TITLE 30

EDUCATION AND CULTURAL FACILITIES

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326.005 Superintendent of Public Instruction; appointment; administrative duties. (1) The State Board of Education shall elect the Superintendent of Public Instruction who shall be the executive head of the State Department of Education and administrative officer of the State Board of Education; provided, the person elected shall have been a resident of Oregon for the five years immediately preceding the date of election.

(2) As executive head of the Department of Education, the Superintendent of Public Instruction shall perform duties prescribed by law and also:

(a) Execute, direct and supervise all administrative and technical activities of the department in accord with the policies prescribed by the State Board of Education.

(b) Employ such personnel as is approved by the State Board of Education and as is necessary for efficient operation of the department.

(c) Organize the department in a manner which will assure efficient operation and service.

(d) Maintain liaison and coordinate activities with other state agencies exercising educational functions.

(3) As administrative officer of the State Board of Education, the Superintendent of Public Instruction shall:

(a) Designate a member of his staff to act as secretary to the board.

(b) Maintain an office for the board at the state capital and keep all the board records in that office.

(c) Put into effect such rules and regulations as the board requires.

[1961 c.624 §1]

326.010 [Repealed by 1961 c.624 §8]

326.020 Superintendent's educational duties. The Superintendent of Public Instruction shall exercise under the direction of the State Board of Education a general superintendence of school officers and public schools. In carrying out his duties, the Superintendent of Public Instruction shall:

(1) Visit, as far as practicable, every county in the state, annually, in the interest of education.

(2) Attend county institutes within the state, and educational meetings out of the state, when practicable, and shall assist in the organization and development of institute work in each county. He shall visit, as often as practicable, the principal schools of the state for the purpose of inspection and supervision. He shall keep statistics of the condition of schools, buildings, appurtenances, apparatus, libraries, the conduct and standing of pupils, methods of instruction and the discipline and government of schools.

(3) Visit, when practicable, all the chartered educational institutions of the state, and shall secure such statistical information relative to the number of students, teachers, value of property, libraries, salaries and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature.

(4) Prepare and distribute to the various school officers such a uniform series of blanks, registers, forms, rules and regulations as he may deem necessary for the administration of the school laws.

(5) Annotate and compile all school laws ordered published by the State Board of Education.

(6) Whenever he may deem the same expedient, issue printed letters and circulars to school officers pertaining to any subject relative to the duties of teachers, directors, pupils, parents, guardians, the management of schools and all other questions of interest to the cause of education.

(7) Decide, without cost to the parties, all questions of doubt that may be submitted to him, and all disputes that may be appealed to him, concerning the proper administration of the school laws, the rules and regulations of the State Board of Education and the ministerial duties of school officers and teachers. He may, however, in his discretion, submit any such question or dispute to the State Board of Education, who shall then decide it. The state superintendent, or the State Board of Education, may require the opinion, in writing, of the Attorney General concerning such questions or disputes, whose duty it shall be to give the same. The State Board of Education shall adopt reasonable rules of procedure to govern the submission of such questions and the trials and appeals provided for in this section. The decision of the state superintendent, or of the State Board of Education, shall guide school officers and teachers in the discharge of their duties in respect to the matters so decided; but this section shall not be construed to deprive any person of his ordinary remedy in a court of competent jurisdiction.

(8) Cause to be prepared state courses of study for the public schools. Upon approval of

the courses of study by the State Board of Education he shall cause them to be printed and distributed to the schools.

(9) Be allowed the necessary traveling expenses incurred in the discharge of his duties; and he shall receive no other salary or fees or perquisite for the performance of any duties required by law as superintendent or member of any board, except as provided in this subsection.
[Amended by 1961 c.624 §2; 1963 c.544 §15]

326.030 [Amended by 1961 c.624 §3; renumbered 326.095]

326.040 Sale of publications. The Superintendent of Public Instruction may, except as otherwise provided by law, charge and collect fees for supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups. Such charges shall not exceed costs of production plus mailing and other distribution costs. Fees collected under this section shall be turned over to the State Treasurer and by him deposited to the credit of the General Fund.
[Amended by 1957 c.124 §1]

326.050 [Repealed by 1957 c.124 §3]

326.054 Deputy Superintendent of Public Instruction; appointment; oath; powers. The Superintendent of Public Instruction may appoint in writing one Deputy Superintendent of Public Instruction, for whose acts the superintendent shall be responsible. The deputy shall qualify by taking the oath of the superintendent, which oath shall be endorsed and filed with the certificate of appointment. When so qualified, the deputy shall have power to perform any act or duty of the office of Superintendent of Public Instruction except that he shall not have power to act as a member of any boards or commissions of which the superintendent is a member.
[1953 c.78 §1]

