Chapter 339

1987 REPLACEMENT PART

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DEFINITION

339.005 Definitionfor ORS 339.040 and 339.125. As used in ORS 339 040 and 339 125, unless the context requires otherwise, "administrative office for the county" means the administrative office of the education service district, of the county school district or of the administrative school district which includes an entire county [1965 c 100 §273, 1973 c 728 §3 1987 c 158 §56]

COMPULSORY SCHOOL ATTENDANCE

339.010 School attendance required; age limits. Except as provided in ORS 339 030, all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school of the school district in which the child resides [Amended by 1965 c 100 §274]

339.020 Duty to send children to school. Except as provided in ORS 339 030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term [Amended by 1965 c 100 §275 1969 c 160 §1]

339.030 Exemptions from compulsory school attendance. In the following cases, children shall not be required to attend public full-time schools

(1) Children between the ages of 16 and 18 years who are lawfully employed full time, who are lawfully employed part time and in school part time, who are attending a community college, or are engaged in activities equivalent to the preceding

(2) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools

(3) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools

(4) Upon determination pursuant to criteria of the State Board of Education that a child is suffering from physical or mental illness or disease of such severity as to make the presence of the child in a school facility or travel to and from such facility impossible or dangerous to the health of the child or the health of others, the public schools shall provide the child either home, hospital, institutional or other regularly scheduled and suitable instruction meeting standards of the State Board of Education unless such child is receiving suitable instruction in a state or regional facility or institution

(5) Children being taught for a period equivalent to that required of children attending public schools by a parent or private teacher the courses of study usually taught in grades 1 through 12 in the public school

(6) Children excused by the district school board of the district in which the children reside The district school board has authority to excuse a child from compulsory attendance if the child has completed the first eight grades

(7) Children excluded from attendance as provided by law

(8) Children between the ages of 16 and 18 years who have the mutual consent of the school administration and the parent or other individual having custody or legal guardianship over a child [Amended by 1965 c 100 §276, 1967 c 67 §8, 1971 c 494 §1, 1973 c 728 §1, 1985 c 579 §1]

339.035 Teaching by private teacher or parent; notice; examination; effect of failure; appeal. (1) As used in this section, unless the context requires otherwise, "superintendent" means the executive officer of the education service district or the county school district serving the school district of which the child is a resident

(2) Before a child is taught by a parent or private teacher, as provided in ORS 339 030 (5), the parent or private teacher must notify the superintendent in writing The superintendent shall acknowledge receipt of the notification in writing and inform the superintendent of the school district of the child's residence The notification must be received and acknowledged before a child is withdrawn from school and thereafter before the start of each school year

(3) Children being taught as provided in subsection (2) of this section shall be examined annually in the work covered in accordance with the following procedures

(a) The State Board of Education shall adopt by rule a list of approved comprehensive examinations which are readily available

(b) The parent shall select an examination from the approved list and arrange to have the examination administered to the child by a qualified neutral person, as defined by rule by the State Board of Education

(c) The parent shall submit the results of the examination or the completed examination to the superintendent If a completed examination is submitted, the superintendent shall have it scored and shall notify the parent of the results

(d) If the superintendent determines after examining the results of the examination that the child is not showing satisfactory educational progress, as defined by rule by the State Board of Education, the superintendent may order the parent or other person having control of the child to send the child to school for the remainder of the school year

(e) The parent or other person having control of the child may appeal the order to the Superintendent of Public Instruction, whose decision in the matter may be appealed to the circuit court [1985 c 579 §2]

339.040 Attendance supervisors; appointment; compensation. (1) The executive officer of the administrative office for the county shall appoint one person to act as the attendance supervisor for school districts having a school census of less than 1,000 children in the county The attendance supervisor shall perform duties under the direction of the administrative office for the county The attendance supervisor shall receive as compensation for services a sum fixed by the governing body of the county and allowed and paid in the same manner as the salaries of county officers are paid

(2) District school boards of districts having a school census of 1,000 or more children, according to the latest school census, shall appoint attendance supervisors and fix and pay their compensation

(3) The administrative office for the county, upon written application from the district school board in any school district having a school census of more than 200 and less than 1,000 children, according to the latest school census, shall grant such district permission to appoint attendance supervisors and fix their compensation and pay

(4) For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located [Amended by 1965 c 100 §277]

