Chapter 343

1969 REPLACEMENT PART

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GENERAL

343.045 Establishing criteria for programs. The Superintendent of Public Instruction may establish criteria to guide the development and operation of special programs authorized by this chapter and may apply these criteria in certifying such programs for reimbursement specifically provided by law for such programs.
[Formerly 343.235]

343.050 [Repealed by 1953 c.110 §2]

343.055 Superintendent of Public Instruction to administer special programs. The Superintendent of Public Instruction shall administer all programs established under this chapter. Subject to the approval of the State Board of Education, he may establish rules relative to qualifications of teachers, supervisors, work experience coordinators, courses of study, methods of instruction, admission, diagnosis, eligibility of pupils, size of special facilities, rooms and equipment, supervision, territory to be served, and such other rules as he considers necessary to administer this chapter. He may also use funds appropriated for any program in this chapter for preservice and in-service education of teachers in that program.
[Formerly 343.500; amended by 1967 c.329 §1]

343.060 [Repealed by 1953 c.110 §2]

343.065 Superintendent of Public Instruction to employ personnel to supervise special programs. The Superintendent of Public Instruction shall employ personnel qualified by training and experience to supervise the types of services required by the special programs authorized by this chapter. Personnel so employed shall assist the school districts, county and regional facilities, and hospitals in the organization and development of special programs authorized by this chapter, shall have general supervision of such programs, and shall assist school districts in obtaining required services, equipment and materials, particularly where the number of children is too small to justify district purchase of equipment and materials.
[Formerly 343.255]

343.070 [Repealed by 1953 c.110 §2]

343.075 Placement and exclusion of children in programs. (1) Administrative officers of school districts shall have control over placement of children under their jurisdiction who are found eligible to participate in special programs authorized by this chapter. When a child has been certified as eligible for special education or placement in a special instructional facility, the parent or guardian must enroll the child in the program for which he is eligible.

(2) No school district and no county or regional special program is required to continue to maintain a child in a special program when it determines that the child cannot benefit from the program or needs a different or more specialized program available elsewhere in the state. For children enrolled in special instructional facilities, as defined in ORS 343.410, this determination shall be made in the manner provided in ORS 339.310 to 339.360.
[1965 c.100 §393]

343.080 [Repealed by 1953 c.110 §2]

343.085 Tuition. Except as provided in ORS 343.730 relating to driver instruction, no tuition shall be charged to any resident student participating in any special program authorized by this chapter.
[1965 c.100 §394]

343.090 [Repealed by 1965 c.100 §456]

343.100 [Repealed by 1965 c.100 §456]

343.110 [Repealed by 1965 c.100 §456]

343.120 [Repealed by 1965 c.100 §456]

343.130 [Amended by 1957 c.232 §1; renumbered 343.910]

343.140 [Repealed by 1965 c.100 §456]

343.150 [Repealed by 1965 c.100 §456]

343.160 [Repealed by 1965 c.100 §456]

343.170 [Repealed by 1965 c.100 §456]

343.180 [Repealed by 1965 c.100 §456]

343.190 [Repealed by 1965 c.100 §456]

343.200 [Repealed by 1965 c.100 §456]

343.210 [Repealed by 1955 c.721 §1]

HANDICAPPED CHILDREN

343.211 [1959 c.510 §2 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §395 (343.212 enacted in lieu of 343.211)]

343.212 Definitions for ORS 343.212 to 343.285. As used in ORS 343.212 to 343.285 unless the context requires otherwise:

(1) "Crippled or physically handicapped" means a disability which has been diagnosed as permanent or which has extended over a two-month period.

(2) "Handicapped children" includes all persons under 21 years of age who require special education in order to obtain the education of which they are capable, because they are blind, partially sighted, deaf, hard of hearing, speech defective, crippled or physically handicapped, have extreme learning problems, are handicapped by being unwed and pregnant or by being unwed mothers of children in their care, or are socially or emotionally maladjusted to the extent that they cannot make satisfactory progress in the regular school program.

