for one year after receiving his certification.

(2) If, for the year immediately following his certification, a teacher obtaining certification under the provisions of ORS 343.552 to 343.560 fails to teach in the public schools of the local school district that provided the matching funds for his scholarship but does teach that year in another public school in the State of Oregon, the teacher must repay the amount of money received by him from the local school district. The teacher may retain any money paid him by the state.
[1959 c.218 §5]

343.560 Administration. (1) The scholarship program shall be administered by the State Superintendent of Public Instruction under rules promulgated by the State Board of Education.

(2) The State Board of Education shall make rules and regulations to carry out the purposes of ORS 343.552 to 343.560.
[1959 c.218 §§6, 7]

343.570 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. (1) 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.

(2) (a) A person employed by a school or school board to teach a course in automobile driver instruction is not required to hold a teacher's certificate issued by the Superintendent of Public Instruction. However, a school or school board shall employ a person to teach a course in automobile driver instruction only if that person meets all the qualifications required under ORS 342.060.

(b) For the purposes of ORS 342.060, the employment of a person under paragraph (a) of this subsection is considered to be the issuance of a teacher's certificate, and a person seeking such employment is considered to be an applicant for a teacher's certificate.
[1957 c.206 §2; 1959 c.421 §2]

343.730 Reimbursement of part of cost of course. (1) 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 $30 per pupil completing 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.

(2) As soon as possible after June 30 of each year, the State Treasurer shall transfer to the State Highway Fund any unobligated and unexpended moneys remaining as of June 30 of that year in the Student Driver Training Fund.
[1957 c.206 §3; 1959 c.421 §3; 1961 c.658 §1]

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]

343.750 to 343.800 [Reserved for expansion]

MIGRANT CHILDREN

343.810 Definitions for ORS 343.810 to 343.835. As used in ORS 327.046, 327.048 and 343.810 to 343.835, unless the context requires otherwise:

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

(2) "Superintendent" means the State Superintendent of Public Instruction.

(3) "Migrant child" means a child of compulsory school age who is in the custody of migrant workers whether or not they are his parents.

(4) "Migrant worker" means an individual engaged in agricultural labor who does not regularly reside in the county in which he is performing the agricultural labor.
[1961 c.502 §1]

343.815 Educational program for migrant children; reimbursement to school districts. (1) An educational program for migrant children is hereby established to improve the common school education of children who are unable to receive adequate education during the regular school year. The primary emphasis of the program shall be placed on the basic academic curriculum. The program shall include, but shall not be limited to regular and summer sessions, special schools and special services.

(2) The board may contract with school districts, counties and state institutions and reimburse these school districts, counties and state institutions from funds appropriated to the program to provide the educational program during periods when schools are in regular or summer session.
[1961 c.502 §2, 3]

343.820 Eligibility of children for program. Migrant children must meet the standards established by the superintendent in order to be eligible for the program.
[1961 c.502 §4]

343.825 Migrant children in regular classes when possible. Migrant children shall not be segregated from resident pupils attending the same school, but shall be grouped in classes with resident pupils whenever possible.
[1961 c.502 §5]

343.830 1961 and 1962 summer programs for migrant children. (1) Summer programs established under the provisions of ORS 327.046, 327.048 and 343.810 to 343.835 shall supplement the regular school program and provide instruction in those areas in which the migrant child needs special help. The summer programs may be attended by migrant children who will attend regular school sessions for the first time in the ensuing school year.

(2) Summer programs established under the provisions of ORS 327.046, 327.048 and 343.810 to 343.835 shall be continued for a two-year period beginning July 1, 1961, and ending June 30, 1963.

(3) The Department of Education shall collect data on the operation of the summer program and shall make a report to the board on or before October 1, 1962. The report shall include the department's evaluation of the summer program and its recommendation relating to continuation of such programs. On or before November 1, 1962, the board shall make its recommendation relating to such continuation to the Governor.

(4) In order to qualify for reimbursement by the board for its summer session, a district must have a sufficient number of migrant children to maintain an average daily attendance of 15 or more migrant children during the summer session. Two or more districts may combine to conduct a joint summer session for their areas.
[1961 c.502 §§7, 8]

343.835 District budget for summer programs not subject to local budget law. School districts shall submit a proposed budget for summer sessions to the board for approval. Upon completion of the summer session the claim shall be presented to the board for reimbursement which shall be made only for the actual and approved expenses incurred in such a program. Expenditures made by a school district in carrying out a summer program shall not be subject to the provision of the local budget law.
[1961 c.502 §9]

343.840 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 [Formerly 343.370; repealed by 1959 c.645 §2]

343.925 Gifts for guidance clinics in rural school districts. A rural school district board hereby is authorized and empowered to accept gifts and bequests of money for the establishment and conduct of child guidance clinics. The board shall deposit any such money received in a special fund with the

county treasurer and the money shall be expended under the direction of the board for the purposes for which it was donated.
[1961 c.274 §1]

343.930 [Formerly 343.380; repealed by 1959 c.645 §2]

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, Louise Home, White Shield Home and Boys and Girls Aid Society. (1) The State Board of Education shall be responsible for the elementary and secondary school education of children living in or under the care of the Children's Farm Home, the Louise Home, the Salvation Army White Shield Home and The Boys and Girls Aid Society of Oregon.

(2) The State Board of Education may arrange with one or more operating school districts for the districts to provide such instruction. The school district providing such instruction shall receive as reimbursement from the emergency account of the Basic School Support Fund the difference between the actual per pupil cost of such instruction and the reasonable costs of transportation per pupil, and the average receipts of the school district per pupil from county, state and federal sources other than the local district tax. The state board may make advances to such school districts on the basis of the estimated cost of educating the pupils per school year. Advances equal to 25 percent of the estimated cost may be made on September 1, December 1 and March 1 of the current year. The balance may be paid whenever the full determination of cost is made. Such instruction may be given in the regular schools of the districts or, with the cooperation of the agency involved, the instruction may be given in facilities provided by such agency.

(3) As an alternative to subsection (2) of this section, the State Board of Education may employ teachers and provide other necessary services to give instruction to the pupils.

(4) The children covered by this section may be placed on the census of the school district in which they receive such instruction. Credit for days' attendance of such children shall accrue to the school district providing such instruction for the purpose of distributing state school funds.
[1957 c.562 §§1, 2, 3, 4, 5; 1959 c.645 §1]

343.960 to 343.980 [Reserved for expansion]

PENALTIES

343.990 Penalties. (1) Violation of any of the provisions of ORS 343.010, 343.090 to 343.120 or 343.140 to 343.200 is a misdemeanor.

(2) Violation of any of the provisions of ORS 343.211 to 343.291 shall be a misdemeanor.
[Amended by 1953 c.110 §1; subsection (2) enacted as 1959 c.510 §19]

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 1, 1961.

Sam R. Haley
Legislative Counsel