

TITLE 30

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Chapter 326

1965 REPLACEMENT PART

State Administration of Education

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326.005 [1961 c.624 §1; repealed by 1965 c.100 §456]

326.010 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

STATE BOARD OF EDUCATION

326.011 Policy. In establishing policy for the administration and operation of the public schools of the State of Oregon and in carrying out its duties as prescribed by law, the State Board of Education shall consider the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient school system.
[1965 c.100 §1]

326.020 [Amended by 1961 c.624 §2; 1963 c.544 §15; repealed by 1965 c.100 §456]

326.021 State Board of Education; members; terms; removal. (1) The State Board of Education shall consist of seven members, appointed by the Governor for a term of seven years beginning July 1 of the year of appointment, subject to confirmation by the Senate.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and the remainder from the state at large. No member shall be engaged in teaching or participate in the administration or operation of any school.

(3) The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing.
[1965 c.100 §3 (enacted in lieu of 326.060)]

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

326.031 Interim appointments; vacancies. (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. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists.
[1965 c.100 §4]

326.040 [Amended by 1957 c.124 §1; repealed by 1965 c.100 §456]

326.041 Meetings; election of chairman; expenses. (1) The State Board of Education shall meet in the state capital in March, June, September and December of each year on a date determined, and at such other places and times as may be designated by the chairman agreeable to a majority of the board, or at the call of a majority of the board members.

(2) 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 until the July 31 next following.

(3) A member shall 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. In addition, subject to any other applicable law regulating travel and other expenses of state officers, he shall receive his actual and necessary travel and other expenses incurred in the performance of his official duties.
[1965 c.100 §5]

326.050 [Repealed by 1957 c.124 §3]

326.051 Board functions. (1) In addition to such other duties as are prescribed by law, the State Board of Education shall:

(a) Establish state standards for public schools, considering 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 academic standards necessary to enable students to attend institutions of higher education both within and without the State of Oregon, and considering also 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.

(b) Report to the Legislative Assembly biennially, as provided in ORS 293.640, including in its report information on the general condition of the public schools of the state and 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.

(c) Adopt rules for the general government of public schools, for the maintenance

of discipline therein and for the performance of the board's functions.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public schools and use such money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

(b) Apply for federal funds and accept and, notwithstanding ORS 293.305, enter into any contracts or agreements in behalf of the state for the receipt of such funds from the Federal Government or its agencies for educational purposes, including but not limited to any funds available for the school lunch program, for vocational educational purposes, for adult education and any grants available to the state or its political subdivisions for general federal aid for public elementary and secondary schools and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

[1965 c.100 §6; amended by 1965 c.519 §14]

Note: Chapter 624, Oregon Laws 1961, in so far as it required appointment of the Superintendent of Public Instruction by the State Board of Education, was held unconstitutional in *State ex rel. Musa v. Minear*, (1965) 80 Adv. 539. See ORS 326.005 (1963 Replacement Part). Senate Joint Resolution 31 (1965) refers to the people, for their approval or rejection at the regular state-wide primary election in 1966, the repeal of the constitutional provision requiring election of the superintendent. If the constitutional provision is repealed, the following sections of chapter 519, Oregon Laws 1965, take effect:

Sec. 1. Sections 2 to 4 of this Act shall not be operative unless the Constitution of the State of Oregon is amended by vote of the people at a special election held at the same time as the regular state-wide primary election in 1966, so as to repeal section 1, Article VIII thereof. Sections 2 to 4 of this Act shall become effective upon the effective date of such amendment.

Sec. 2. The State Board of Education shall appoint the Superintendent of Public Instruction who must have been a resident of Oregon for a period of five years immediately preceding the date of his appointment and must hold an administrative certificate.

Sec. 3. Sections 5 to 13 of this Act are repealed.

326.054 [1953 c.78 §1(1); repealed by 1965 c.100 §456]

326.056 [1953 c.78 §1(2); repealed by 1965 c.100 §456]

326.060 [Repealed by 1965 c.100 §2 (326.021 enacted in lieu of 326.060)]

326.061 Questions and disputes submitted to board by superintendent. The superintendent of Public Instruction may submit any question referred to him under subsection (3) of ORS 326.310 to the State Board of Education which shall then decide the question pursuant to the provisions of ORS chapter 183.

[1965 c.100 §8]

326.063 [Repealed by 1965 c.100 §456]

326.065 [Amended by 1961 c.167 §40; repealed by 1965 c.100 §456]

326.070 [Amended by 1959 c.422 §1; repealed by 1965 c.100 §456]

326.071 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 in 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 a majority 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.

