

Chapter 343

1973 REPLACEMENT PART

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CROSS REFERENCES

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- Allotment required before expenditure of state moneys in certain cases, 291.238
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- 343.010 [Repealed by 1965 c.100 §456]
 343.020 [Repealed by 1953 c.110 §2]
 343.030 [Repealed by 1953 c.110 §2]
 343.040 [Repealed by 1953 c.110 §2]

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- 343.050 [Repealed by 1953 c.110 §2]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- 343.060 [Repealed by 1953 c.110 §2]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- 343.070 [Repealed by 1953 c.110 §2]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 of children in programs. After consultation with parents, staff and administrative personnel of public or private agencies and organizations including but not limited to the Children's Services Division, the Mental Health Division and other agencies which serve the needs of handicapped children, 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.

[1965 c.100 §393; 1973 c.728 §5]

- 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]

Note: Section 2, chapter 728, Oregon Laws 1973, provides:

Sec. 2. (1) The district school board of each school district shall cause surveys to be made of the educational and other needs of children who are not attending school, sufficient to enable the district board to determine whether or not a need exists for special programs of education and for corrective and related services.

(2) In conducting surveys under subsection (1) of this section, each school district shall consult with appropriate public or private agencies and organizations, including but not limited to the Children's Services Division, the Mental Health Division, the Department of Education, and other agencies which are concerned with the needs of children.

(3) Results of surveys conducted under subsection (1) of this section shall be reported to the Department of Education on or before July 1, 1974. The Department of Education shall report the results of the surveys to all agencies concerned with the needs of children and shall whenever possible assist school districts to commence implementation of programs aimed at the unmet needs revealed by the survey. If necessary the Department of Education shall propose appropriate legislation to insure that the educational needs of all children are met.

- 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]

CHILD DEVELOPMENT

343.125 Child development specialist. (1) On or before July 1, 1977, the district school board of every school district operating any elementary schools may make the

services of a child development specialist available to the pupils enrolled in the elementary schools.

(2) A child development specialist shall provide primary prevention services throughout a child's environment directly or in cooperation with others:

(a) To pupils enrolled in the elementary school, with priority given at the primary level, including kindergarten, to assist them in developing positive attitudes toward themselves and others in relation to life career roles.

(b) To the professional staff of the elementary school to assist them in early identification of pupils enrolled therein with learning or developmental problems.

(c) To parents of pupils enrolled in elementary schools to assist them in understanding their children's unique aptitudes and needs and to aid in relating home, school and neighborhood experiences.

(d) To refer pupils enrolled in the elementary school to appropriate state or local agencies for additional assistance.

(e) To coordinate resources available through the community and the school.

(3) School districts may provide the services authorized or required under this section by contract with qualified state or local programs.

[1973 c.730 §2]

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

343.135 State reimbursement for costs.

(1) On or before October 1, 1977, and thereafter following close of the school year for which reimbursement is claimed, any district making the services of a child development specialist available pursuant to ORS 343.125 shall file a verified claim with the Superintendent of Public Instruction for the costs incurred by the district in providing the services of the child development specialist.

(2) If the Superintendent of Public Instruction approves the application for reimbursement, he shall cause the district to be reimbursed in the amount claimed. If the moneys specifically appropriated for payment of such claims are insufficient to pay the full reimbursable amount of all approved claims for the school 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 school year.

[1973 c.730 §3]

343.140 [Repealed by 1965 c.100 §456]

343.145 State board guidelines; qualification for child development specialist. (1) The State Board of Education by rule shall establish guidelines for implementation of ORS 343.125 and 343.135, including but not limited to qualifications for child development specialists and procedures for community coordination of efforts. Such qualifications and procedures shall not be limited to traditional treatment oriented disciplines or the various disciplines requiring certification.

(2) Exceptions to the qualifications established by the state board may be made if the state board determines after a hearing that an individual is capable of performing the required functions.