339 050 [Amended by 1965 c 100 §278, repealed by 1965 c 136 §1]

339.055 Duties of attendance supervisors. The attendance supervisor when notified of a truancy or unexcused absence shall investigate the truancy or nonattendance at school If the child is not exempt from compulsory school attendance, the attendance supervisor shall proceed as provided in ORS 339 080 and 339 090 [Formerly 339 100]

339 060 [Repealed by 1965 c 100 §456]

339 065 Estimates of attendance; irregular attendance; excused absences. (1) In estimating regular attendance for purposes of the compulsory attendance provisions of ORS 339 005 to 339 030 and 339 040 to 339 145, 339 420 and 339 990, the principal or teacher shall consider all unexcused absences Eight unexcused one-half day absences in any four-week period during which the school is in session shall be considered irregular attendance

(2) An absence may be excused by a principal or teacher if the absence is caused by the pupil's sickness, by the sickness of some member of the pupil's family or by an emergency A principal or teacher may also excuse absences for other reasons where satisfactory arrangements are made in advance of the absence

(3) Any pupil may be excused from attendance by the district school board for a period not to exceed five days in a term of three months or not to exceed 10 days in any term of at least six months Any such excuse shall be in writing directed to the principal of the school which the pupil attends [1965 c 100 §281, 1973 c 728 §4, 1987 c 158 §57]

339 070 [Repealed by 1963 c 544 §52]

339.080 Nonattendance notice to parents and school officials. (1) Except as provided in ORS 339 030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person The notice shall state that the child must appear at the public school on the next school day following the receipt of the notice The notice shall inform the parent or other person that regular attendance at school must be maintained during the remainder of the school year

(2) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the city superintendent or principal, as suitable, of the fact of the notice The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice [Amended by 1965 c 100 §282]

339.090 Determination of compliance with notice. The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall make a complaint alleging the parent or other person's refusal or neglect to send the child to school The complaint shall be made before a court having jurisdiction over misdemeanors committed within the county in which the parent or other person resides The judge shall issue a warrant upon the complaint and shall proceed to hear and determine the matters alleged in the complaint in the same manner the judge hears and determines other cases under the jurisdiction of the judge [Amended by 1965 c 100 §283]

339 100 [Amended by 1963 c 544 §47 1965 c 100 §279, renumbered 339 055]

339 110 [Repealed by 1965 c 100 §456]

ADMISSION OF PUPILS, TUITION AND FEES

339.115 Admission of pupils; waiver (1) Except as provided in ORS 336 165 authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 6 and 21 residing therein or all persons between the ages of 5 and 21 residing therein if the district operates a kindergarten program However, a district school board may admit other nonresident persons, determine who is not a resident of the district and may fix rates of tuition for nonresidents

(2) A child entering the first grade during the fall term shall be considered to be six years of age if the sixth birthday of the child occurs on or before September 1 A child entering kindergarten during the fall term shall be considered to be five years of age if the fifth birthday of the child occurs on or before September 1 However, nothing in this section prevents a district school board from admitting free of charge a child who is determined to be academically, socially and physically ready to enter school, as defined by policies of the district school board, to enter school even though the child has not attained the minimum age requirement but is a resident of the district

(3) District school boards may provide, by rule, that a resident child eligible to enter kindergarten or first grade at the opening of the fall term, but who does not enter within the first four weeks of such term shall be ineligible to enter school for the remainder of the school year or until another beginning kindergarten or first grade class is organized during that school year A district school board may waive the requirements of this subsection for disadvantaged children as defined by ORS 343 650 [1965 c 100 §285, 1971 c 410 §1, 1977 c 463 §1 1983 c 193 §1, 1987 c 283 §2]

339 120 [Amended by 1957 c 198 §5, repealed by 1965 c 100 §456]

339.125 Admission of nonresident pupils; costs. (1) The district school board may contract with the district school board of any other district for the admission of pupils in schools of the other district The contract shall be in writing upon forms furnished by the Department of Education Expense incurred shall be paid out of the school funds of the district sending such pupils If the district sending the pupils fails to pay the expense so incurred according to the terms of the contract, the administrative office for the county containing such school district, after satisfactory proof of such failure, shall deduct the amount of the unpaid expense from the amount due the school district at the next regular apportionment The treasurer shall pay the amount of the reduced apportionment out of the county school fund