[Formerly 326.120]

326.080 [Repealed by 1965 c.100 §456]

326.090 [Amended by 1959 c.422 §2; 1963 c.483 §8; repealed by 1965 c.100 §456]

326.095 [Formerly 326.030; repealed by 1965 c.100 §456]

326.100 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

326.102 [1953 c.266 §1; renumbered 326.520]

326.104 [1953 c.266 §2; renumbered 326.530]

326.106 [1953 c.266 §3; renumbered 326.540]

326.110 [Repealed by 1965 c.100 §456]

DEPARTMENT OF EDUCATION

326.111 Department of Education; composition; functions. (1) The Department of Education shall function under the direction and control of the State Board of Education.

(2) The Department of Education shall consist of:

- (a) The State Board of Education;
- (b) The Division of Vocational Rehabilitation;
- (c) The State Textbook Commission;
- (d) Such other agencies and officers as are added by law to the Department of Education; and

(e) The administrative organizations and staffs required for the performance of the department's 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. [1965 c.100 §10]

326.120 [Amended by 1965 c.100 §9; renumbered 326.071]

326.130 [Repealed by 1965 c.100 §456]

326.140 [Amended by 1959 c.121 §1; 1961 c.624 §4; repealed by 1965 c.100 §456]

326.150 [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

326.160 to 326.300 [Reserved for expansion]

SUPERINTENDENT OF PUBLIC INSTRUCTION

326.310 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 the public schools. In carrying out his duties the Superintendent of Public Instruction shall:

(1) Act as administrative officer of the State Board of Education.

(2) Act as executive head of the Department of Education and direct and supervise all activities of the department.

(3) Assist all district school boards, intermediate education district boards and county school boards in answering questions concerning the proper administration of the school laws, the rules of the State Board of Education and the ministerial duties of school officers and teachers. The decision of the superintendent shall guide school officers and teachers in the performance of their duties relating to the matters decided.

(4) Obtain and compile such statistical information relative to the condition and operation of the public schools as he may consider advisable for the advancement of education and for the information of the State Board of Education.

(5) Appoint, subject to the State Civil Service Law and with the approval of the State Board of Education, such personnel as may be necessary for the performance of the duties of his office. The Superintendent of Public Instruction may designate one or more suitable persons to sign or countersign warrants, vouchers, certificates or other papers and documents requiring the signature of the superintendent.

(6) Administer and supervise adult education programs in the public schools.

(7) Perform such other functions as may be necessary to the performance of his duties.

[1965 c.100 §11]

326.320 Publications; fees. The Superintendent of Public Instruction shall:

(1) Prepare and distribute to the various school officers materials necessary for the administration of the school laws and cause to be printed materials necessary for the information of school officers and teachers.

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

(3) Except as otherwise provided by law or by rules of the State Board of Education, establish 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.

(4) Deposit all moneys received under subsection (3) of this section in the State Treasury. Such moneys shall be credited to the Department of Education and shall be used exclusively for the purposes of publishing and distributing materials authorized under subsections (1) and (2) of this section. [1965 c.100 §12]

326.330 Deputy Superintendent of Public Instruction; appointment; powers. The Superintendent of Public Instruction may appoint one Deputy Superintendent of Public Instruction, for whose acts the superintendent shall be responsible. The deputy may perform any act or duty of the office of Superintendent of Public Instruction except that he shall not act as a member of any board or commission of which the superintendent is a member.

[1965 c.100 §13]

326.340 to 326.500 [Reserved for expansion]

MISCELLANEOUS

326.510 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 moneys appropriated for the program under this section an amount equal to the approved cost of such instruction. 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 shall be enumerated in the school census of the district providing the instruction but credit for days' attendance of such children shall not accrue to such school district for the purpose of distributing state school funds.

[Formerly 343.950]

326.520 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.

[Formerly 326.102]

326.530 Management, development and disposition of intellectual property. (1) The State Board of Education may manage, develop or dispose of property acquired under ORS 326.520 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 326.520 to 326.540 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 326.520, 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.

[Formerly 326.104]

326.540 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 326.520 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.

[Formerly 326.106]

326.550 to 326.980 [Reserved for expansion]

326.990 [Repealed by 1965 c.100 §456]

STATE ADMINISTRATION

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 November 15, 1965.

Sam R. Haley
Legislative Counsel