[1973 c.730 §4]

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 teachers and which will provide consultant, evaluative, and instructional services in education for physically and emotionally handicapped children to certain school districts and to eligible physically and emotionally handicapped children. Funds appropriated for education of physically and emotionally handicapped children 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; 1971 c.602 §11]

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. 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.

[1965 c.100 §405; 1971 c.449 §5]

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)]

343.305 Computation of operating expenditures for certain programs. (1) The Superintendent of Public Instruction shall determine annually the operating expenditures per resident average daily membership of the

educational programs operating at the Oregon State School for the Blind and at the Oregon State School for the Deaf, and of all programs operating under ORS 343.236, 343.261, subsection (3) of ORS 343.301 and ORS 343.960. The computation of operating expenditures shall include that portion of administrative costs connected with the school program, instruction, operation of school plant, maintenance of school plant and fixed charges associated with the school program, less tuition received and federal funds applicable to the school program.

(2) For purposes of this section and ORS 343.307:

(a) Average daily membership is the total days membership of Oregon resident pupils in an educational program referred to in subsection (1) of this section divided by total days taught.

(b) A child who has attained the age of majority shall be considered resident of that county in which he resides on the date he enrolls in the educational program. A minor child shall be considered resident of that county in which the parent or person in parental relationship to him resides on the date the child enrolls in the educational program. If the child is a ward of a court or an approved child-caring agency, he shall be considered resident of that county in which the parent or person in parental relationship to him resided on the date the child became a ward. If the residency of any child remains in question, the determination of residency for that child shall be made by the Superintendent of Public Instruction in such manner as he considers satisfactory and such determination shall be final for purposes of administering this section and ORS 343.307.

[1971 c.449 §1; 1973 c.827 §33]

Note: 343.305 and 343.307 were not added to and made a part of ORS chapter 343 by legislative action.

343.307 Billing and payment from county school fund. (1) Not later than March 1 of each year the Superintendent of Public Instruction shall notify the executive officer of the administrative office for the county, as defined in ORS 328.001, of the estimated cost of educating children resident of that county in one of the educational programs referred to in ORS 343.305 during the current fiscal year. The executive officer shall consider that estimate as an obligation to be met from the county school fund for the following fiscal year and shall prepare his estimate of receipts of each school district for budget purposes in recognition of that obligation.

(2) Not later than August 15 of each year the Superintendent of Public Instruction shall submit to the executive officer of the administrative office for the county, as defined in ORS 328.001, a billing for the cost of educating children resident of that county in one of the educational programs referred to in ORS 343.305 during the prior fiscal year. The executive officer shall notify the county treasurer of the billing. The county treasurer shall pay the amount of the billing from the county school fund to the Superintendent of Public Instruction not later than December 15 following that August 15. The Superintendent of Public Instruction shall deposit all moneys received by him under this subsection in the General Fund in the State Treasury to be available for payment of the general expenses of the state.

(3) The billing submitted by the Superintendent of Public Instruction under subsection (2) of this section shall be in an amount that is the lesser of:

(a) The actual cost of educating children resident of the county in one of the educational programs referred to in ORS 343.305 during the prior fiscal year; or

(b) The net operating expenditures per resident pupil in average daily membership of all school districts reporting to the administrative office for the county multiplied by the average daily membership of all pupils of the same school districts participating in the educational programs referred to in ORS 343.305. For purposes of this paragraph, net operating expenditures per resident pupil in average daily membership shall be determined by the Superintendent of Public Instruction based upon data for the second school year prior to the year for which the billing applies.

[1971 c.449 §2]

Note: See note under 343.305.

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 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; 1971 c.613 §1]

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 have demonstrated or show potential of a very high level of academic or creative aptitude.

(2) "Plan" means a written plan, including but not limited to:

(a) Clear delineation of the problems to which a given effort is designed to respond.

(b) Clear statement of the nature, quality and quantity of the yield expected from the effort, and over what time span.

(c) Alternative courses of action considered and why rejected.