(3) "Special education" includes special instruction for handicapped children in or in addition to regular classes, special classes, special schools, special services, home instruction and hospital instruction.

(4) "Special services" includes transportation, reader service, special equipment, psychometric testing and such other materials and services as are approved by the Superintendent of Public Instruction.

[1965 c.100 §396 (enacted in lieu of 343.211); 1969 c.291 §1]

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 Special education. Subject to the approval of the Superintendent of Public Instruction, the district school board of any school district in which there are children under 21 years of age who require special education:

(1) Shall provide special education for such children as part of the district's educational program; or

(2) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for the instruction of such children in a school district maintaining appropriate special education. The contract price of such instruction shall equal the cost of special education.

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

[1959 c.510 §4 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.403 §1; 1965 c.100 §399]

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

343.225 [1959 c.510 §5 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.544 §48; repealed by 1965 c.100 §456]

343.227 Eligibility for special education. (1) In order to receive special education, a handicapped child shall be certified as eligible for such services by the Superintendent of Public Instruction or under a school district program approved under ORS 343.221. Certification requires a determination made on the advice of qualified educational and medical authorities that the child has the mental health and ability to benefit from special education and which shall include a medical examination. However:

(a) The district school board may waive a medical examination of children who are eligible for special education because of speech defects or extreme learning problems.

(b) A medical or visual examination may be required when the children have received special education but have not made satisfactory progress therein.

(2) Mentally retarded children enrolled in a special instructional facility under ORS 343.410 to 343.490 are eligible for participation in the parts of special education which the Superintendent of Public Instruction authorizes.

(3) The examinations required by subsection (1) of this section shall be given: (a) in the case of the medical examination, by a physician licensed to practice by the Oregon Board of Medical Examiners; and (b) in the case of the visual examination, by an ophthalmologist or optometrist licensed by the State of Oregon.

[1965 c.100 §398]

343.230 [Repealed by 1953 c.710 §23]

343.231 [1959 c.510 §6 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

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

343.235 [1959 c.510 §11 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §389; renumbered 343.045]

343.236 County or regional programs. The Superintendent of Public Instruction may provide special education on a county or regional basis without regard to county boundaries if he considers it more economical or effective to do so. The Superintendent of

Public Instruction may operate and administer a county or regional program of special education or he may delegate full responsibility for the operation and administration of the program to the school district in which the program is located or to the intermediate education district board, to the county school board or to the administrative school district board having jurisdiction over an entire county for the county in which the program is located. A district which assumes such responsibility shall be reimbursed for the costs thereof from funds provided for special education.
[1965 c.100 §401]

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

343.240 [Repealed by 1953 c.710 §23]

343.241 [1959 c.510 §3 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

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

343.245 [1959 c.510 §7 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

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

343.250 [Repealed by 1953 c.710 §23]

343.251 [1959 c.510 §8 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

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

343.255 [1959 c.510 §9 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §391; renumbered 343.065]

343.258 [1953 c.710 §11; repealed by 1959 c.510 §1 (343.211 to 343.291 enacted in lieu of 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 Hospital, 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 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §402]

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

343.265 [1959 c.510 §13 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

343.268 [1953 c.710 §§13, 14; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 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 Board 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 eligible handicapped children. Funds appropriated for special education may be used to help defray costs to such centers.
[1959 c.510 §12 (343.211 to 343.291 enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §403]

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

343.275 [1959 c.510 §14 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

343.277 Payment of costs where district does not provide special education. (1) Any school district which enrolls a child in a district other than that in which he would be

regularly enrolled in order to obtain special education, shall contribute to the district in which he is enrolled a sum equal to the cost of educating the child in the district in which he is enrolled.

(2) Any school district which provides special education to children in the district through a county or regional program of special education in the form of a special class or a special school, shall contribute a sum not less than the elementary or secondary per capita cost of educating the children had they been enrolled in the district.
[1965 c.100 §405]

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

343.280 [Repealed by 1953 c.710 §23]

343.281 State reimbursement; limitation on amount. Reimbursement to all districts for operation and administration of district special education programs approved by the Superintendent of Public Instruction under ORS 343.212 to 343.227 shall be made subject to the following provisions:

(1) A district shall submit to the Superintendent of Public Instruction an estimate of the costs of providing special education for the following school year.

