

Chapter 344

1961 REPLACEMENT PART

Vocational Education and Rehabilitation

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VOCATIONAL EDUCATION

344.010 [Repealed by 1959 c.641 §38]

344.020 [Repealed by 1959 c.641 §38]

344.030 [Repealed by 1959 c.641 §38]

344.040 [Repealed by 1959 c.641 §38]

344.050 [Repealed by 1959 c.641 §38]

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

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

(b) Accept any grant or donation of land or any gift of money or other valuable thing made to the state for vocational education.

(2) Any funds received from the United States Government or any of its agencies, or from any other sources for vocational education, hereby are appropriated for such purposes.

[Amended by 1959 c.641 §35]

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

(2) The districts to which such moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances shall not be considered to be within any limitation upon any indebtedness prescribed by law for school districts of this

state. The funds so disbursed to school districts shall not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient school district, in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of vocational training programs. The advances may be made only in those cases in which the Federal Government defrays all or part of the cost of such programs.

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

(2) The school districts receiving such advances shall maintain their accounts and records so as to disclose at all times the true status of the unpaid vouchers issued for the reimbursement of said funds, the school district warrants drawn against the funds advanced and the balances to the credit thereof.

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

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

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

344.100 Acceptance of provisions of federal vocational education Act. The State of Oregon hereby accepts all provisions and benefits of an Act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

344.110 State Treasurer designated custodian of federal appropriation; authority to disburse federal and state appropriations. The State Treasurer is designated and appointed custodian of all moneys received by the state from the appropriation made by the Act of Congress accepted by ORS 344.100. He is authorized to receive and provide for the proper custody of the moneys and to make disbursements thereof in the manner provided in that Act and for the purposes therein specified. He shall also pay out of any moneys appropriated for vocational education purposes by the State of Oregon upon the order of the State Board of Education.

344.120 Audit and payment of claims approved by board. The Secretary of State

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

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

344.140 Special Vocational Trust Fund. There is created a Special Vocational Trust Fund. The State Board of Education shall deposit in such fund all gifts, contributions and bequests for vocational education and moneys received as reimbursements for funds theretofore expended. The State Board of Education may expend said fund for the promotion, development and carrying on of vocational education in such manner as the board shall direct. All claims after being approved by the State Board of Education shall be audited by the Secretary of State and paid out of said fund.

344.150 [1955 c.632 §2; 1959 c.641 §36; repealed by 1961 c.596 §7]

344.160 to 344.300 [Reserved for expansion]

344.310 [Amended by 1957 c.389 §1; subsection (2) of 1957 Replacement Part enacted as 1957 c.389 §2; repealed by 1959 c.566 §8]

344.314 [1957 c.389 §3; repealed by 1959 c.566 §8]

344.316 [1957 c.389 §3; repealed by 1959 c.566 §8]

344.318 [1957 c.389 §15; repealed by 1959 c.566 §8]

344.320 [Repealed by 1957 c.389 §17]

344.322 [1957 c.389 §8; repealed by 1959 c.566 §8]

344.324 [1957 c.389 §§4, 5; repealed by 1959 c.566 §8]

344.326 [1957 c.389 §6; repealed by 1959 c.566 §8]

- §8] ~~344.328~~ [1957 c.389 §10; repealed by 1959 c.566
- ~~344.330~~ [Repealed by 1959 c.566 §8]
- ~~344.340~~ [Repealed by 1959 c.566 §8]
- §8] ~~344.345~~ [1953 c.722 §1; repealed by 1959 c.566
- ~~344.350~~ [Repealed by 1959 c.566 §8]
- ~~344.360~~ [Repealed by 1959 c.566 §8]
- §8] ~~344.370~~ [1957 c.389 §11; repealed by 1959 c.566
- §8] ~~344.375~~ [1957 c.389 §12; repealed by 1959 c.566
- §8] ~~344.380~~ [1957 c.389 §13; repealed by 1959 c.566
- §8] ~~344.390~~ [1957 c.389 §9; repealed by 1959 c.566
- §8] ~~344.400~~ [1957 c.389 §14; repealed by 1959 c.566
- §8] ~~344.410~~ [1957 c.389 §7; repealed by 1959 c.566
- ~~344.320 to 344.500~~ [Reserved for expansion]

VOCATIONAL REHABILITATION

344.510 Definitions for ORS 344.510 to 344.630. As used in ORS 344.510 to 344.630:

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

(2) "Division" means the Division of Vocational Rehabilitation established by ORS 344.520.

