

TITLE 30

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Chapter 326

1989 EDITION

State Administration of Elementary and Secondary Education

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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326.020 [Amended by 1961 c.624 §2; 1963 c.544 §15; repealed by 1965 c.100 §456]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326.040 [Amended by 1957 c.124 §1; repealed by 1965 c.100 §456]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 deter-

mined, 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]

Note: The amendments to 326.041 by section 1, chapter 474, Oregon Laws 1987, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience

326.041. (1) The State Board of Education shall meet at least six times each year on dates determined by the board, and at such other 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

326.050 [Repealed by 1957 c.124 §3]

326.051 Board functions. Subject to ORS 417.300 and 417.305:

(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 interscholastic activities in accordance with standards established pursuant to ORS 326.058 (1).

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate as to sex, race, marital status, religion or national origin in determining participation in interscholastic 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; 1987 c.404 §2; 1989 c.834 §12]

Note: The amendments to 326.051 by section 2, chapter 474, Oregon Laws 1987, and section 13, chapter 834, Oregon Laws 1989, are repealed June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

326.051. Subject to ORS 417.300 and 417.305:

(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 interscholastic activities in accordance with standards established pursuant to ORS 326.058 (1)

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate as to sex, race, marital status, religion or national origin in determining participation in interscholastic 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)

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting.

Note: Section 3, chapter 474, Oregon Laws 1987, is repealed on June 30, 1991. See section 14, chapter 474, Oregon Laws 1987. The text is set forth for the user's convenience.

Sec. 3. (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall serve at the pleasure of the board.

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under this Act.

(3) Notwithstanding ORS 326.310 (1) and (2), the commissioner shall be the executive head of the Office of Community College Services; shall direct and supervise all activities of the Office of Community College Services; shall hire staff as authorized by the State Board of Education to assist in carrying out the duties of the commissioner; and shall be responsible directly

to the State Board of Education for those duties enumerated in ORS 341.005 to 341.950.

(4) The commissioner with approval of the State Board of Education shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests to the Legislative Assembly. The state board shall insure that the budget request for community colleges is separate and distinct from its other requests to the Legislative Assembly. [1987 c.474 §3]

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]

326.058 Administration of interscholastic activities; voluntary organizations; standards; appeal. (1) The State Board of Education shall adopt standards applicable to voluntary organizations that administer interscholastic activities.

(2) Voluntary organizations that desire to administer interscholastic activities shall apply to the state board for approval. The state board shall review the rules and bylaws of the voluntary organization to determine that they do not conflict with state law or rules of the state board. If an organization meets the standards established under subsection (1) of this section and its rules and bylaws do not conflict with state law or rules of the state board, the state board shall approve the organization. An approved voluntary organization is qualified to administer interscholastic activities.

(3) The state board may suspend or revoke its approval if an approved organization is found to have violated state law or rules of the state board. If an organization is not approved or its approval is suspended or revoked, it may appeal the denial, suspension or revocation as a contested case under ORS 183.310 to 183.550.

(4) A voluntary organization's decisions concerning interscholastic activities may be appealed to the state board, which may hear the matter or by rule may delegate authority to a hearings officer to hear the matter and enter a final order pursuant to ORS 183.464 (1). Such decisions may be appealed to the Court of Appeals. [1987 c.404 §1]

Note: 326.058 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 326 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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 Office of Educational Policy and Planning; compliance with office decisions. The State Board of Education shall cooperate with the Oregon Office of Educational Policy and Planning 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 office such data as is appropriate in a form prescribed by the office. The board shall comply with the decisions of the office regarding proposed new post-secondary programs and proposed new post-secondary locations determined by the office 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 with the Superintendent of Public Instruction serving as an administrative officer for public school matters and the Commissioner for Community College Services serving as an administrative officer for community college matters.

(2) The Department of Education shall consist of:

- (a) The State Board of Education;
- (b) The State Textbook Commission;
- (c) The Office of Community College Services;
- (d) Such other agencies and officers as are added by law to the Department of Education; and

(e) 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 and community colleges not conferred by law on some other agency. [1965 c.100 §10, 1967 c.552 §22; 1989 c.491 §2]

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. Except as provided by chapter 474, Oregon Laws 1987, 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 or, if the superintendent submits the question to the state board under ORS 326.061, the decision of the state board 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 or the state board may consider advisable for the advancement of education and for the information of the state board.

(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 elementary and secondary schools.