(2) A district which provides special education or which expends more than the regular per capita cost on home or hospital instruction of crippled or 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 which it is eligible for the cost of operation and administration of special education.

(3) If the Superintendent of Public Instruction approves the application of a district for reimbursement, he shall reimburse the district in an amount not exceeding one and one-half times the per capita cost of instruction for other children of such district except that in the case of home or hospital instruction, reimbursement shall be made only for such costs as are in excess of the per capita cost of the 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.
[1959 c.510 §15 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §406; 1969 c.519 §1]

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

343.285 Use of state funds appropriated for special education. (1) Funds appropriated for special education shall be used to:

(a) Reimburse districts as provided in ORS 343.236, 343.261 and 343.281;

(b) Reimburse the State Board of Higher Education as provided in ORS 343.271;

(c) Purchase special equipment and supplies to loan to districts and county and regional programs, such equipment and supplies to be only those required by children in need of special education;

(d) Train teachers in special education; and

(e) Pay such other expenses as may be necessary for the 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.
[1959 c.710 §§16, 17, 20 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.570 §18; 1965 c.100 §407; 1969 c.519 §2]

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

343.290 [Repealed by 1953 c.710 §23]

343.291 [1959 c.510 §18 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

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

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

343.300 [Repealed by 1953 c.710 §23]

343.301 Training for teachers of blind; supplies for programs for blind; tuition for deaf, mute and blind 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, mute and blind.

[1959 c.58 §1; 1965 c.100 §408]

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

343.310 [Repealed by 1953 c.710 §23]

GIFTED CHILDREN

343.315 [1957 c.556 §2; repealed by 1963 c.570 §33]

343.320 [Repealed by 1953 c.710 §23]

343.325 [1957 c.556 §1; repealed by 1963 c.570 §33]

343.330 [Repealed by 1953 c.710 §23]

343.335 [1957 c.556 §3; repealed by 1963 c.570 §33]

343.340 [Repealed by 1953 c.710 §23]

343.345 [1957 c.556 §§6, 9; repealed by 1963 c.570 §33]

343.350 [Repealed by 1953 c.710 §23]

343.355 [1957 c.556 §8; repealed by 1963 c.570 §33]

343.360 [Repealed by 1953 c.710 §23]

343.365 [1957 c.556 §7; repealed by 1963 c.570 §33]

343.370 [Amended by 1955 c.333 §1; renumbered 343.920]

343.375 [1957 c.556 §§4, 5; repealed by 1963 c.570 §33]

343.380 [Amended by 1955 c.333 §2; renumbered 343.930]

343.385 [1957 c.556 §10; repealed by 1963 c.570 §33]

343.390 [Renumbered 343.940]

343.391 Purpose of ORS 343.391 to 343.401. The purpose of ORS 343.391 to 343.401 is to stimulate and assist school districts and, when it is deemed more economical and effective to do so, intermediate education districts to improve the instruction or curriculum for educationally able and gifted children enrolled in their schools or residing within the respective districts.

[1959 c.528 §1; 1963 c.570 §21]

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

343.395 Definitions for ORS 343.391 to 343.401. As used in ORS 343.391 to 343.401, unless the context requires otherwise:

(1) "Educationally able and gifted children" means those children 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 which includes reasonable rules established by the district school board to govern participation in the program.

[1959 c.528 §2; 1963 c.570 §22; 1965 c.100 §409]

343.397 Plan for improvement of instruction or curriculum for gifted children. (1) Any school district or intermediate education district may submit to the Superintendent of Public Instruction for reimbursement a written plan for the improvement of instruction or curriculum for educationally able and gifted children enrolled in its schools or residing in the district.

(2) The Superintendent of Public Instruction may annually establish a date after which no further plans may be submitted for reimbursement under ORS 343.391 to 343.401. The Superintendent of Public Instruction shall approve plans for reimbursement. 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 343.401.