326.056 Appointment of clerks and assistants; designation of employe to sign warrants, vouchers or other documents. ORS 326.054 does not prevent the Superintendent of Public Instruction from appointing such other and additional clerks or assistants as may be necessary for the performance of the duties of his office. The superintendent may designate one or more of such clerks or assistants, in his name, to sign or countersign warrants, vouchers, certificates or other papers and documents requiring the signature of the superintendent.
[1953 c.78 §1]

326.060 State Board of Education; members; terms. (1) There is created a State Board of Education consisting of seven members, appointed by the Governor, subject to confirmation by the Senate.

(2) In making these appointments, the Governor shall select from resident citizens of Oregon not engaged in school teaching, administration or operation one member from each congressional district and the remainder from the state at large.

(3) The term of office of each member shall be seven years, except that the terms of the first members shall be from one to seven years, respectively.

326.063 Removal of members. The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing.

326.065 Vacancies; interim appointments. (1) Appointments made in the interim between legislative sessions are subject to approval by the Senate Committee on Executive Appointments under ORS 171.560.

(2) Appointments made to fill vacancies occurring prior to expiration of a term shall be for the remainder of the unexpired term. If such vacancy occurs in appointments made from a congressional district, the successor shall be appointed from the congressional district in which the vacancy occurs.
[Amended by 1961 c.167 §40]

326.070 Meetings; election of chairman; member's per diem and expenses. (1) The board shall meet at the state capital in March, June, September and December of each year on a date determined and at least five other times at such other place and time as may be designated by the chairman, which is agreeable to a majority of the board, or at the call of its chairman upon the written request of a majority of board members. Each June the board shall elect one of its members to serve as chairman of the board for one year commencing August 1. In case the chairmanship of the board is permanently vacated for any reason, the board may elect a new chairman to serve the remainder of the vacating chairman's term.

(2) A member may receive a per diem of $10 each day during which he is actually engaged in the performance of his official duties as a member of the board, including necessary travel time; and, in addition, subject to any other applicable law regulating travel and other expenses of state officers, he may receive his actual and necessary travel and other expenses incurred in the performance of his official duties.
[Amended by 1959 c.422 §1]

326.080 Board powers. In addition to such other powers as are conferred by law, the State Board of Education may:

(1) Use a common seal.

(2) Authorize and supervise the development of regional centers for instructional material and regional film libraries.

(3) (a) Formulate plans for the promotion of vocational education in public schools.

(b) Make studies, investigations and reports relating to vocational education.

(c) Promote and aid in establishment by communities of schools, departments or classes giving vocational training and cooperate with such communities in maintenance of such vocational training activities.

(d) Establish and maintain classes for preparation of teachers, directors and supervisors of such subjects or cooperate in maintenance of such classes which are supported and controlled by the public.

(e) Prescribe qualifications for persons training vocational teachers and for persons preparing to become vocational teachers; and prescribe certification requirements for vocational education teachers, directors and supervisors.

326.090 Board duties. In addition to such other duties as are prescribed by law, the board shall:

(1) Authorize textbooks adopted by the textbook commission to be used in the public schools.

(2) Authorize state courses of study for the public schools.

(3) Prescribe, publish and distribute rules and regulations for the general government of public schools, for the maintenance of discipline therein and for the performance of the board's functions.

(4) Establish state standards for public schools. In establishing these standards, the state board shall consider first the goals of modern education and the requirements of a sound comprehensive curriculum with particular emphasis on establishment of the highest practical scholarship standards and, in secondary schools, establishment of the academic standards necessary to enable students to attend institutions of higher education both within and without the State of Oregon. The board shall also consider the health, safety, and scholastic needs of the students; the population, climate, economy and geography of the school districts; and any other factors necessary to the maintenance of a modern and efficient school system.

(5) Cooperate with the United States Department of Health, Education and Welfare in the administration of federal legislation authorizing state and federal cooperation in promotion of vocational education; administer any Oregon legislation enacted pursuant thereto and administer funds provided by the Federal Government and this state for the promotion of vocational education.