(7) Perform such other functions as may be necessary to the performance of the duties of the superintendent. [1965 c.100 §11; 1989 c.491 §3]

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]

326.340 Disposition of conference fees by superintendent; disbursement of fees. (1) When the Superintendent of Public Instruction has possession or control of con-

ference fees that are made available for training programs sponsored in whole or in part by the Department of Education, the fees shall be deposited with the State Treasurer in the Education Training Revolving Account which is established and which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

(2) Disbursements from the account to persons lawfully entitled thereto may be made by the Superintendent of Public Instruction or designee, by checks or orders drawn upon the State Treasurer. [1989 c.966 §76]

326.350 Authority for department staff to serve on education related organizations; Educational Organizations Fund; disbursements. (1) The Superintendent of Public Instruction may authorize staff members of the Department of Education to serve as executive directors of educational related organizations and in so doing manage the funds of those organizations.

(2) The Educational Organizations Fund is established. Moneys received under this section shall be deposited with the State Treasurer in the Educational Organizations Fund which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

(3) Disbursements from the account to persons lawfully entitled thereto may be made by the Superintendent of Public Instruction or designee, by checks or orders drawn upon the State Treasurer. [1989 c.966 §77]

ESSENTIAL LEARNING SKILLS PROGRAM

326.400 Policy statement. (1) Because schooling and public education are fundamental needs for preparing each generation for its future, as well as the future of Oregon and the nation, it is essential that all elementary and secondary students in Oregon have access to an educational program that provides the essential learning skills and knowledge which all adults commonly need for personal fulfillment, self-sufficiency and career success and which enable them to enter community colleges, institutions of higher education, vocational and technical programs or full-time employment upon completion of high school programs.

(2) It is also essential that all Oregon citizens share equitably in making the required educational program accessible to all elementary and secondary students in Oregon. [1989 c.968 §1]

326.410 Board of Education duties; program contents. To assist with develop-

ing the educational program and related funding system described in ORS 326.400, the State Board of Education shall:

(1) Define by rule a basic education program to be available to all elementary and secondary students in the public schools in this state. The program shall include but is not limited to:

(a) Language arts, emphasizing reading, listening, speaking, written or alternative communication skills and instruction in foreign language.

(b) Mathematics, emphasizing fundamental numerical concepts, computational skills, problem solving, spatial concepts, measurement and statistics.

(c) Science, emphasizing basic scientific knowledge, principles, concepts and processes.

(d) Economics and social studies, emphasizing the history, geography, cultures and governments of Oregon, the United States and the world.

(e) Health and physical education.

(f) Music and visual arts programs, emphasizing knowledge and appreciation of the arts and developing basic skills therein.

(g) Career and vocational education, emphasizing a body of knowledge and skills pertaining directly to preparation for employment, family roles and applied academics.

(h) Education programs mandated by state or federal law.

(2) Recommend those services required to support the basic education program described in subsection (1) of this section.

(3) Develop state-wide accounting procedures to permit identification of the actual costs in each school district for providing the basic education program and each required support service. [1989 c.968 §2]

Note: Section 3, chapter 968, Oregon Laws 1989, provides:

Sec. 3. The State Board of Education shall report to the Sixty-sixth Legislative Assembly by submitting copies of the report to the Speaker of the House of Representatives and the President of the Senate for referral to appropriate interim committees or task forces on or before July 1, 1990.

(1) The basic education rules required by subsection (1) of section 2 of this Act [326.410];

(2) The recommendations on support services required by subsection (2) of section 2 of this Act;

(3) The accounting procedures required by subsection (3) of section 2 of this Act; and

(4) The amount of moneys needed to provide basic education and each of the recommended required support services for each school district. [1989 c.968 §3]

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 Commissioner for Community College Services 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 by rule 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 Office of Community College Services 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 Office of Community College Services and shall be used exclusively for administration of this section. The Office of Community College Services 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.

(6) The Commissioner for Community College Services shall consult with the Superintendent of Public Instruction on all matters related to evaluation procedures used to measure equivalent achievement under this section. The superintendent is authorized to make independent recommendations on evaluation procedures

to the State Board of Education in those cases where the superintendent's judgment differs from that of the commissioner. [Amended by 1967 c.571 §1; 1979 c.386 §1; 1979 c.570 §2; 1983 c.159 §1; 1989 c.491 §4]

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]

PARENT-AS-TEACHER PROGRAM AND PREKINDERGARTEN PROGRAM

326.600 Definitions for ORS 326.600 to 326.625. As used in ORS 326.600 to 326.625:

(1) "Advisory committee" means the advisory committee established specifically for the two programs established by ORS 326.600 to 326.625.

