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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326 020 [Amended by 1961 c 624 §2, 1963 c 544 §15, repealed by 1965 c 100 §456]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 171 562 and 171 565 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, 1985 c 565 §56]

326 030 [Amended by 1961 c 624 §3, renumbered 326 095]

326.031 Vacancies. 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, 1985 c 565 §57]

326.040 [Amended by 1957 c 124 §1, repealed by 1965 c 100 §456]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 183 550, 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 programs and academic standards necessary to enable students to attend community colleges, institutions of higher education and vocational and technical programs and to enter employment 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 career education purposes, for vocational educational purposes, for adult education, for manpower programs 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, 1981 c 91 §1]

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 under ORS 326 310 (3) to the State Board of Education which shall then decide the question pursuant to the provisions of ORS 183 310 to 183 550 [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 Com-

mission 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 [1971 c 656 §2, repealed by 1985 c 388 §3]

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 the duties of office, 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 the superintendent may consider advisable for the advancement of education and for the information of the State Board of Education

(5) Appoint, subject to the State Personnel Relations Law and with the approval of the State Board of Education, such personnel as may be necessary for the performance of the duties of the office of the superintendent. 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 the duties of the superintendent [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 the deputy 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, inventions, 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]

MISCELLANEOUS

326.550 Equivalency certificates; how fee determined; accounting. (1) The Super-

intendent 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, 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 by rule a nonrefundable application fee. The fee may be waived by the State Board of Education in case of hardship.

(4) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fee established under subsection (3) of this section shall not exceed the cost of administering the program, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly.

(5) 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, 1983 c 159 §1]

326.560 State department as applicant for certain federal fund. The Department of Education shall be the state's applicant agency for chapter 1 of the federal Education Consolidation and Improvement Act of 1981 programs for neglected or delinquent students [1985 c 464 §1]

Note Section 52, chapter 816, Oregon Laws 1985, provides:

Sec 52 (1) The Department of Education shall design a comprehensive educational program concerning the short and long term health risks of using tobacco products. The program may include, but is not limited to, the training of teachers and the development of instructional materials for use in the schools. The department also may consider development of materials designed to educate the general public.

STATE ADMINISTRATION

(2) The Department of Education shall submit the program described in subsection (1) of this section to the Emergency Board for its approval. If approved, the Emergency Board may release an amount adequate for the 1985-1987 biennium to fund the program.

326 990 [Repealed by 1965 c 100 §456]

EDUCATION AND CULTURAL FACILITIES