(6) Upon recommendation of the Superintendent of Public Instruction, appoint the professional staff and fix their compensation.
[Amended by 1959 c.422 §2; 1963 c.483 §8]

326.095 Biennial report of State Board of Education. The State Board of Education shall report to the Legislative Assembly biennially as provided in ORS 293.640. The reports shall contain: The general condition of the public schools of the state; the sources and amount of school money apportioned among the several counties; the amounts raised by county and district taxes, and the amounts paid for teachers' salaries, buildings, furniture and other items; the series of text books authorized in accordance with the provisions of the law; the rules and regulations prescribed by the state board for the government of public schools; the number and grade of the schools in each county; the number of persons between the ages of 4 and 20 years, the number attending public schools, the number attending private schools and the number not attending any school; all information that in the judgment of the state board may be useful to the public, or for the advancement of the educational interests of the state.
[Formerly 326.030]

326.100 [Repealed by 1961 c.624 §8]

326.102 Acquisition of intellectual property by board. The State Board of Education may acquire intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. Such property may be acquired:

(1) By gift.

(2) By outright purchase with money in the Board of Education Invention Fund or otherwise made available for such purpose.

(3) By assignment pursuant to a contract whereby the board undertakes to aid in the development of the assigned property and to pay the assignor a share of any money received on account of its ownership or management thereof.

[1953 c.266 §1]

326.104 Management, development and disposition of intellectual property. (1) The State Board of Education may manage, develop or dispose of property acquired under ORS 326.102 in any manner deemed by the board to be in the public interest. The board may contract with any person regarding such management, development or disposition.

(2) The board may determine the terms and conditions of any transaction authorized by ORS 326.102 to 326.106 and need not require competitive bids in connection therewith. No formal publicity or advertising is required regarding property for the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate pertinent information in appropriate research and industrial circles.

(3) If the board deems it inadvisable to proceed with the development or management of property acquired under ORS 326.102, it may reassign such property to the person from whom it was acquired upon being compensated for any expenditure made on account of such property.

[1953 c.266 §2]

326.106 Revenue from intellectual property; Board of Education Invention Fund; purpose. (1) Money received by the State Board of Education as a result of ownership or management of property acquired under ORS 326.102 or of transactions regarding such property shall be deposited in the State Treasury and credited to a special fund separate and distinct from the General Fund and designated "Board of Education Invention Fund."

(2) The moneys in the Board of Education Invention Fund hereby are appropriated to the board for the following purposes:

(a) To pay the agreed share of an assignor of intellectual property.

(b) For the advancement of research in an institution under its control.

(c) For the acquisition, management or development of intellectual property.

[1953 c.266 §3]

326.110 Board stationery and printing. The Superintendent of Public Instruction shall provide necessary stationery for the board. Printing authorized by the board shall be done by the State Printer.

326.120 Joint meetings of board of higher education and board of education. (1) The State Board of Higher Education and the State Board of Education shall hold at least one joint meeting annually for the purpose of coordinating their activities and facilitating the solution of problems of mutual concern. The annual joint meeting shall be held in September at the state capital on a date to be fixed by the chairman of the joint meeting.

(2) A majority of the members of the State Board of Higher Education and of the State Board of Education shall constitute a quorum for the transaction of joint meeting business.

(3) The president of the State Board of Higher Education and the chairman of the State Board of Education shall serve alternately, in so far as possible, as joint meeting chairman.

(4) Each board member attending the joint meeting shall receive, from an appropriation made for that purpose, his reasonable and necessary expenses in connection with such attendance.

326.130 Superintendent and chancellor as consultants. Whenever considering problems of mutual concern the Superintendent of Public Instruction, as a consultant, shall meet from time to time with the State Board of Higher Education; and the person serving in the capacity of chancellor, as a consultant, shall meet from time to time with the State Board of Education.

326.140 Department of Education; creation; composition; functions. (1) A Department of Education is created, to function under the direction and control of the

State Board of Education, and of which the Superintendent of Public Instruction shall be the executive head.

(2) The Department of Education shall consist of the State Board of Education, the Division of Vocational Rehabilitation, the State Board of Textbook Commissioners, such other agencies and officers as are added by law to the Department of Education and the administrative organizations and staffs required for the performance of their functions.

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency.

(4) Establishment of the Department of Education shall not affect the exercise of any educational function now conferred by law upon any other state agency or officer. [Amended by 1959 c.121 §1; 1961 c.624 §4]

326.150 [Repealed by 1961 c.624 §8]

326.160 to 326.980 [Reserved for expansion]

326.990 Penalties. Violation of any of the provisions of ORS 326.020, 326.040 or 326.095 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, 1963.

Sam R. Haley
Legislative Counsel