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

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

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

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

(7) "Rehabilitation training" means all training provided, directly or through public or private instrumentalities, to a disabled individual to compensate for his occupational

handicap. The term includes but is not limited to manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of achieving broader and more remunerative skills and capacities.

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

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

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

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

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

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

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

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

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

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

(2) Establish and enforce such rules and regulations as may be necessary or desirable to carry out the provisions of ORS 344.510 to 344.630, to safeguard the confidential character of vocational rehabilitation information and records, and to maintain a system of personnel standards, subject to the State Civil Service Law, governing the selection, appointment and employment upon a merit basis of all personnel engaged in the administration of the vocational rehabilitation program.

(3) Cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of ORS 344.510 to 344.630, such programs, facilities and services as may be necessary or desirable.

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

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

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

(7) Establish, conduct and maintain such facilities for the sheltered employment of severely handicapped individuals as may be necessary; pay the individuals employed in such facilities suitable wages; devise means for the sale and distribution of the products of such facilities and take such other action as may be deemed necessary or desirable to insure the successful operation

of the facilities established. All funds collected or received from such activities shall be deposited in the State Vocational Rehabilitation Account and hereby are appropriated and shall be used for the operation of such facilities upon the order of the state board.

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

(9) Take such other action as may be necessary or desirable to carry out the provisions of ORS 344.510 to 344.630.

344.540 State board and federal cooperation. The state board, through the division, shall cooperate with the Federal Government in carrying out the purposes of any federal Act pertaining to vocational rehabilitation, and in other matters of mutual concern, including the adoption of such methods of administration as are found by the Federal Government to be necessary for the proper and efficient operation of plans for vocational rehabilitation.

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

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

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

(a) Physical restoration.

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

(c) Occupational licenses.

(d) Customary occupational tools and equipment.

(e) Maintenance.

(f) Training books and materials.

344.560 Application; form. Applications for vocational rehabilitation under ORS 344.550 shall be made in such manner and form and contain such information as the director may require.

344.570 Division action upon application. Whenever the division receives an application for vocational rehabilitation under ORS 344.560, it shall promptly cause to be obtained and recorded, with respect to such applicant, all essential, pertinent information concerning his circumstances, health condition, vocational aptitudes and experience, and such other information as may be necessary for the determination of his eligibility and of the nature and amount of vocational rehabilitation services needed.

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

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

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

344.610 Benefits subject to future Acts. All vocational rehabilitation made available

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

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

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

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

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

344.640 Rehabilitation Reserve from receipts of State Industrial Accident Commission. The State Industrial Accident Commission is authorized to set aside and maintain a reserve in the amount of not less than \$200,000 to be known as the Rehabilitation

Reserve. There shall be set aside in such reserve monthly, two and one-half percent of the total monthly receipts of the State Industrial Accident Commission from all sources. Whenever the unexpended balance of the Rehabilitation Reserve is greater than \$200,000, the commission shall temporarily either reduce the total monthly receipts to be set aside in the reserve or suspend such setting aside.

[Amended by 1953 c.674 §13; 1957 c.574 §1]

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

344.660 Use of Rehabilitation Reserve. The State Industrial Accident Commission may expend as much of the Rehabilitation Reserve as may be necessary to accomplish the vocational rehabilitation of men and women injured as described in ORS 344.650. Nothing in ORS 344.640 to 344.670 shall be construed to amend or repeal the authority of the commission under ORS 656.242 to 656.246 to expend from the Industrial Accident Fund money for the rent of buildings, the purchase of equipment and supplies, the payment of such doctors and nurses as may

be necessary for the purpose of physical rehabilitation of injured workmen under that statute.

[Amended by 1953 c.674 §13]

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

344.680 Reimbursements to Division of Vocational Rehabilitation by commission. All reimbursements to the Division of Vocational Rehabilitation made by the State Industrial Accident Commission in connection with rehabilitation services shall be deposited in the Vocational Rehabilitation Account to be applied as a reduction of expenditures. [1955 c.762 §3]

344.690 to 344.980 [Reserved for expansion]

PENALTIES

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

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

