

Chapter 343

1977 REPLACEMENT PART

Special Educational Programs

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343.010 [Repealed by 1965 c 100 §456]

343.020 [Repealed by 1953 c.110 §2]

343.030 [Repealed by 1953 c.110 §2]

GENERAL

343.035 Definitions. As used in this chapter unless the context requires otherwise:

(1) "Orthopedically impaired or other health impaired" means a disability which has been diagnosed by a physician licensed by the Board of Medical Examiners for the State of Oregon as permanent or which is expected to extend 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 of mental, physical, emotional or learning problems. These groups include, but are not limited to those categories that have traditionally been designated: Mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired or other health impaired children, individuals who are pregnant, or children with specific learning disabilities.

(3) "Special education" means specially designed instruction to meet the unique needs of a handicapped child, including regular classroom instruction, instruction in physical education, home instruction, related services, and instruction in hospitals, institutions and special schools.

(4) "Related services" includes transportation; and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, special equipment, reader services, volunteer services to enhance special education programs, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes early identification and assessment of handicapping conditions in children.

[Formerly 343 212, 1977 c.528 §1]

343.040 [Repealed by 1953 c 110 §2]

343.041 Educational programs for handicapped children to be supervised by Superintendent of Public Instruction. (1) The Superintendent of Public Instruction

shall be responsible for the general supervision of all educational programs for handicapped children within the state, including all such programs administered by any state agency or common or union high school district or education service district.

(2) All educational programs for handicapped children within this state shall meet the standards and criteria established therefor by the State Board of Education.

(3) The Governor shall direct that agencies affected by this section shall enter into cooperative agreements to achieve necessary uniformity in meeting the standards and criteria established by the state board under subsection (2) of this section.

[1977 c 528 §3]

343.045 Establishing criteria for programs. The Superintendent of Public Instruction shall establish criteria to guide the development and operation of special programs authorized by this chapter and shall apply these criteria in certifying such programs for reimbursement specifically provided by law for such programs. The criteria shall be limited to educational services and educational programs and shall not include treatment.

[Formerly 343 235, 1975 c 621 §1, 1977 c 714 §10]

343.050 [Repealed by 1953 c 110 §2]

343.055 Superintendent of Public Instruction to administer special programs. (1) The Superintendent of Public Instruction shall administer all programs established under this chapter. Subject to the approval of the State Board of Education and the provisions of ORS 342.120 to 342.430, he shall establish rules relative to such other qualifications of teachers, supervisors, work experience coordinators, coordinators of volunteer services and trainers of volunteer personnel, courses of study, 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.

(2) 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:

(a) Purchase and prepare equipment and supplies to be loaned to school districts and county or regional special education facilities which provide approved programs for handicapped children in the public schools.

(b) Contract with and pay an educational institution, either within or without the state, for the purpose of providing educational services for children who are both deaf and blind

[Formerly 343 500, 1967 c 329 §1, 1975 c 621 §2]

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 [1965 c 100 §393, 1973 c 728 §5, repealed by 1975 c 621 §17]

343.077 Determination of eligibility for special education; hearing on placement, transfer or denial of placement; appeal. (1) A child shall be considered for special education upon application by the parent, legal guardian or surrogate of the child or by the school district. Upon appropriate evaluation the child may be found eligible for special education under a school district program approved under ORS 343 221. Such evaluation shall be made within a reasonable time

(2) A child who is thought to be eligible and in need of special education by the school authorities or parents, guardians or surrogate of the child shall neither be placed in, transferred from nor be denied placement in such a program unless the administrative officers of the school district shall have properly notified the parents, legal guardians or surrogate of the child of such proposed placement, transfer or denial and the right to due process. The proceedings shall be those for a contested case under ORS chapter 183 with the school district being the agency within the meaning of applicable provisions of ORS chapter 183. The notification must be in the parents', guardian's or surrogate's native language, unless it is clearly not feasible

(3) The parents, guardians or surrogate of the child shall be given an opportunity to examine all relevant records with respect to the identification, evaluation, and educational placement of the child and to obtain an independent educational evaluation of the child if the parents, guardian or surrogate disagrees with the evaluation obtained by the school district. If there is disagreement, before the second evaluation is commenced, the school district may initiate a hearing as a contested case under ORS chapter 183 to show that its evaluation is appropriate. If the final decision is that its evaluation is appropriate, the parents, guardian or surrogate still has the right to an independent educational evaluation but not at the school district's expense. If, however, the district's evaluation is found inappropriate, the independent evaluation shall be conducted at the district's expense.