(2) In case the school district sending the pupils is a joint district, jurisdiction shall be exercised by the administrative office for the county in which the most populous part of such district is situated, according to the latest school census The office's action in the matter is final [1965 c 100 §286]

339 130 [Amended by 1957 c 198 §6, repealed by 1965 c 100 §456]

339.135 Admission of children living in area under exclusive jurisdiction of Federal Government; effect on distribution of funds; reimbursement. (1) As used in this section, "exclusive jurisdiction" means exclusive legislative jurisdiction as described in Article I, section 8 of the Constitution of the United States

(2) Children of school age who are living in any area within which the United States Government has exclusive jurisdiction shall be admitted free of charge at adjacent public schools They may be placed on the school census of the school district in which they attend school Credit for days' attendance of such children shall accrue to the school attended for the purpose of distributing state school funds

(3) No more than the difference between the actual per pupil cost of tuition and reasonable

costs of transportation per pupil where transportation is furnished by the school district, and the average receipts of the school district per pupil from county, state and federal sources other than the local district tax shall be paid by the state from funds specifically appropriated for the program under this section

(4) If the amount appropriated for a fiscal year for the program under this section is insufficient to provide full apportionments as provided in subsection (3) of this section, the amount available shall be distributed on a pro rata basis to the claiming districts [1965 c 100 §287, 1967 c 507 §6]

339 140 [Repealed by 1965 c 100 §456]

339.145 Admission to adult education program or community college; fees. Persons 16 years of age or older and persons who have graduated from high school may enroll in the adult education program of a school district, or community college district, subject to the terms and conditions the district school board may establish [1965 c 100 §288, 1967 c 67 §9, 1971 c 494 §2]

339 150 [Amended by 1957 c 256 §1, repealed by 1965 c 100 §456]

339.155 Prohibitions of certain fees as condition of admission; allowable fees. (1) No district school board shall require payment of fees as a condition of admission to those pupils entitled under the law to free admission However, the following are not considered as conditions of admission

(a) Pursuant to ORS 336 165, but subject to ORS 336 168, tuition may be charged for courses not part of the regular school program

(b) No charge shall be made for a standard, prescribed textbook but a security deposit may be required which may be refunded if the textbook is returned in usable condition Supplemental texts shall be made available on loan

(c) A deposit may be charged for a lock for a locker

(2) A district school board may require pupils who do not furnish their own attire for physical education classes to pay an appropriate fee for uniforms provided by the district

(3) A district school board may require pupils who do not provide appropriate towels for physical education classes to pay a fee for use of towels provided by the district

(4) A district school board may require payment of fees for the use of musical instruments owned or rented by the district, the fee not to exceed the rental cost to the district or the annual depreciation plus actual maintenance cost for each instrument, except that children exempt from tuition under ORS 336 168 shall be loaned musical instruments by the school district without charge

(5) Subject to ORS 336 168, a district school board may require payments of fees in any of the following

(a) In any program where the resultant product, in excess of minimum course requirements and at the pupil's option, becomes the personal property of the pupil

(b) Admission fees or charges for extracurricular activities where pupil attendance is optional

(c) A security deposit conditioned on the return of materials, supplies or equipment including athletic equipment

(d) Items of personal use or products which a pupil may purchase such as student publications, class rings, annuals and graduation announcements

(e) Field trips considered optional to a district's regular school program

(f) Any authorized voluntary pupil health and accident benefit plan

(g) As used in this subsection, "minimum course requirements" means any product required to be produced to meet the goals of the course [1975 c 508 §1, 1977 c 99 §1, 1977 c 815 §3]

339 160 [Repealed by 1965 c 100 §456]

ADMISSION OF DEPENDENT CHILDREN

339 165 Definitions for ORS 339 165 to 339.195. As used in ORS 339 165 to 339 195, unless the context requires otherwise

(1) "Attending district" means the school district in which the dependent child attends school

(2) "Dependent child" means a child who is in any facility which is authorized to provide care for five or more children through placement by a public agency or by a private, licensed child-caring agency

(3) "Resident district" means the school district in which the parents or legal guardian, if any, of the dependent child resided at the time the child was placed by the agency If the dependent child has no parents or legal guardian, or none can be located, the child shall be considered to be resident of the district in which the child

resided at the time the child became a dependent child [1971 c 402 §1, 1973 c 327 §1, 1981 c 404 §1, 1987 c 533 §1]