(2) "Approved parent-as-teacher programs" means those programs which are recognized by the Department of Education as meeting the minimum program rules adopted by the State Board of Education and provide information and support to parents in order to enhance their ability to foster their children's cognitive, social and physical development.

(3) "Oregon prekindergartens" means those programs which are recognized by the department as meeting the minimum program rules to be adopted by the State Board of Education and provide comprehensive health, education and social services in order to maximize the potential of children three and four years of age.

(4) "Oregon prekindergarten program" means the state-wide administrative activities carried on within the Department of Education to allocate, award and monitor state funds appropriated to create or assist local Oregon prekindergartens.

(5) For purposes of ORS 326.605, "eligible child" means an at-risk child who is not a participant in a federal, state or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education. As used in this subsection, "at-risk child" means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start program.

(6) For purposes of ORS 326.610, "eligible family" means any family with an at-risk child. As used in this subsection, "at-risk child" means a child between zero and eight years of age who is assessed by multiple cri-

teria adopted by rule of the State Board of Education as likely to experience difficulty succeeding in school.

(7) "Department" means the Department of Education. [1987 c.684 §1; 1989 c.477 §1]

326.605 Department to administer prekindergarten program; grants; eligibility; coordination with other programs.

(1) The Department of Education shall administer the Oregon prekindergarten program to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent that the Legislative Assembly provides funds.

(2) Nonsectarian organizations including school districts and Head Start grantees are eligible to compete for funds to establish an Oregon prekindergarten. Grant recipients shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the State Board of Education. However, not more than 20 percent of the total enrollment shall consist of children who do not meet Head Start guidelines. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the program. Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and shall not be used to supplant federally supported Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the purposes of this section.

(3) Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to insure efficient delivery of services and prevent overlap. They shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources. [1987 c.684 §2; 1989 c 477 §2]

326.610 Program function; funding.

(1) The Department of Education shall administer the state-supported parent-as-teacher program to help families more effectively foster their children's cognitive, social and physical development.

(2) Eligible families shall be admitted to the program to the extent that the Legislative Assembly provides funds. Families may be charged for services based on their ability to pay.

(3) Approved parent-as-teacher programs shall receive state-funded support through the department. School districts may subcontract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the state program. Persons applying to conduct the parent-as-teacher program shall identify targeted groups to be served, outreach methods to be used, program components and the qualifications of instructional and special staff. [1987 c.684 §3; 1989 c.477 §3]

326.615 Advisory committee. The Department of Education and the Office of Community College Services shall establish an advisory committee composed of interested parents and representatives from the Children's Services Division, health care profession, early childhood education and development staff preparation programs, Oregon Head Start Association, school districts, community colleges, Early Intervention Council, child care and other organizations as considered necessary by the department and the Office of Community College Services to assist with the establishment of the approved Oregon prekindergarten and parent-as-teacher programs. [1987 c.684 §4; 1989 c.477 §4]

326.620 Rules. (1) The State Board of Education shall adopt rules for the establishment of the Oregon prekindergarten and parent-as-teacher programs. Rules specifically shall require the Oregon prekindergarten programs to provide for parental involvement and performance standards at a level no less than that provided under the federal Head Start program guidelines. Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(2) In developing rules for the Oregon prekindergarten and parent-as-teacher programs, the board shall consult with the advisory committee and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of

staff, adequate space and equipment and special transportation needs.

(3) The Department of Education and the Office of Community College Services shall review applications for both the Oregon prekindergarten and parent-as-teacher programs received and designate those programs eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the State Board of Education shall distribute funds regionally based on percentages of unmet needs. [1987 c.684 §5, 1989 c.477 §5]

326.625 Report on program by Superintendent of Public Instruction; department to assess program effectiveness. (1) The Superintendent of Public Instruction shall report to the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten and parent-as-teacher programs or instituting other means of providing early childhood development assistance.

(2) The superintendent's report shall include specific recommendations on at least the following issues:

(a) The relationships of state-funded prekindergarten and parent-as-teacher programs with the common school system;

(b) The types of children and their needs that both programs should serve;

(c) The appropriate level of state support for implementing programs for all eligible children, including related projects to prepare instructors and provide facilities, equipment and transportation;

(d) The state administrative structure necessary to implement both programs; and

(e) Certification or indorsement of early childhood teachers.

(3) The department, in consultation with the Office of Community College Services, shall examine, monitor and assess the effectiveness of Oregon prekindergarten and parent-as-teacher programs. The superintendent shall make biennial reports to the Legislative Assembly on the effectiveness of the programs. [1987 c.684 §6; 1989 c.477 §6]

326.990 [Repealed by 1965 c.100 §456]