(f) Any other factors which will help to accomplish the purposes of ORS 343.391 to 343.401.

(3) No plan shall be approved under subsection (2) of this section unless the districts contracting with an intermediate education district 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 districts under

ORS 343.391 to 343.401. In determining the amount expended by a district under this section, expenditures during the year for which reimbursement is sought 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; 1963 c.570 §23; 1965 c.100 §410]

343.399 State aid to local districts. (1) Any school district which has expended money under an approved plan shall report to the Superintendent of Public Instruction at the end of the first three fiscal years in which the program operates after July 1, 1963, 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 specified in paragraphs (a) to (c) of this subsection. The reimbursement shall be based on the number of children in average daily membership, as defined in ORS 327.006, 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. The amount of reimbursement shall be:

(a) $1.50 per child for the first year the program operates.

(b) $1 per child for the second year the program operates.

(c) 50 cents per child for the third year the program operates.

(2) The Superintendent of Public Instruction may make advances to school districts prior to the end of the fiscal year. In the event that the moneys specifically appropriated for the program under ORS 343.391 to 343.401 are insufficient to pay the full reimbursable amount of all approved claims in any fiscal 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 in full all approved claims for the fiscal year.
[1959 c.528 §8; 1963 c.570 §24; 1965 c.100 §411]

343.401 Limitation on special services by superintendent. From the funds specifically appropriated for the program under ORS 343.391 to 343.401, the Superintendent of Public Instruction may use not to exceed $25,000 in any fiscal year to provide supervisory and consultant services to school districts with approved plans.
[1959 c.528 §9; 1963 c.570 §24a; 1965 c.100 §412]

343.403 [1959 c.528 §10; 1963 c.570 §25; repealed by 1965 c.100 §456]

343.405 [1963 c.570 §22a; repealed by 1965 c.100 §456]

MENTALLY RETARDED CHILDREN

343.410 Definitions for ORS 343.410 to 343.490. As used in ORS 343.410 to 343.490:

(1) "Mentally retarded children" means children between the ages of 6 and 21 who:

(a) 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; and

(b) Are competent in all aspects of the school environment except the academic.

(2) "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; 1965 c.100 §413]

343.420 Purpose of ORS 343.410 to 343.490. The purpose of ORS 343.410 to 343.490 is to provide means to facilitate the education of eligible mentally retarded children to whom the public 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; 1965 c.100 §414]

343.430 [1955 c.658 §3; 1961 c.541 §3; repealed by 1965 c.100 §456]

343.440 [1955 c.658 §§6, 7; 1957 c.219 §1; 1959 c.182 §1; 1961 c.541 §4; 1963 c.570 §25a; repealed by 1965 c.100 §417 (343.441 enacted in lieu of 343.440)]

343.441 Special instructional facilities. (1) Any school district having 12 or more mentally retarded children residing in the district who are eligible for a special instructional facility shall provide such a facility for all such children.

(2) Any school district not required to provide a special instructional facility under

subsection (1) of this section, any intermediate education district or any combination of districts may operate a special instructional facility.
[1965 c.100 §418 (enacted in lieu of 343.440)]

343.445 Eligibility for special instructional facility. In order to be eligible for placement in a special instructional facility, a mentally retarded child shall be certified by the Superintendent of Public Instruction as eligible for such services. Certification requires a determination made on the advice of qualified educational and medical authorities that the child has the mental health and ability to profit from such placement.
[1965 c.100 §416]

343.450 Regional special instructional facility. The Superintendent of Public Instruction may establish a regional special instructional facility when 12 or more mentally retarded children residing in the region who are eligible for a special instructional facility would be served by such a facility. He may delegate the responsibility for administration of such a facility to a school district or intermediate education district, a district operating under ORS chapter 333 or an administrative school district having jurisdiction over an entire county. A region served by a regional facility may be established without regard to county boundaries.
[1955 c.658 §8; 1961 c.541 §5; 1963 c.570 §25b; 1965 c.100 §419]

343.460 Claim for state reimbursement. Any district or combination of districts 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 verified claim with the Superintendent of Public Instruction. The claim shall 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; 1963 c.570 §25c; 1965 c.100 §420]

343.470 State reimbursement; limit on amount; district contribution. (1) Reimbursement for the expense of operating an approved special instructional facility shall be made by the Superintendent of Public Instruction from moneys specifically appropriated for the program established under ORS 343.410 to 343.490. If the moneys specifically appropriated for the program established under ORS 343.410 to 343.490 are insufficient to pay the full reimbursable amount of all approved claims in any fiscal 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 in full all approved claims for the fiscal year.