339 170 [Repealed by 1965 c 100 §456]

339 175 Notice and consultation before establishing, expanding or changing group care facility. (1) Prior to establishing or expanding a group care facility for dependent children or changing the type of educational services provided or the category of dependent children being served by the facility in any school district, the authorities of the public or private agency creating or altering such a facility shall notify in writing and confer with the superintendent or the district school board of any substantially affected district to determine the impact of the additional children and services upon the facilities and program of the district

(2) The notification required by subsection (1) of this section must occur at least three months prior to the establishment or expansion of the group care facility or prior to the time when the type of educational services or category of children changes The three-month period, or any part of it, may be waived by agreement of the group care facility and the affected school district

(3) This section does not apply to temporary changes in, or expansion of, facilities of less than 30 days' duration that result from meeting emergency needs of children [1971 c 402 §2, 1979 c 836 §7, 1985 c 264 §1]

339 180 [Repealed by 1965 c 100 §456]

339.185 Admission of dependent children to school or other program where placed; tuition due from resident district; computation of tuition. (1) A dependent child, as defined in ORS 339 165, must be admitted to the public schools of the district in which the child has been placed by the public or private, licensed child-caring agency

(2) Except as provided in ORS 343 961 to 343 980, the school district shall provide or cause to be provided appropriate education to dependent children, including the identification and evaluation of such children for purposes of determining their eligibility as handicapped children to receive special education services enumerated in ORS 343 035 (4) and 343 650 (2) The education may be provided by the school district or by contract with an adjacent school district, an education service district, a private education agency, a community college, higher education programs or, if the program meets the criteria established under ORS 343 045, any other appropriate program The instruction may be given in the facilities of such districts or in facilities provided by the education agency or the child-caring agency in which the child resides Suspension or expulsion of a dependent child from a regular school program does not relieve the school district of the obligation to provide instruction in the child-caring agency in which the child resides or in another appropriate facility

(3) The attending district shall notify the Department of Education as to the number of days of attendance by each child of a resident district by July 15 following the school year The notification shall be accompanied by a signed affidavit from the agency placing the child or children, stating the period of time the child has lived in the district providing the educational service

(4) The department shall compute the costs and shall submit a bill for net tuition payment to the resident district The resident district shall remit payment directly to the attending district upon receipt of the tuition billing

(5) The attending district shall supply the names of dependent children to the department by March 1 of the year for which billing is to be made The department shall supply the names of the dependent children to the superintendent of the resident district which is billed for tuition for the dependent children To maintain confidentiality of the records, the department shall supply the names of the dependent children separate from the billing therefor

(6) The resident district may appeal its classification as "resident district" to the Superintendent of Public Instruction The superintendent shall determine the residency of the dependent children in question and the decision is final and not subject to appeal

(7) The Superintendent of Public Instruction shall determine the amount of tuition based upon the average current expenditure per resident average daily membership state wide For handicapped students determined eligible for special education under State Board of Education rules, the superintendent shall add to the tuition payment one additional tuition payment for such students receiving special education in a special class placement 60 percent of the school day or more The figure so determined shall be divided by the number of days taught in the attending district submitting the tuition notification This figure multiplied by the total days' attendance of the individual child in the attending district shall represent the tuition charge to the resident district The department shall adjust the amounts

due each district so as to cause districts to remit only the net amounts due as between districts [1971 c 402 §3, 1973 c 327 §2, 1979 c 836 §1 1983 c 731 §8, 1985 c 523 §1, 1987 c 318 §1, 1987 c 533 §2]

339 190 [Repealed by 1965 c 100 §456]

339.195 Responsibility for education of children at youth care centers; funding; enforcement. (1) Every child at a youth care center, as defined in ORS 420 855, which is operated by a private agency, is entitled to receive appropriate education suited to the needs of the child in the least restrictive environment in which the child can function until the child is no longer of compulsory school age or receives a high school diploma or an equivalent The child is a dependent child within the meaning of ORS 339 165

(2) The attending district shall provide the education in the manner described in ORS 339 185 (2) and shall develop an educational plan for the children in the youth care center in consultation with the director of the center The plan shall be submitted to the Department of Education annually In the second and subsequent years, the attending district also shall report on the operation of the previous year's plan in such detail as the State Board of Education shall specify by rule