(4) The Department of Education shall establish by rule procedures to protect the rights of the child whenever the parents or guardians of the child are unknown or unavailable, or the child is a ward of the state. Whenever the parents of the child are unknown or unavailable or the child is a ward of the state, an individual, who is not an employe of the department or the educational unit involved in the education or care of the child, shall be appointed to act as a surrogate for the parents or guardian of the child. The Department of Education shall appoint the surrogate from a list of nominees submitted by the State Advisory Council for Handicapped Children, the Oregon Developmental Disabilities Council and the Commission for the Blind. However, if no lists are submitted the department shall appoint a suitable person as surrogate

(5) Notwithstanding ORS 183 480, if the decision of the school board is appealed, the Superintendent of Public Instruction shall conduct an impartial review and render an independent decision on the record compiled at the hearing and shall enter a final order sustaining or reversing the decision of the school board

(6) Any party aggrieved by the final order rendered under subsection (5) of this section shall have the right to bring it to review by the Court of Appeals pursuant to ORS 183.480

(7) During any proceedings the child shall remain in the then current educational program placement, or if applying for initial admission to a public school, with consent of the parent, guardian or surrogate shall be

placed in the public school program until all proceedings are completed. The school district and the parents, guardian or surrogate may agree otherwise than as provided in this subsection for the provision of appropriate educational services.

(8) Any decision of the school board relating to a child being placed in, transferred from or denied placement in a special education program is subject to appeal not more frequently than once each school year.

(9) Nothing in this section is intended to prevent the temporary exclusion of a pupil from the public schools if the condition or conduct of the pupil constitutes an imminent danger to the health or safety of the pupil or to others.

[1975 c 621 §§12,13, 1977 c 530 §1]

343.080 [Repealed by 1953 c 110 §2]

343.085 Tuition prohibited. 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]

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 understand-

ing 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 [1965 c 100 §396 (enacted in lieu of 343 211), 1969 c 291 §1, 1975 c 621 §4, renumbered 343 035]

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 required.

In order to provide special education for handicapped children, the district school board of any school district in which there are children under 21 years of age who require special education:

(1) Shall submit an annual projected activities and cost statement to the Superintendent of Public Instruction for a program of special education for the district's handicapped children. The proposed district program shall include provisions for providing special education and related services and be designed to meet the unique needs of all resident handicapped children

(2) Shall provide special education for such children consistent with the projected activities and cost statement

(3) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with another school district or an education service district if

(a) The district school boards jointly agree to provide special education

(b) The school districts within the education service district approve the contract by a

resolution adopted in the manner provided in subsection (2) of ORS 334.175.

(c) Any school district within the education service district contracts with the education service district in the manner provided in subsection (3) of ORS 334.175 for such special education

(4) May contract with private agencies or organizations approved by the State Board of Education for special education

(5) May use the clinical services of public agencies which provide diagnostic and evaluation 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, 1975 c 621 §6, 1977 c 529 §1]

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 How eligibility determined; when medical or visual examination may be required. (1) In order to receive special education, a handicapped child shall be determined eligible for such services under a school district program approved under ORS 343 045 and as provided under ORS 343 221. Eligibility requires a determination made on the advice of qualified educational and medical authorities which shall include a medical examination and parental consent as specified in ORS 343 077 However

(a) The district school board may waive a medical examination of children whose eligibility is being considered for special education because of speech defects, learning problems or mild behavioral 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) 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 a state board of medical examiners, and (b) in the case of the visual examination, by an ophthalmologist or optometrist licensed by a state board

[1965 c 100 §398, 1975 c 621 §5]

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 a school district or to the education service district board, to the county school board or to the administrative school district board having jurisdiction over an entire county. A district which assumes such responsibility shall be reimbursed for the costs thereof from funds provided for special education.

