

TITLE 30

EDUCATION AND CULTURAL FACILITIES

- Chapter 326. State Administration of Elementary and Secondary Education
327. State Financing of Elementary and Secondary Education
328. Local Financing of Education
330. Boundary Changes; Administrative School Districts
331. School District Elections
332. Local Administration of Education
333. County Unit System
334. Education Service Districts
335. High Schools
336. Conduct of Schools Generally
337. Textbooks; Curriculum Improvement
339. School Attendance; Admission; Discipline
341. Community Colleges
342. Teachers and Other School Personnel
343. Special Educational Programs
344. Career and Vocational Education and Rehabilitation
345. Private Schools
346. Education and Rehabilitation of Blind and Deaf
348. Student Aid; Educational Coordination
351. Higher Education Generally
352. Institutions of Higher Education
354. Educational Television and Radio; Translator Districts
357. Libraries and Archives
358. Museums; Historical Society Funds; Preservation of Historical Properties and
Objects
359. Arts Commission
-

Chapter 326

1979 REPLACEMENT PART

State Administration of Elementary and Secondary Education

STATE BOARD OF EDUCATION

- 326.011 Policy
- 326.021 State Board of Education; members; confirmation; terms; reappointment; qualifications; removal
- 326.031 Interim appointments; vacancies
- 326.041 Meetings; election and term of chairman; compensation and expenses
- 326.051 Board functions
- 326.061 Questions and disputes submitted to board by superintendent
- 326.075 Cooperation with the Oregon Educational Coordinating Commission; compliance with commission decisions
- 326.081 State plan for utilization of data processing systems; review and approval of local plans

DEPARTMENT OF EDUCATION

- 326.111 Department of Education; composition; functions

SUPERINTENDENT OF PUBLIC INSTRUCTION

- 326.305 Term of Superintendent of Public Instruction
 - 326.310 Superintendent's educational duties
 - 326.320 Publications; fees; accounting
 - 326.330 Deputy Superintendent of Public Instruction; appointment; powers
- #### INTELLECTUAL PROPERTY
- 326.520 Acquisition of intellectual property by board
 - 326.530 Management, development and disposition of intellectual property
 - 326.540 Revenue from intellectual property; Board of Education Invention Fund; purpose

MISCELLANEOUS

- 326.550 Equivalency certificates; fees; accounting

CROSS REFERENCES

Organization, management and extension of credit unions taught in public schools, 723 802
 Private schools offering residential programs for children, annual review, 418 327

326.021

Forfeiture of office for nonattendance at meetings, 182 010
 Majority may transact business, 174 130

326.041

Meeting, joint with Oregon Educational Coordinating Commission and State Board of Education, 348 890

326.051

Apprenticeship and training course policies, 660 162, 660 167
 Approval of schools granting degrees, 348 835
 Career and vocational education, advice from state advisory council, 344.235
 Community college guidelines, 341 015
 Development of nondiscriminatory courses of study to improve instructional effectiveness, state board to stimulate, 336 082
 Educational Coordinating Commission, Oregon, 348 715
 Employment and counseling program under U S Manpower Development and Training Act, 658 505 to 658 555
 Employment of student-learners, state board rule to certify eligible employers, 653 070
 Imposition of sanctions against schools which discriminate, 659 155
 Private schools, advisory committee, 345 575
 Pupil conduct, minimum standards, 339 240
 Standards of adequacy of service, established by state department for education service districts, 334 217
 Textbooks
 Criteria for review and selection, established by state board, 337 035

Ratification or rejection of State Textbook Commission selections, 337 055

326.075

State-wide comprehensive education plan, post-secondary programs, 341.018

326.111

Apprenticeship and training programs, 660.160
 Bus construction standards adopted by Department of Education, 485 010
 Public purchasing law applicability, 279 712

326.310

Acceptance and distribution of donated commodities to elderly, 327 523
 Acceptance and distribution of donated commodities to schools, 327 520
 Deaf and blind children, training and educational services, duties of superintendent, 346 010
 Exemption from lobbying regulation, 171 735
 Finding that school closure will occur, necessitating special levy election, 255 355
 Superintendent of Public Instruction:
 Constitutional provision for office, Const Art VIII, §1
 Salary, 292.313

326.330

Deputy and assistant superintendents under Merit System Law, 240 205

326.520

Intellectual property, acquisition of by State Board of Higher Education, 351.220
 Title to property acquired by state agency to be taken in name of state, 279.711

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

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

STATE BOARD OF EDUCATION

326.011 Policy. In establishing policy for the administration and operation of the public elementary and secondary schools and public community colleges in the State of Oregon and in carrying out its duties as prescribed by law, the State Board of Education shall consider the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system and community college program. [1965 c 100 §1; 1971 c.513 §8]

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

326.021 State Board of Education; members; confirmation; terms; reappointment; qualifications; removal. (1) The State Board of Education shall consist of seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.570. No person may be appointed after December 31, 1971, to serve consecutively more than two full terms as a board member.