(2) In any fiscal year, the amount of reimbursement to any claiming district for each special class in a 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.

(3) In any fiscal year, the amount of reimbursement to any claiming district for each full-time supervisor's salary shall not exceed $4,000 or 50 percent of such salary, whichever is the lesser. Such payments shall be in addition to the payments authorized under subsection (2) of this section. A full-time supervisor is one who supervises a minimum of eight special classes.

(4) The school district in which a child resides shall bear costs for his education which are not covered by reimbursement made under this section.
[1955 c.658 §11; 1959 c.182 §3; 1961 c.541 §7; 1963 c.570 §26; 1965 c.100 §421; 1969 c.544 §8]

343.480 [1955 c.658 §9; 1961 c.541 §8; repealed by 1965 c.100 §456]

343.490 Availability of state facilities for diagnosis of mentally retarded. Services of the outpatient clinic at facilities for the mentally retarded shall be available to school districts for the diagnosis of all mentally retarded school-age children in accordance with the rules of the Mental Health Division of the Oregon State Board of Control if such services are not available to school districts through community mental health clinics authorized by ORS 430.610 to 430.670.
[1955 c.658 §13; 1965 c.100 §422; 1965 c.358 §1]

343.500 [1955 c.658 §§4, 5; 1957 c.219 §2; 1961 c.541 §9; 1965 c.100 §390; renumbered 343.055]

343.510 [1955 c.658 §12; repealed by 1965 c.100 §456]

343.520 [1955 c.658 §14; repealed by 1965 c.100 §456]

SCHOLARSHIPS FOR TEACHERS OF MENTALLY RETARDED CHILDREN

343.552 Definition of "qualified teacher." As used in ORS 343.552 to 343.558,

unless the context requires otherwise:

(1) "District school board" and "school district" include the Corrections Division, Mental Health Division and the Special Schools Division.

(2) "Qualified teacher" means a teacher who meets the requirements established by the State Board of Education.

[1959 c.218 §1; 1965 c.100 §423; 1965 c.237 §1; 1969 c.109 §1]

343.554 Scholarships for teachers of mentally retarded children; district contribution; terms. (1) Scholarships may be awarded 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 an amount sufficient for payment of tuition fixed by the State Board of Higher Education.

(3) A scholarship shall not be awarded unless:

(a) The district school board of the district by which the teacher is employed or is to be employed for the next succeeding school year 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 complete the course and to teach in the school district that provides the matching funds for one year after receiving his teaching certificate to teach mentally retarded children.

(4) Scholarships may be renewed in the manner provided by this section for the granting of scholarships.

(5) An intermediate education district board which operates a program for mentally retarded children under ORS 334.175 shall be considered an employing district for purposes of subsections (3) and (4) of this section in so far as any teacher employed by a district within the intermediate education district is concerned.

[1959 c.218 §§2, 3, 10; 1963 c.570 §27; 1965 c.100 §424; 1965 c.237 §2]

343.556 Procedure for applying for and awarding scholarships. (1) A teacher applying for a scholarship or renewal thereof shall present his application to the district school board by which he is employed or is to be employed for the next succeeding school year. If a district school board approves a teacher's application, the board shall forward the application to the State Board of Education.

(2) Until the money appropriated to carry out the purposes of ORS 343.552 to 343.558 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.

(3) No person shall discriminate against an applicant for a scholarship established under ORS 343.552 to 343.558 because of the applicant's sex, race, color, religion or national origin.