(d) Federal, state, or local efforts taken into account and integrated into the proposal.

(e) Evidence of ability to evaluate results in terms of the statement submitted under paragraph (b) of this subsection.

[1959 c.528 §2; 1963 c.570 §22; 1965 c.100 §409; 1971 c.613 §2]

343.397 Plan for improvement of instruction or curriculum for gifted children.

(1) Any school district may submit to the Superintendent of Public Instruction a written plan for the improvement of instruction or curriculum for educationally able and gifted children enrolled 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 to improve instruction or curriculum for educationally able and gifted children or to improve or expand an existing program shall be approved under subsection (2) of this section unless the district submitting the plan agrees to expend for the purposes of the plan, out of district funds, an amount equal to a grant by the state to the district under ORS 343.391 to 343.401 and to submit the completed program to an independent audit.

[1959 c.528 §§5, 6, 7; 1963 c.570 §23; 1965 c.100 §410; 1971 c.613 §3]

343.399 Prorating of state aid to local districts. 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; 1971 c.613 §4]

343.401 Use of funds appropriated for ORS 343.391 to 343.401. The funds specifically appropriated for the program under ORS 343.391 to 343.401 shall be used by the State Board of Education for reimbursement of approved claims from school districts, and for

providing summer workshops, institutes, in-service programs, advanced placement programs, conferences, program evaluations, and consultant services to school districts.

[1959 c.528 §9; 1963 c.570 §24a; 1965 c.100 §412; 1971 c.613 §5]

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

343.404 Policy for distributions under ORS 343.391 to 343.401. It is the policy of the Legislative Assembly that the funds specifically appropriated for the program under ORS 343.391 to 343.401 shall be distributed by the State Board of Education in the following order of priority:

(1) To those school districts maintaining an approved program on or before September 9, 1971.

(2) To those school districts first initiating an approved program after September 9, 1971.

(3) To those school districts which have operated an approved reimbursable program for three years, and are reapplying for a new program, improvements to a program, or an expanded program.

[1971 c.613 §6]

Note: ORS 343.404 was not added to ORS chapter 343 or any series therein by legislative action.

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) 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; or

(b) A full-time school program for eligible mentally retarded children which adequately provides for their education and which has been approved by the Superintendent of Public Instruction.

[1955 c.658 §2; 1961 c.541 §1; 1965 c.100 §413; 1971 c.96 §1]

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 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]

EMOTIONALLY HANDICAPPED CHILDREN

343.505 Definitions for ORS 343.505 to 343.550. As used in ORS 343.271, 343.505 to 343.550, 343.554 and 343.558:

(1) "Emotionally handicapped children" means children under the age of 21 who have a serious behavioral disorder to the degree that the child is unable to participate in a regular education program. "Emotionally handicapped children" includes autistic, psychotic, neurologically or emotionally impaired, hyperactive, withdrawn and the child schizophrenic.

(2) "Special program" means a full-time school program in the public schools for eligible emotionally handicapped children which adequately provides for their education and which has been approved by the Superintendent of Public Instruction.

[1971 c.602 §2]

Note: ORS 343.505 to 343.550 take effect July 1, 1972.

343.509 Special programs for emotionally handicapped children authorized; guidelines. (1) Any school district having 12 or more emotionally handicapped children residing in the district who are eligible for a special program may apply for such a program for such children, and the district may be allocated funds under section 14, chapter 602, Oregon Laws 1971, for such a program.

(2) Any intermediate education district or any combination of districts may operate a special program under subsection (1) of this section.

(3) The age range and number of children placed in special programs shall be in accord with the rules, regulations, and guidelines established by the Superintendent of Public Instruction for teacher preparation for and operation of special programs for emotionally handicapped children.
[1971 c.602 §3]

Note: See note under ORS 343.505.

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

343.515 Eligibility for placement. In order to be eligible for placement in a special instructional facility, an emotionally handicapped child must 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 ability to profit from such placement.

