Chapter 337

1969 REPLACEMENT PART

(1973 reprint)

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TEXTBOOKS

337.010 [Repealed by 1965 c.100 §248 (337.011 is enacted in lieu of 337.010)]

337.011 State Textbook Commission; qualifications; terms; vacancies. (1) The State Board of Education shall appoint a State Textbook Commission consisting of five persons of recognized scholarship and professional standing who have been actively and continuously engaged in teaching or engaged in supervision of schools of this state for a period of five years immediately preceding the appointment. Commissioners shall be selected from various parts of the state, and no two shall be from the same county.

(2) The term of each commissioner is four years. The state board shall fill all vacancies on the commission.

[1965 c.100 §249 (enacted in lieu of 337.010)]

337.020 Compensation and expenses of commissioners. Each member of the State Textbook Commission is entitled to compensation and expenses as provided in ORS 292.495.

[Amended by 1953 c.526 §1; 1965 c.100 §250; 1969 c.314 §22]

337.030 Annual circular to school book publishers. In each even-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:

(1) The name and post-office address of each member of the State Textbook Commission.

(2) The time and place of meeting of the commission to adopt textbooks.

(3) The general form of the proposal to be followed by publishers in submitting textbooks for adoption.

(4) The general form of contract to be entered into between the State Board of Education and a publisher whose textbooks may be adopted.

(5) The branches of study for which textbooks are to be adopted.

(6) The statutory provisions relating to the adoption of textbooks.

(7) Such additional information as may be considered useful.

[Amended by 1965 c.100 §251]

337.040 Sessions of textbook commission. The State Textbook Commission shall meet in a public meeting in the state capital on the third Monday of November of each even-numbered year for the purpose of adopting textbooks and other instructional materials, and may hold such other meetings as are necessary for proper performance of its duties. Four commissioners shall constitute a quorum. The commissioners shall elect a chairman from among their number. The Superintendent of Public Instruction shall designate a staff member of the Department of Education to act as secretary.

[Amended by 1953 c.526 §2; 1955 c.406 §1; 1965 c.100 §252]

337.050 Adoption of books and instructional materials. (1) The State Textbook Commission shall adopt, for a six-year period, a multiple choice list of textbooks for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required. The commission may refrain from adopting any textbook in a subject field, whenever it finds that no textbook meets the criteria established by the commission for the adoption of textbooks. The commission may also adopt other instructional material which it considers appropriate for grade and subject fields.

(2) Subsequent to any November biennial adoption the commissioners may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in lieu of the edition or item officially adopted.

[Amended by 1953 c.121 §3; 1953 c.526 §3; 1955 c.406 §2; 1965 c.100 §253; 1967 c.370 §1]

337.060 Submission of proposals by publishers. The proposals of each publisher shall be submitted to the State Textbook Commission in writing, not later than the third Monday of November of each even-numbered year, and shall be responsive to the requirements of subsections (3) and (4) of ORS 337.030, and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks as the commission or the State Board of Education may require.

[Amended by 1965 c.100 §254]

337.065 Publisher fee. (1) The State Textbook Commission shall collect from each publisher or other supplier who submits a proposal under ORS 337.060 a fee equal to

five times the retail price, or $30, whichever is the lesser, for each textbook title or item of instructional material proposed by the publisher or supplier for adoption by the State Textbook Commission. Fees are payable prior to commission consideration of the proposal.

(2) The moneys received under subsection (1) of this section shall be paid into the State Treasury and placed to the credit of the General Fund for general governmental purposes.
[1967 c.370 §§2, 3]

337.070 [Repealed by 1965 c.100 §456]

337.075 Adoption or rejection of proposals. The State Textbook Commission may adopt or reject any textbook contained in any proposal. If the terms and conditions for furnishing a textbook in all proposals relating to that textbook are considered by the commission to be unreasonable or the textbook is considered to be unsuitable, the commission may reject the textbook. At the same or subsequent sessions, the commission may receive new proposals for a textbook previously rejected and adopt the textbook in the same manner as other textbooks are required to be adopted. No proposal shall be considered unless the publisher has delivered without charge one copy of each textbook contained in the proposal to each commissioner at least 60 days before the meeting.
[1965 c.100 §255]

337.080 Report of textbook adoptions. The State Textbook Commission shall immediately report the textbooks which have been adopted to the State Board of Education. The report shall contain such information as may be required by the state board. The report shall be signed by the chairman of the commission and attested by the secretary.
[Amended by 1965 c.100 §256]

337.090 Contract with publisher; terms; bond; breach; remedies. (1) On receiving the report of the State Textbook Commission, the State Board of Education shall, as soon as practicable, enter into a written contract with each publisher whose books have been adopted. The contract shall require the publisher to maintain at least one depository to be designated by the State Board of Education, where such textbooks may be purchased and to furnish such textbooks according to law and the conditions named in the proposal.