[1965 c.100 §401, 1975 c.621 §7]

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 Parts)]

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 hospitals for the mentally ill, the University of Oregon Health Sciences Center hospitals and clinics, Shriners Hospital for Crippled Children, and Easter Seal School and Treatment Center 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 a 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, 1975 c.621 §8, 1975 c.693 §2]

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 Parts)]

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 Teacher Standards and Practices Commission 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 to school districts and to handicapped children. Funds appropriated for education of 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, 1975 c.621 §9]

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 343 035 and 343 221 shall be made subject to the following provisions:

(1) A district shall submit by June 30 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 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 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 claim of a district for reimbursement, he shall reimburse the district in addition to the Basic School Support Fund 30 percent of the approved cost of providing special education for the school year for which reimbursement is claimed, or its equal prorated share of funds available, but not to exceed 30 percent of the district's approved

cost of special education. If an education service district provides the special education programs, the superintendent shall reimburse the education service district 30 percent of the approved cost of providing special education for the school year for which reimbursement is claimed, or its equal prorated share of funds available, but not to exceed 30 percent of the education service district's approved cost of special education

(4) Beginning with the 1977-1978 school year, the Superintendent of Public Instruction may distribute the funds provided for the education of handicapped children as provided in this chapter on an advance payment system which would allow him to distribute these funds in the year in which the expenses occurred. Computation of the amounts due each district operating a special education program shall be made by the Superintendent of Public Instruction pursuant to rules of the State Board of Education. The rules shall establish a method of computation and payment

(5) A school district which provides special education by paying tuition for an eligible, resident handicapped child to a private school for handicapped children approved by the State Board of Education and which expends more on tuition than the regular per capita cost for educating nonhandicapped pupils in the district, may claim reimbursement for the amount such special education tuition costs exceed the per capita cost of the district

(6) Districts may not claim state reimbursement under ORS 343 035 to 343.055, 343 077, 343.221 to 343 271 and 343 281 to 343 295 for the per capita cost assessments for the education of resident handicapped pupils in a state operated or state supported school (a) under ORS 343 305 and 343 307 or (b) in cases where a per capita cost assessment is billed directly to the district.

(7) Where minimum determination of the eligibility of a child for special education requires a determination by qualified medical authorities or optometrists, as specified in ORS 343 227 or requires an evaluation under the provisions of subsection (5) of ORS 343 221, the cost of such determination may be claimed for reimbursement by the district when such cost is incurred by the district.

(8) Approved costs for special education mean all expenditures approved by the Superintendent of Public Instruction in accordance with administrative regulations established by the State Board of Education made by a school district or education service district for

providing instructional services for handicapped children in, or in addition to, regular classes

(9) The cost of state supported programs for handicapped children in ORS 343.236, 343 261 and 343 271, for which operation and administration is delegated through contractual agreements to school districts, education service districts or state institutions of higher learning, shall be reimbursed from funds provided for that purpose

[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, 1975 c 621 §10, 1977 c 714 §7]

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 to match federal funds. 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, 1975 c 621 §11]

343.287 State Advisory Council for Handicapped Children. (1) There is created a State Advisory Council for Handicapped Children, consisting of not less than nine members appointed by the Superintendent of Public Instruction. Members must include handicapped individuals, parents or guardians of handicapped children, educators of handicapped children, state and local education officials, administrators of programs for handicapped children and other persons associated with or interested in the education of handicapped children. 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 Handicapped Children shall review aspects of the state-wide program of education of the handicapped and advise the Superintendent of Public Instruction and the State Board of Education on such programs. The council also shall advise the Superintendent of Public Instruction and the State Board of Education of unmet needs in the education of handicapped children, comment publicly on any rules or regulations proposed for issuance by the Department of Education concerning special education and the distribution of funds for

special education, and shall assist the state in developing and reporting data and evaluations concerning special education

(3) Terms of office shall be three years with one-third of the members being appointed each year

(4) Out of the funds appropriated to the Department of Education, the department shall reimburse members for necessary travel and other expenses under ORS 292.210 to 292 288

[Formerly 343 530, 1977 c 30 §1]

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]

343.293 Local advisory council on special education. (1) Every school district, combination of districts or education service district that operates or plans to operate a program of special education under ORS 343 035 and 343 221 may appoint one or more local advisory councils consisting primarily of parents of children being served in special education programs.