(4) 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; 1965 c.100 §425; 1965 c.237 §3]

343.558 Repayment of all or part of scholarship in certain cases. (1) A teacher receiving a scholarship or renewal thereof under ORS 343.552 to 343.558 shall repay the State of Oregon any money received by him from the state to attend school under ORS 343.552 to 343.558 if he fails:

(a) To complete satisfactorily the course requirements and 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 the scholarship or renewal thereof.

(2) If, for the year immediately following receipt or renewal of a scholarship, a teacher fails to teach in the public schools of the 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 district. However, the teacher is not required to repay any money paid him by the state.

[1959 c.218 §5; 1965 c.100 §426; 1965 c.237 §4]

343.560 [1959 c.218 §§6, 7; repealed by 1965 c.100 §456]

343.610 [1955 c.15 §1; 1955 c.410 §1; repealed by 1963 c.21 §2]

343.620 [1955 c.15 §2; 1955 c.410 §2; repealed by 1963 c.21 §2]

343.630 [1955 c.15 §3; 1955 c.410 §3; repealed by 1963 c.21 §2]

343.640 [1955 c.410 §4; repealed by 1963 c.21 §2]

DISADVANTAGED CHILDREN

343.650 Definitions for ORS 343.650 to 343.680. As used in ORS 343.650 to 343.680, unless the context requires otherwise:

(1) "Disadvantaged children" means children who in their backgrounds are socially or culturally deprived to such a degree that without supplemental facilities and services they cannot profit in the regular school program to the same extent as children with normal backgrounds.

(2) "Facilities and services":

(a) Means special equipment, materials, supplies and services and regular equipment, materials, supplies and services to the extent that they are specially used or consumed in providing special education for the primary purpose of preventing or overcoming learning deficiencies; and

(b) Includes special classes, special instruction in or in addition to regular classes, nursery schools and kindergartens, extracurricular programs, camp and recreation programs, testing and research programs, orientation programs, counseling and guidance programs, cafeteria service, transportation and the construction and use of special schools or centers, or the construction of additions thereto.

[1965 c.531 §1; 1967 c.443 §1]

Note: ORS 343.650 to 343.680 were not added to and made a part of ORS chapter 343 by legislative action.

343.660 Facilities and services for disadvantaged children. The district school board of any school district in which the regular school program is inadequate for the educational needs of disadvantaged children may provide facilities and services for such children during and outside of regular school hours and regular school days. However, when the facilities and services include a kindergarten, a school district with fewer than 20,000 children of school age must submit the question of establishing kindergartens to the qualified voters of the district for approval under ORS 336.105.

[1965 c.531 §2]

Note: See note under ORS 343.650.

343.670 Advance payments. Notwithstanding the provisions of any other law, the State Board of Education may make advance payment from funds received by the Department of Education pursuant to Public Law 89-10, to school districts based on the estimated cost of any approved program or service to be provided.

[1965 c.531 §6]

Note: See note under ORS 343.650.

343.680 Advance payments and reimbursements to districts of 50,000 for operation and construction costs. (1) For the purposes of carrying out the provisions of ORS 343.650 to 343.670 the Department of Education shall advance to or reimburse any common or union high school district with at least 50,000 average daily membership, as defined by ORS 327.006, from funds specifically appropriated for such purposes, such amounts as may from time to time be certified by such district as required therefor.

(2) The certificate shall specify separately (a) the amounts required for operations and (b) the amounts required for construction of special schools or centers, or additions thereto. The amounts obtained for construction shall be related to progress of construction as determined by the district.

(3) Any amounts remaining unexpended and unobligated as of June 30 of the fiscal year or biennium for which they were appropriated shall revert to the General Fund.

[1967 c.443 §3]

Note: See note under ORS 343.650.

STUDENT DRIVER TRAINING

343.710 Student driver training program. A student driver training program shall be conducted 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.