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

(3) The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing. [1965 c.100 §3 (enacted in lieu of 326 060); 1969 c 695 §4; 1971 c.485 §1]

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

326.031 Interim appointments; vacancies. (1) Appointments made in the interim between legislative sessions are subject to approval by the Senate Committee on Executive Appointments under ORS 171.560.

(2) Appointments made to fill vacancies occurring prior to expiration of a term shall be

for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists. [1965 c.100 §4]

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

326.041 Meetings; election and term of chairman; compensation and expenses.

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

(2) Each June the board shall elect one of its members to serve as chairman of the board for one year commencing July 1. In case the chairmanship of the board is permanently vacated for any reason, the board may elect a new chairman to serve until the June 30 next following.

(3) A member is entitled to compensation and expenses as provided in ORS 292.495.

[1965 c.100 §5; 1967 c 507 §3; 1969 c.314 §21; 1971 c.656 §1]

326.050 [Repealed by 1957 c 124 §3]

326.051 Board functions. (1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS 183.310 to 183.500, the State Board of Education shall:

(a) Establish state standards for public kindergartens and public elementary and secondary schools, considering first the goals of modern education and the requirements of a sound comprehensive curriculum with particular emphasis on establishment of the highest practical scholarship standards and, in secondary schools, establishment of academic standards necessary to enable students to attend community colleges and institutions of higher education both within and without the State of Oregon, and considering also the health, safety, and scholastic needs of the students, the population, climate, economy and geography of the school districts and any other factors necessary to the maintenance of a modern and efficient school system.

(b) Adopt rules for the general governance of public kindergartens and public elementary and secondary schools and public community colleges.

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interschool activities. Such rules shall provide that no public elementary or secondary school shall discriminate as to sex, race, marital status, religion or national origin in determining participation in interschool activities. Discrimination is as defined in ORS 659.150.

(2) The State Board of Education may:

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

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

(c) Administer the state program provided for in Public Law 90-302 (82 Stat. 117). [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975 c.459 §1; 1975 c.605 §17a]

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

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

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

326.061 Questions and disputes submitted to board by superintendent. The Superintendent of Public Instruction may submit any question referred to him under

subsection (3) of ORS 326.310 to the State Board of Education which shall then decide the question pursuant to the provisions of ORS 183.310 to 183.500. [1965 c.100 §8]

326.063 [Repealed by 1965 c.100 §456]

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

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

326.071 [Formerly 326.120; repealed by 1977 c.306 §1]

326.075 Cooperation with the Oregon Educational Coordinating Commission; compliance with commission decisions. The State Board of Education shall cooperate with the Oregon Educational Coordinating Commission in the development of a state comprehensive education plan including elementary, secondary and community college education and in review of the board's programs and budget as provided in ORS 348.705 to 348.825. The board shall submit in timely fashion to the commission such data as is appropriate in a form prescribed by the commission. The board shall comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations determined by the commission to have a significantly adverse impact on one or more segments of education other than elementary, secondary and community college education. [1975 c.553 §8]

326.080 [Repealed by 1965 c.100 §456]

326.081 State plan for utilization of data processing systems; review and approval of local plans. (1) The State Board of Education shall develop a state plan to insure the effective utilization of computerized automated data processing systems by common and union high school districts, education service districts and community college districts. The plan developed shall insure compatibility of data systems, procedures and equipment, shall avoid duplication of effort, and seek to achieve the most economical use of such equipment and systems.

(2) After July 1, 1971, districts utilizing or planning to utilize computerized automated data processing systems, whether through the purchase or rental of equipment or through the purchase of services, shall submit to the State Board of Education a long-range plan for the utilization of the existing or proposed system.

(3) The State Board of Education shall review each plan submitted to determine whether it is consistent with the state plan developed pursuant to subsection (1) of this section and shall approve the plan or cause such revision in the plan as is deemed necessary to make the plan consistent with the state plan. No district shall utilize a computerized automated data processing system that has not been approved by the state board.

(4) Nothing in this section is intended to require any district to purchase or rent equipment or purchase services for computerized automated data processing systems. [1971 c.656 §2]

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

326.095 [Formerly 326 030; repealed by 1965 c 100 §456]

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

326.102 [1953 c 266 §1, renumbered 326.520]

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

326.106 [1953 c 266 §3, renumbered 326 540]

326.110 [Repealed by 1965 c.100 §456]

DEPARTMENT OF EDUCATION

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

(2) The Department of Education shall consist of:

- (a) The State Board of Education;
- (b) The State Textbook Commission;
- (c) Such other agencies and officers as are added by law to the Department of Education; and
- (d) The administrative organizations and staffs required for the performance of the department's functions.