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

[Formerly 343 525]

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)]

343.295 Document of successful completion. The school district shall award to handicapped children a document certifying successful completion of program requirements. No document issued to handicapped children educated in full or in part in a special education program shall indicate that the document is issued by such a program.

[1975 c 621 §3]

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 [1959 c 58 §1, 1965 c 100 §408, repealed by 1975 c 621 §17]

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 and 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 enacted into law by

the Legislative Assembly but were not added to or made a part of ORS chapter 343 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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 In-

struction 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: 343 404 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 343 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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

343.410 [1955 c.658 §2, 1961 c.541 §1, 1965 c.100 §413, 1971 c.96 §1, repealed by 1975 c.621 §17]

EARLY CHILDHOOD EDUCATION

343.415 Definitions for ORS 343.415 to 343.435. As used in ORS 343.415 to 343 435

(1) "Approved program" means an early childhood education program approved by the Department of Education.

(2) "Early childhood education" means educational programs that conform to the standards adopted by the State Board of Education and that are designed for the education and training of children who are at least three years of age but have not passed their ninth birthday, and includes all special educational programs established and operated under this chapter.

[1975 c.455 §2]

343.420 [1955 c.658 §1, 1961 c.541 §2, 1965 c.100 §414, repealed by 1975 c.621 §17]

343.425 Operating guides; approval.

(1) The Department of Education shall prepare operating guides for early childhood education programs applicable to programs under ORS 343 415 to 343.435 that are consistent with requirements imposed by the State Board of Education for grades kindergarten through three

(2) The Department of Education shall review applications for approval of early childhood education programs and may approve those prekindergarten programs after considering

(a) The educational adequacy and type of program

(b) The number of children who will be served by the program

(c) The availability of trained personnel and facilities

(d) The need for the program in the applying district

[1975 c.455 §3]

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

343.435 How district may provide early childhood education. Subject to the approval of the Superintendent of Public Instruction

(1) The district school board of any school district in which there are resident children who are three years of age or older but who have not attained compulsory attendance age and who are not enrolled in a kindergarten of the district may

(a) Provide early childhood education for such children as part of the district's educational program, or

(b) When the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for instruction of such children in a school district operating an approved early childhood education program, subject to such reimbursement as the districts may agree.

(2) An education service district may operate an approved early childhood education program in the same manner as programs are provided under ORS 334.175 or 334.185 [1975 c 455 §4]

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 [1965 c 100 §418 (enacted in lieu of 343 440), repealed by 1975 c 621 §17]

343.445 [1965 c 100 §416, repealed by 1975 c 621 §17]

343.450 [1955 c 658 §8, 1961 c 541 §5, 1963 c 570 §25b, 1965 c 100 §419, repealed by 1975 c 621 §17]

343.460 [1955 c 658 §10, 1959 c 182 §2, 1961 c 541 §6, 1963 c 570 §25c, 1965 c 100 §420, repealed by 1975 c 621 §17]

343.470 [1955 c 658 §11, 1959 c 182 §3, 1961 c 541 §7, 1963 c 570 §26, 1965 c 100 §421, 1969 c 544 §8, repealed by 1975 c 621 §17]

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

343.490 [1955 c 658 §13, 1965 c 100 §422, 1965 c 358 §1, repealed by 1975 c 621 §17]

343.500 [1955 c 658 §§4, 5, 1957 c 219 §2, 1961 c 541 §9, 1965 c 100 §390, renumbered 343 055]

343.505 [1971 c 602 §2, repealed by 1975 c 621 §17]

343.509 [1971 c 602 §3, repealed by 1975 c 621 §17]

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

343.515 [1971 c 602 §4, repealed by 1975 c 621 §17]

343.519 [1971 c 602 §10, repealed by 1975 c 621 §17]

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

343.525 [1971 c 602 §8, 1975 c 621 §14, renumbered 343 293]

343.530 [1971 c 602 §9, 1975 c 621 §15, renumbered 343 287]