(3) If the child described in subsection (1) of this section is at a youth care center located in the school district of which the child is a resident, the school district is responsible for the education of the child

(4) Payments from the Department of Education from funds appropriated specifically for this section shall be distributed on a per capita basis according to the number of children for whom the Children's Services Division contracts for care and rehabilitation under ORS 420 855 to 420 885 but shall exclude those for whom a handicapped billing is made under ORS 339 185

(5) In order to be eligible for any funds under subsection (4) of this section, an attending district must provide education leading to a diploma or equivalent

(6) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 339 165 to 339 195 If an attending district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327 103

(7) By January 1, 1988, the State Board of Education shall adopt rules to implement this section

(8) Nothing in this section limits or otherwise applies to educational rights of children in youth care centers operated by public agencies [1987 c 817 §2]

339 200 [Repealed by 1965 c 100 §456]

PUPIL CONDUCT AND DISCIPLINE

339.240 Rules of pupil conduct and discipline; duties of state board and district school boards. (1) The State Board of Education in accordance with ORS 183 310 to 183 550 shall prepare and promulgate to all school districts minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto Such rules must comply with minimum standards promulgated by the State Board of Education under subsection (1) of this section [1971 c 561 §§2 3]

339.250 Duty of pupil to comply with rules; discipline; alternate programs (1) Public school pupils shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority

(2) Unless otherwise specified by a district school board, a teacher may use reasonable physical force upon a student when and to the extent the teacher reasonably believes it necessary to maintain order in the school or classroom or at a school activity or event, whether or not it is held on school property

(3) The district school board may authorize the discipline, suspension or expulsion of any refractory pupil

(4) Wilful disobedience, open defiance of a teacher's authority or the use of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school

(5) Expulsion of a pupil shall not extend beyond the current term or semester unless the semester ends within such a short period of time that the expulsion would be too short to be effective However, the expulsion shall not extend beyond the second term or semester

(6) When a pupil is expelled pursuant to subsection (3) of this section, or following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with a pupil, or when it has been determined that a student's attendance pattern is so erratic that

the student is not benefiting from the educational program, a district school board shall consider and propose to the pupil prior to expulsion and document to the parent, legal guardian or person in parental relationship alternative programs of instruction or instruction combined with counseling for the pupil

(7) Upon receipt of written notice of intent to withdraw from the regular school program by a pupil 16 years of age or over for reasons other than enrolling in another educational program, a district school board shall propose to the pupil and document to the parent, legal guardian or person in parental relationship alternative programs of instruction and counseling or regular program instruction combined with counseling for the pupil [1965 c 100 §289, 1971 c 561 §1, 1975 c 665 §1 1979 c 739 §1a, 1979 c 836 §2 1981 c 246 §2]

339.253 Enrollment in alternate program of instruction; costs. (1) Pursuant to the proposal required in ORS 339 250 (6), the parent or guardian with the approval of the attending district may enroll the pupil in one of the proposed public alternative programs or the private alternative programs of instruction or instruction combined with counseling registered with the Department of Education If the child is determined to be eligible for special education under ORS 343 221 to 343 236 and 343 261 to 343 293, the program must be approved by the Department of Education prior to the placement of the pupil in the program The pupil enrolled pursuant to this subsection shall be considered enrolled in the schools of the district for purposes of the distribution of the Basic School Support Fund

(2) The alternate program in which the pupil enrolls shall notify the school district in which the pupil or the pupil's parents or legal guardian, if any, resided at the time the pupil enrolled of the child's enrollment and may bill the school district for tuition The billing may be made annually or at the end of each term or semester of the alternate program For each full-time equivalent pupil enrolled in the alternative education program, as defined in ORS 339 605, the school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per pupil net operating expenditure, whichever is lesser, in accordance with rules adopted by the State Board of Education The alternate program will be accountable for the expenditures of all basic school and other local school support funds, providing the school district with an annual statement of such expenditures [1979 c 739 §2, 1981 c 246 §3 1987 c 675 §3]

339.255 Effect of failure to propose alternative programs. (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327 103 if the district fails to cause the proposal of alternative programs to be made under ORS 339 250 (6) or (7)

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district [1979 c 836 §3 1981 c 246 §4]

339.260 Injury to school property by pupil; withholding records until damage paid, waiver; rules; inspection. (1) No pupil shall wilfully damage or injure any school property or threaten or wilfully injure any fellow pupil or faculty member