[1971 c.602 §4]

Note: See note under ORS 343.505.

343.519 Content of diploma. No diploma of graduation or other document indicating successful completion of the course requirements issued to an emotionally handicapped child educated in a special program shall indicate that the diploma or other document is issued by such a program.

[1971 c.602 §10]

Note: See note under ORS 343.505.

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

343.525 Local advisory council; members; officers; duties. (1) Every school district, combination of districts or intermediate education district that operates a special program under ORS 343.271, 343.505 to 343.550, 343.554 and 343.558 shall appoint a local advisory council consisting of not less than five nor more than seven members which shall include two parents of emotionally handicapped children. The other members shall be educators and professional persons associated with the diagnosis or treatment of emotional problems.

(2) Each advisory council shall select its own chairman and vice chairman and fix the duties of its officers.

(3) Each local advisory council shall review all aspects of the special program and report to the district school board, or boards or to the intermediate education district

board. The local council shall also make recommendations to the Superintendent of Public Instruction as to appointments to the State Advisory Council for Emotionally Handicapped Children.

[1971 c.602 §8]

Note: See note under ORS 343.505.

343.530 State Advisory Council for Emotionally Handicapped Children; appointment; qualifications; duties. (1) There is created a State Advisory Council for Emotionally Handicapped Children, consisting of nine members appointed by the Superintendent of Public Instruction. Members must include one member or representative of the State Board of Education, three parents of emotionally handicapped children, and such educators and professional persons as are associated with the diagnosis or treatment of emotional problems. All members except the member or representative of the State Board of Education must be members of the local advisory councils. Members shall be representative of the geographic areas of the state. The superintendent shall consider recommendations from the local councils in making appointments.

(2) The State Advisory Council for Emotionally Handicapped Children shall review aspects of the state-wide program of education of the emotionally handicapped and advise the Superintendent of Public Instruction and the State Board of Education on such programs.

[1971 c.602 §9]

Note: See note under ORS 343.505.

343.535 Claims for reimbursement. Any district or combination of districts operating an approved special program 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 program during the school year for which reimbursement is claimed.

[1971 c.602 §5]

Note: See note under ORS 343.505.

343.540 State reimbursement. Reimbursement to districts for operation and administration of special instructional facilities approved by the Superintendent of Public Instruction under ORS 343.271, 343.505 to 343.550, 343.554 and 343.558 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 the special instructional facilities for the following school year.

(2) A district which provides special instructional facilities 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 instructional facilities.

(3) If the Superintendent of Public Instruction approves the application of a district for reimbursement, he shall reimburse the district in the amount that the total cost approved by the Superintendent of Public Instruction, of the program, exceeds the per capita cost of instruction for other children of such district. The Superintendent of Public Instruction shall determine the eligibility of programs for reimbursement. Only programs that meet the standards for such programs and for which funds were appropriated or are otherwise made available shall be approved.

[1971 c.602 §6]

Note: See note under ORS 343.505.

343.545 Use of funds appropriated for special programs. (1) Funds appropriated for special programs shall be used to:

(a) Reimburse districts as provided in ORS 343.271, 343.505 to 343.550, 343.554 and 343.558; and

(b) Pay such other expenses as may be necessary for the proper administration and operation of the special programs.

(2) Where federal funds are made available on a matching basis for special programs, state funds available for such programs may be used to match the federal funds.

[1971 c.602 §7]

Note: See note under ORS 343.505.

343.550 Purchase of services by Children's Services Division. The Children's Services Division is authorized to purchase the services authorized by ORS 343.509 from any district or combination of districts operating an approved program under ORS 343.271, 343.505 to 343.550, 343.554 and 343.558, for those children who have been determined to be eligible for federal participation in programs administered by the Children's Services Division.

[1971 c.602 §15]

Note: See note under ORS 343.505.

SCHOLARSHIPS FOR TEACHERS

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 State Board of Education.