(2) The State Board of Education shall take from each publisher entering into a contract a good and sufficient bond in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the State Board of Education, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on his part, or, with intent to evade the provisions of the contract, sells any of the textbooks in this state at prices higher than specified in his contract, the State Board of Education may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond.
[Amended by 1965 c.100 §257]

337.100 Circular of textbooks adopted. Prior to February 1 of every odd-numbered year, the Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each book adopted by the State Textbook Commission with such other information as the state board may consider useful.
[Amended by 1965 c.100 §258]

337.110 Adoption of substitute or additional textbooks. If at any time during the period for which a textbook is adopted, it becomes necessary to adopt any textbook instead of or in addition to those regularly adopted, the chairman of the State Textbook Commission or the Superintendent of Public Instruction may call a special session of the commission. It may, upon convening, adopt such textbook in the same manner as other textbooks are required to be adopted; except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers.
[Amended by 1965 c.100 §259; 1967 c.99 §1]

337.120 School board selection, purchase and use of adopted textbooks and instructional materials. Except as otherwise provided by ORS 337.141, the district school board, with the assistance of teachers and administrators of the district, shall select textbooks and other instructional materials

for each grade and subject field from the multiple choice adoption list. The board shall cause at least one-half of the books or materials, according to titles, so selected to be used in its schools at the beginning of the next school year following the selection and the remainder thereof at the beginning of the second school year following the selection, except when authorized by the Superintendent of Public Instruction to postpone such use for a reasonable period of time.
[Amended by 1953 c.121 §3; 1965 c.100 §260; 1967 c.100 §1]

337.130 [Repealed by 1965 c.100 §456]

337.140 [Repealed by 1965 c.100 §261 (337.141 enacted in lieu of 337.140)]

337.141 Textbook adoption by school boards. (1) With the approval of the State Board of Education and except as otherwise provided in subsection (2) of this section, the district school board of any school district may adopt and use textbooks in place of or in addition to those adopted by the State Textbook Commission.

(2) The district school board of any school district having a population of 20,000 or more children of school age may adopt and use textbooks in place of or in addition to those adopted by the State Textbook Commission except that any textbook so adopted shall not be changed for a period of four years.
[1965 c.100 §262 (enacted in lieu of 337.140)]

337.150 Free textbooks; pupil's duty to provide textbooks; indigent pupils. (1) Each district school board shall provide textbooks, prescribed or authorized by law, for free use by all resident public school pupils enrolled in grades one through eight and may provide any or all such textbooks for use in grades 9, 10, 11 or 12, or any combination thereof.

(2) In any instance where a district school board does not provide textbooks, under subsection (1) of this section, the board shall require as a condition of attendance at any school that pupils shall be provided by their parents or guardians with such books as may be adopted under ORS 337.120 and 337.141. However, the board shall loan textbooks to indigent pupils.
[Amended by 1955 c.486 §2; 1957 c.272 §1; 1965 c.100 §263; 1965 c.272 §1]

337.160 [Amended by 1965 c.100 §264; repealed by 1965 c.272 §2]

337.170 [Repealed by 1965 c.100 §456]

337.180 [Repealed by 1965 c.100 §456]

337.190 [Repealed by 1965 c.100 §456]

337.200 [Amended by 1955 c.486 §3; repealed by 1965 c.100 §456]

337.210 [Repealed by 1965 c.100 §456]

337.220 [Repealed by 1965 c.100 §456]

337.230 [Repealed by 1965 c.100 §456]

337.240 [Repealed by 1965 c.100 §456]

337.250 [Repealed by 1965 c.100 §456]

337.260 Textbooks on American history and government. Every board, commission, committee or officer responsible for the selection of textbooks for use in the public schools shall select textbooks on American history and government which adequately stress the services rendered by the men who achieved our national independence, who established our form of constitutional government and who preserved our federal union. No textbook shall be used in the schools which speaks slightingly of the founders of the republic or of the men who preserved the union or which belittles or undervalues their work.
[Amended by 1965 c.100 §265]

337.270 [Repealed by 1965 c.100 §456]

CURRICULUM IMPROVEMENT

337.510 Purposes of law. The purposes of ORS 337.510 to 337.560 are to encourage programs of curriculum improvement by school districts and to increase the scope of curriculum services to the public schools by the Department of Education.
[1957 c.642 §1; 1963 c.570 §12; 1965 c.100 §266]

337.520 Definitions for ORS 337.510 to 337.560. As used in ORS 337.510 to 337.560:

(1) "Curriculum" means the planned educational experiences provided for children under the direction of teachers by a school district or by personnel of the Department of Education.