(2) A pupil who violates subsection (1) of this section may be disciplined, suspended or expelled

(3) Any school district which is owed a fee or the property of which has been lost or wilfully damaged or injured may withhold the grade reports, diploma or records of the pupil who owes the fee or is responsible for the loss or damage until the pupil or the parent or guardian of the pupil has paid the amount owed

(4) When the pupil or the parent or guardian of the pupil is unable to pay the amount owed under subsection (3) of this section, the school district may waive the amount owed

(5) The parent or guardian of such pupil shall be liable for damages as otherwise provided by law

(6) Notwithstanding subsections (3) and (4) of this section, a school district shall not withhold the records of a pupil in the circumstances described in ORS 336 195 (3) or when such records are requested by another school district for use in the appropriate placement of the pupil

(7) Before any grade reports, diplomas or records are withheld under subsections (3) or (4) of this section, a school district board of directors shall adopt rules of procedure which insure that the rights of the pupil to due process are protected

(8) Nothing in subsection (3) of this section is intended to prevent inspection of student records by a parent or legal guardian pursuant to ORS 336 195 (2) or 343 173 [1965 c 100 §290, 1971 c 561 §4, 1985 c 514 §1]

339.270 Assessment of costs of school property damage against responsible pupil or parents; action to recover; limitation. (1)

The amount of damage to any school property shall be determined by procedures established by the district school board and they may be assessed against the pupil wilfully causing the injury or damage and against the parent or parents having legal custody of the pupil

(2) If the assessed damages are not paid as demanded, the district school board, in addition to any other remedy provided by law, may bring an action under this section against the pupil and the parent or parents having legal custody of the pupil in a court of competent jurisdiction for the amount of the assessed damages not to exceed $5,000 plus costs [1971 c 561 §5, 1975 c 712 §2, 1977 c 419 §2]

339 310 [1965 c 100 §291, repealed by 1973 c 728 §6]

339 320 [1965 c 100 §292, repealed by 1973 c 728 §6]

339 330 [1965 c 100 §293, repealed by 1973 c 728 §6]

339 340 [1965 c 100 §294, repealed by 1973 c 728 §6]

339 350 [1965 c 100 §295, repealed by 1973 c 728 §6]

339 360 [1965 c 100 §296, repealed by 1973 c 728 §6]

MISCELLANEOUS

339 410 [1965 c 100 §297, repealed by 1979 c 228 §1]

339.420 Attendance at religious instruction. Upon application of the parent or guardian of the child, or, if the child has attained the age of majority, upon application of the child, a child attending the public school may be excused from school for periods not exceeding two hours in any week for elementary pupils and five hours in any week for secondary pupils to attend weekday schools giving instruction in religion [1965 c 100 §298 1973 c 827 §32, 1977 c 276 §1]

339.450 Prohibited grounds for denying participation in interscholastic athletics. No school, school district or association, whether public or private, shall deny any grade or high school student the right to participate in interscholastic athletics solely on the ground that the student transferred between schools or participated in athletics at another school [1983 c 823 §2]

ALTERNATIVE EDUCATION PROGRAM

339.605 Definition for ORS 339.605 to 339.635. As used in ORS 339 605 to 339 635, "alternative education program" means a school or separate class group designed to assist students to achieve the goals of the curriculum in a manner consistent with their learning styles and needs [1987 c 675 §1]

339.615 Goals; district responsibility; rules. (1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure and pedagogy

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332 072

(3) The State Board of Education by rule shall define the accountable activities and allowable credit for these activities in alternative education programs [1987 c 675 §2]

339.625 Notification of availability of program; rulemaking. The State Board of Education shall adopt rules regarding district notification to parents and students of the availability of alternative programs, the law regarding alternative programs and the procedures for requesting district school boards to establish alternative programs [1987 c 675 §4]

339.635 District evaluation of program. Each district operating, participating in or contracting for, an alternative education program shall evaluate each program annually [1987 c 675 §5]

PENALTIES

339.990 Penalties. Violation of ORS 339 020 or the requirements of ORS 339 035 is punishable, upon conviction, by a fine of not more than $100, or by imprisonment in the county jail for not more than 30 days, or both [Amended by 1965 c 100 §299, 1967 c 67 §10, 1985 c 597 §3]

CHAPTER 340

[Reserved for expansion]