343.535 [1971 c 602 §5, repealed by 1975 c 621 §17]

343.540 [1971 c 602 §6, repealed by 1975 c 621 §17]

343.545 [1971 c 602 §7, repealed by 1975 c 621 §17]

343.550 [1971 c 602 §15, repealed by 1975 c 621 §17]

343.552 [1959 c 218 §1, 1965 c 100 §423, 1965 c 237 §1, 1969 c 109 §1, repealed by 1975 c 621 §17]

343.554 [1959 c 218 §§2, 3, 10, 1963 c 570 §27, 1965 c 100 §424, 1965 c 237 §2, 1971 c 602 §12, repealed by 1975 c 621 §17]

343.556 [1959 c 218 §§4, 8, 9, 1965 c 100 §425, 1965 c 237 §3, repealed by 1975 c 621 §17]

343.558 [1959 c 218 §5, 1965 c 100 §426, 1965 c 237 §4, 1971 c 602 §13, repealed by 1975 c 621 §17]

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: 343 650 to 343 680 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 343 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

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 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 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 (5) 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, 1975 c 682 §9]

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 education service 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 [Formerly 343 390, amended by 1965 c 100 §434, repealed by 1975 c 693 §21]

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

- (a) The Children's Farm Home,
- (b) Albertina Kerr Center;
- (c) The Salvation Army White Shield Home,
- (d) Christie School;
- (e) Edgefield Lodge,
- (f) Parry Center;
- (g) St. Mary's School,
- (h) Villa Gerard;
- (i) Villa St. Rose;
- (j) Waverly Children's Home;
- (k) The Boys and Girls Aid Society of Oregon,
- (l) The Pacific Child Treatment Center;
- (m) The JANIS Project;
- (n) Poyama Land;
- (o) The Child Center;
- (p) Grande Ronde Child Center,
- (q) Southern Oregon Child Study and Treatment Center,
- (r) Mid-Columbia Children's Center,

(s) Cascade Child Study and Treatment Center,

(t) Lincoln County Child Day Treatment Center; and

(u) Southern Oregon Adolescent Study and Treatment Center.

The Children's Services Division of the Department of Human Resources shall be responsible for payment of the cost of such education. The payments may be made to the local school district, or at the discretion of the local school district, to the district providing the education as set forth in subsection (2) of this section, from the funds appropriated for the purpose.

(2) Such education may be provided by the school district in which the agency is located or the school district must cause the education to be provided by an adjacent school district or by the education service district in which the program is located or one contiguous thereto. The instruction may be given in facilities of such districts or in facilities provided by such agency.

(3) The children covered by this section shall be enumerated in the average daily membership 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

(4) The acceptable items for educational program costs shall be the same as those items approved for special educational reimbursement to local school districts in this chapter

(5) The local school district may request the Children's Services Division to combine several private agency school programs into one contract with a school district, adjacent school district, or an education service district

[Formerly 343 950 and then 326 510, 1975 c 620 §1, 1977 c 251 §1, 1977 c 586 §1]

Note: 343 960 and 343 965 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 343 by legislative action. See the Preface to Oregon Revised Statutes for further explanation

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 for 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.

(3) School districts which provide the education described in ORS 343.960 on a year-round plan may apply for 25 percent of the funds appropriated therefor on July 1, October 1, January 1, and 15 percent on April 1. The balance may be paid whenever the full determination of cost is made.

[1973 c 708 §2, 1975 c 50 §1]

Note: See note under 343 960

343.975 State board responsibility for education for children at state hospitals and training centers. (1) The State Board of Education shall be responsible for approving the educational program meeting standards established by the board for children living in or under the care of the state hospitals and training centers for the mentally retarded.

(2) The Mental Health 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.

[1975 c 590 §2]

343.980 State board responsibility for education for children under Children's Services Division. (1) The State Board of Education shall be responsible for approving the educational programs meeting standards established by the board for children living in or under the care of Children's Services Division juvenile training schools and camps as defined under ORS 420 005.

(2) 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.

[1975 c 590 §3]

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,
October 1, 1977

Thomas G Clifford
Legislative Counsel