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency. [1965 c.100 §10; 1967 c 552 §22]

326.120 [Amended by 1965 c 100 §9, renumbered 326 071]

326.130 [Repealed by 1965 c.100 §456]

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

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

SUPERINTENDENT OF PUBLIC INSTRUCTION

326.305 Term of Superintendent of Public Instruction. The Superintendent of Public Instruction shall be elected for a term of four years. [1979 c.190 §397]

326.310 Superintendent's educational duties. The Superintendent of Public Instruction shall exercise, under the direction of the State Board of Education, a general superintendence of school officers and the public schools. In carrying out his duties, the Superintendent of Public Instruction shall:

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

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

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

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

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

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

(7) Perform such other functions as may be necessary to the performance of his duties. [1965 c 100 §11]

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

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

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

(3) Except as otherwise provided by law or by rules of the State Board of Education, establish and collect fees for supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups. Such charges shall not exceed costs of production plus mailing and other distribution costs.

(4) Deposit all moneys received under subsection (3) of this section in the State Treasury. Such moneys shall be credited to the Department of Education Education Cash Account and are continuously appropriated. The Department of Education shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [1965 c.100 §12; 1979 c 570 §1]

326.330 Deputy Superintendent of Public Instruction; appointment; powers. The Superintendent of Public Instruction may appoint one Deputy Superintendent of Public Instruction, for whose acts the superintendent shall be responsible. The deputy may perform any act or duty of the office of Superintendent of Public Instruction except that he shall not act as a member of any board or commission of which the superintendent is a member. [1965 c.100 §13]

326.510 [Formerly 343 950; 1973 c 708 §1; renumbered 343.960]

INTELLECTUAL PROPERTY

326.520 Acquisition of intellectual property by board. The State Board of Education may acquire intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inven-

tions, discoveries, processes and ideas. Such property may be acquired:

(1) By gift.

(2) By outright purchase with money in the Board of Education Invention Fund or otherwise made available for such purpose.

(3) By assignment pursuant to a contract whereby the board undertakes to aid in the development of the assigned property and to pay the assignor a share of any money received on account of its ownership or management thereof. [Formerly 326.102]

326.530 Management, development and disposition of intellectual property.

(1) The State Board of Education may manage, develop or dispose of property acquired under ORS 326.520 in any manner deemed by the board to be in the public interest. The board may contract with any person regarding such management, development or disposition.

(2) The board may determine the terms and conditions of any transaction authorized by ORS 326.520 to 326.540 and need not require competitive bids in connection therewith. No formal publicity or advertising is required regarding property for the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate pertinent information in appropriate research and industrial circles.

(3) If the board deems it inadvisable to proceed with the development or management of property acquired under ORS 326.520, it may reassign such property to the person from whom it was acquired upon being compensated for any expenditure made on account of such property. [Formerly 326.104]

326.540 Revenue from intellectual property; Board of Education Invention Fund; purpose. (1) Money received by the State Board of Education as a result of ownership or management of property acquired under ORS 326.520 or of transactions regarding such property shall be deposited in the State Treasury and credited to a special fund separate and distinct from the General Fund and designated "Board of Education Invention Fund."

(2) The moneys in the Board of Education Invention Fund hereby are appropriated to the board for the following purposes:

(a) To pay the agreed share of an assignor of intellectual property.

(b) For the advancement of research in an institution under its control.

(c) For the acquisition, management or development of intellectual property. [Formerly 326.106]

residence and other relevant qualifications for applicants.

(3) The Department of Education may utilize its personnel and facilities for the administration of this section, and the State Board of Education may establish a nonrefundable application fee not to exceed \$5. The fee may be waived by the State Board of Education in case of hardship.

MISCELLANEOUS

326.550 Equivalency certificates; fee; accounting. (1) The Superintendent of Public Instruction may issue appropriate certificates evidencing equivalency to persons who demonstrate, by satisfactory performance in tests prescribed under subsection (2) of this section or by meeting the requirements of any prescribed evaluative procedure, educational achievement equivalent to that ordinarily attained upon completion of the eighth grade or of the twelfth grade and payment of the prescribed fee, if any.

(2) The State Board of Education may prescribe tests and other appropriate evaluation procedures for the purposes of subsection (1) of this section and may establish age,

(4) All moneys received under this section shall be deposited in the State Treasury to the credit of the Department of Education and shall be used exclusively for administration of this section. The Department of Education shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [Amended by 1967 c.571 §1, 1979 c.386 §1; 1979 c.570 §2]

326.990 [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, 1979

Thomas G. Clifford
Legislative Counsel