(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; district contribution; terms. (1) Scholarships may be awarded to provide assistance to qualified teachers desiring to obtain certification to teach mentally retarded children or to obtain special training to teach emotionally handicapped 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 or after receiving his training to teach emotionally handicapped 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 or for emotionally handicapped children under ORS 343.509 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; 1971 c.602 §12]

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 or to complete satisfactorily the course requirements to teach emotionally handicapped 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; 1971 c.602 §13]

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.

[1965 c.531 §2; 1973 c.707 §4; 1973 c.750 §14]

Note: See note under 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

343.705 Definitions for ORS 343.705 to 343.750. As used in ORS 343.705 to 343.750, unless the context requires otherwise:

(1) "Facility" means any facility for the deaf operated under ORS 346.010, the Hillcrest School of Oregon and the MacLaren School for Boys.

(2) "Private school" means a private or parochial high school.

(3) "Public school" means a common or union high school district and a community college district.

[1973 c.724 §2]

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 School course in automobile driver instruction; instructor's qualifications. (1) Any private or public school or facility 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 must meet qualifications established by the Superintendent of Public Instruction. However, a person employed to give behind-the-wheel driver instructions is not required to hold a teaching certificate under subsections (1), (2) and (3) of ORS 342.135.

[1957 c.206 §2; 1959 c.421 §2; 1965 c.100 §428; 1969 c.407 §1; 1969 c.623 §1; 1973 c.724 §3]

343.730 State reimbursement. (1) Each public school or facility offering 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 public school or facility shall be reimbursed on the basis of the number of pupils completing the course, including any private school pupils completing the course in the public school, to the extent of the lesser of the following schedules:

(a) 90 percent of the cost of conducting the course, or if tuition is charged, 90 percent of the cost after deducting tuition; or

(b) \$50 per pupil completing the course, including any private school pupil completing the course in a public school.

(2) If funds available to the Motor Vehicles Division for the Student Driver Training Fund are not adequate to pay all approved claims in full, public schools and facilities 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 allowable reimbursement.

[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; 1973 c.724 §4]

343.740 Student Driver Training Fund.

(1) There is created the Student Driver Training Fund. All payments required under ORS 343.710 to 343.740 and subsection (7) of ORS 482.250 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 in the manner provided in ORS 343.730.

(3) The Motor Vehicles Division shall make periodic studies to determine the effectiveness of automobile driver instruction programs conducted under authority of ORS 343.705 to 343.750.

[1957 c.206 §§4, 6; 1963 c.97 §8; 1973 c.724 §5]

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.

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 at-

tend 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 and then 343.960]

343.960 Education of children at certain private schools and homes. (1) The State Board of Education shall be responsible for approving the educational program for children living in or under the care of the Children's Farm Home, the Louise Home, the Salvation Army White Shield Home, Christie School, Edgefield Lodge, Parry Center, St. Mary's School, Villa Gerard, Villa St. Rose, Waverly Children's Home and The Boys and Girls Aid Society of Oregon. The Children's Services Division of the Department of Human Resources shall be responsible for payment of the cost of such education from the funds appropriated for the purpose.

(2) Such education may be provided in the regular schools of a school district or, with the cooperation of the agency involved, the instruction may be given by the school district in facilities provided by such agency.

(3) 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 and then 326.510]

Note: 343.960 and 343.965 were not added to and made a part of ORS chapter 343 by legislative action.

343.965 Reimbursement to school districts for costs incurred under ORS 343.960.

(1) The district providing the education described in ORS 343.960 shall receive from the Children's Services Division as reimbursement from moneys appropriated therefor an amount equal to the cost of such education.

(2) The Children's Services Division may make advances to such school district from funds appropriated therefor based on the estimated cost of educating the pupils per school year. Advances equal to 25 percent of such 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.

[1973 c.708 §2]

Note: See note under 343.960.

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, Thomas G. Clifford, 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 1, 1973.

Thomas G. Clifford
Legislative Counsel