[1957 c.206 §1; 1965 c.100 §427]

343.720 High school course in automobile driver instruction. (1) Any private or parochial high school, any common or union high school district, any area education district, the Oregon State School for the Deaf, the Hillcrest School of Oregon and the MacLaren School for Boys 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. No pupil shall participate in behind-the-wheel

instruction unless he is enrolled in or has completed a course in classroom instruction.

(2) A person employed to teach a course in automobile driver instruction is not required to hold a teaching certificate. However, a person employed to teach a course in automobile driver instruction must meet all the qualifications required of an applicant for a teaching certificate under ORS 342.143.

[1957 c.206 §2; 1959 c.421 §2; 1965 c.100 §428; 1969 c.407 §1; 1969 c.623 §1]

343.730 State reimbursement. (1) Each district offering a course in automobile driver instruction and the Oregon State School for the Deaf, the Hillcrest School of Oregon or the MacLaren School for Boys, if any such school offers a course in automobile-driver instruction, shall keep accurate records of the cost thereof in the manner required by the Superintendent of Public Instruction. Each district, the Oregon State School for the Deaf, the Hillcrest School of Oregon or the MacLaren School for Boys shall be reimbursed to the extent of 90 percent of its cost for conducting the course. However, the amount paid shall not exceed $50 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, community colleges, the Oregon State School for the Deaf, the Hillcrest School of Oregon and the MacLaren School for Boys. If tuition is charged for driver instruction, the amount of state reimbursement shall not exceed the difference between the approved cost and the tuition charged or $50 per pupil, whichever is the lesser.

(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; 1963 c.235 §2; 1965 c.100 §429; 1965 c.549 §1; 1969 c.407 §2; 1969 c.623 §2]

343.740 Student Driver Training Fund. (1) There is created the Student Driver Training Fund. All payments required under subsection (7) 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; 1963 c.97 §8]

343.750 Contract with private driver training school. Any school district may contract with a lawfully licensed private driver training school for the instruction of students enrolled in a driver training course in the school in the behind-the-wheel portion of such course.

[1967 c.296 §1]

MIGRANT CHILDREN

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

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

(2) "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.

(3) "School district" includes intermediate education districts and state institutions.

[1961 c.502 §1; 1963 c.570 §30; 1965 c.100 §430]

343.815 [1961 c.502 §§2, 3; repealed by 1963 c.570 §33]

343.820 [1961 c.502 §4; repealed by 1963 c.570 §33]

343.825 [1961 c.502 §5; repealed by 1963 c.570 §33]

343.830 Summer programs for migrant children. School districts may establish summer programs for migrant children to supplement the regular school program and provide instruction in those educational areas in which the migrant child needs special help. The summer programs may be attended by migrant children who will attend regular school sessions in the ensuing school year.

[1961 c.502 §§7, 8; 1963 c.570 §31; 1965 c.100 §431]

343.835 Reimbursement; not subject to Local Budget Law. School districts shall submit a proposed budget for summer programs to the State Board of Education for approval. Upon completion of the summer program the claim shall be presented to the Superintendent of Public Instruction for reimbursement which shall be made only for the actual and approved expenses incurred in the program. Expenditures made by a school district in carrying out a summer program shall not be subject to the Local Budget Law (ORS 294.305 to 294.520).

[1961 c.502 §9; 1963 c.570 §31a; 1965 c.100 §432]

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, according to the latest federal census, the district school board of a school district situated in whole or in part within such city, and the governing body 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 University 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; amended by 1965 c.100 §433]

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

343.925 [1961 c.274 §1; 1965 c.100 §182; renumbered 334.215]

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 district school boards, together with all municipal and all child-caring agencies within the county which work with juveniles.
[Formerly 343.390; amended by 1965 c.100 §434]

343.950 [1957 c.562 §§1, 2, 3, 4, 5; 1959 c.645 §1; 1963 c.570 §32; 1965 c.100 §7; renumbered 326.510]

343.990 [Amended by 1953 c.110 §1; subsection (2) of 1963 Replacement Part enacted as 1959 c.510 §19; repealed by 1965 c.100 §456]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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.

Robert W. Lundy
Legislative Counsel

Done at Salem, Oregon,
on December 1, 1969.