(2) "Curriculum improvement plan" means a written proposal for the study, development or reorganization of the design for educational experiences for children by a school district or by the Department of Education.
[1957 c.642 §2; 1963 c.544 §44; 1965 c.100 §267; 1967 c.67 §7]

337.530 Duties of Superintendent of Public Instruction. The Superintendent of Public Instruction shall review all claims for

reimbursement submitted under the provisions of ORS 337.510 to 337.560. On approval of any claim, he shall order the same paid from moneys specifically appropriated for the program under ORS 337.510 to 337.560.
[1957 c.642 §3; 1963 c.570 §13; 1965 c.100 §268]

337.540 Apportionments for curriculum improvement. (1) Upon the presentation of proper evidence to the Superintendent of Public Instruction that a curriculum improvement plan has been satisfactorily carried on as submitted to and approved by the Superintendent of Public Instruction for that fiscal year, a school district shall be entitled to an apportionment from the moneys specifically appropriated for the program under ORS 337.510 to 337.560.

(2) The amount of reimbursement for which a school district may become eligible for carrying on a curriculum improvement plan under ORS 337.510 to 337.560 shall not exceed an amount which is the product of 50 cents and the average daily membership of pupils enrolled in the district schools for the school year ending June 30 prior to submission of the plan. The amount of reimbursement shall not exceed the amount of the actual expenditures of the district incurred in carrying out the approved curriculum improvement plan which are in excess of its ordinary expenditures for such purpose.

(3) In the event that the funds available for reimbursement under ORS 337.510 to 337.560 are insufficient to meet all approved claims in any one year, the funds shall be prorated according to the ratio that the total amount of funds available bears to the total amount that would be required to pay all claims under ORS 337.510 to 337.560 for the fiscal year.
[1957 c.642 §§5, 6, 7; 1963 c.544 §45; 1963 c.570 §14; 1965 c.100 §269]

337.550 State-wide curriculum improvement plan. As part of a program to increase the scope of curriculum services to the public schools, the Superintendent of Public Instruction may approve a state-wide curriculum improvement plan to be carried on under direction of the Department of Education.
[1957 c.642 §10; 1963 c.570 §15]

337.560 Joint plans. (1) Two or more school districts may submit a joint curriculum improvement plan to the intermediate education district board of the county in which they are organized, and if the board approves the plan, the board shall submit it to the Superintendent of Public Instruction for approval. Claims for reimbursement under such an approved plan shall be submitted by the school districts through the office of the intermediate education district board, and such claims shall bear its approval. The Superintendent of Public Instruction shall then authorize payments to the claimant school districts in the amounts they are entitled to under the provisions of ORS 337.510 to 337.560.

(2) The intermediate education district board may, with the consent of the school districts concerned, organize a joint curriculum improvement plan and submit it to the Superintendent of Public Instruction for approval. Reimbursements for such an approved plan shall be made as provided in subsection (1) of this section.

(3) Under the provisions of ORS 337.510 to 337.560, intermediate education district boards may organize, administer and pay the operating expenses of joint curriculum improvement programs as authorized in this section, in which component school districts voluntarily participate. When such joint plan has been approved by the Superintendent of Public Instruction, he may order payments to which the participating school districts are entitled under ORS 337.510 to 337.560 to be made to the office of the intermediate education district board which has administered the program as reimbursement to that office for authorized expenditures under the plan. Such payments shall be charged against the amount to which each individual school district is entitled under ORS 337.510 to 337.560 in proportion to its share in the total expenditures under the approved plan based upon the ratio that the amount to which it would be entitled under ORS 337.510 to 337.560 bears to the total amount which all the districts involved in the joint plan would be entitled.
[1957 c.642 §§8, 9 (1), (2); 1963 c.544 §46; 1963 c.570 §16; 1965 c.100 §270]

337.570 [1957 c.642 §9 (3); 1963 c.570 §17; repealed by 1965 c.100 §456]

337.990 [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.

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

Robert W. Lundy
Legislative Counsel