

Chapter 336

1991 EDITION

Conduct of Schools Generally; Improvement Programs

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POLICY

336.005 Policy on prevention and cost-effective programs and strategies. (1) It is the policy of the Legislative Assembly that programs and strategies that can substantiate a claim to prevention and cost-effectiveness be of high priority.

(2) The Legislative Assembly finds that dollars invested in quality programs, such as the Head Start program after which the Oregon prekindergarten is modeled, return the costs thereof several times over in costs saved in the areas of remedial education, corrections and human services. [1991 c.785 §1]

HOLIDAYS; SPECIAL OBSERVANCES; REQUIRED COURSES OF STUDY

336.010 School month; holidays; teachers' holiday pay; Saturday instruction. (1) The common school month consists of 20 days.

(2) No pupil shall be required to attend school on any Saturday or on any legal school holiday. Except as otherwise specifically provided in this section, a legal school holiday is any holiday specified in ORS 187.010.

(3) Days on which an election is held throughout the state shall be school holidays only for such schools in which the sole schoolroom is used for election purposes.

(4) The following days are not school holidays, but a portion of the days shall be set apart and observed in the public schools by appropriate activities:

(a) Lincoln's Birthday on February 12.

(b) Admission of Oregon into the Union on February 14.

(c) Washington's Birthday on February 22.

(d) Columbus Day on October 12.

(5) On January 15, Martin Luther King, Jr.'s actual date of birth, a portion of the day shall be set apart and observed in the public schools by appropriate activities.

(6) Martin Luther King, Jr.'s Birthday, designated in ORS 187.010 as the third Monday in January shall be a legal school holiday. However, notwithstanding subsection (8) of this section, whether or not there shall be compensation of school employees shall be at the discretion of the school board or covered by a collective bargaining agreement.

(7) Presidents Day, designated in ORS 187.010 as the third Monday in February is not a legal school holiday.

(8) No teacher shall be required to teach on any Saturday, except as provided in the terms of the teacher's employment, or on any

legal school holiday. When a holiday occurs on what would otherwise be a school day, teachers shall be allowed full pay for the holiday.

(9) No subject required for graduation shall be taught on Saturday only. [Amended by 1961 c.226 §1; 1965 c.100 §221; 1981 c.450 §2; 1985 c.518 §3; 1989 c.1027 §1]

336.012 Twelve-month class schedule optional. A district school board may adopt a class schedule that operates throughout the year for all or any schools in the district but may not require a student to attend the entire year. [1971 c.395 §1]

336.015 Arbor Week. (1) The first full week in April shall be known as Arbor Week. In order that pupils in the public schools shall be made better aware of the benefits of the preservation and perpetuation of forests and the growing of timber and of the environment, the district school board shall cause to be conducted, during school hours, activities which tend to encourage the planting, protection and preservation of trees and shrubs and a greater understanding of the environment and means for preserving and improving it.

(2) The Superintendent of Public Instruction, with the approval of the State Board of Education and with the technical assistance of the State Forester, may prescribe and alter a schedule of activities and instruction to be observed during Arbor Week.

(3) The State Forester or person in charge of the state tree nurseries may release for use by schools upon application thereof seedlings that would otherwise be destroyed. [Formerly 336.350; 1971 c.83 §1; 1983 c.158 §1]

336.020 [Amended by 1955 c.384 §1; repealed by 1957 c.612 §18]

336.025 Women in History Week. The second week in March shall be known as Women in History Week. During school hours in Women in History Week, time shall be set apart for instruction and appropriate activities in commemoration of the lives, history and achievements of women in history, including Frances E. Willard and women in Oregon history. [Formerly 336.370; 1983 c.155 §1]

336.030 [Amended by 1965 c.100 §142; renumbered 332.107]

336.035 Required courses of study; supplemental courses; district courses. (1) The district school board shall see that the courses of study prescribed by law and by the rules of the State Board of Education are carried out. The board may establish supplemental courses which are not inconsistent with the prescribed courses and may adopt courses of study in lieu of state courses of

study upon approval by the Superintendent of Public Instruction.

(2) Any district school board may establish a course of education concerning venereal disease including recognition of causes, sources and symptoms, and the availability of diagnostic and treatment centers. Any such course established may be taught to adults from the community served by the individual schools as well as to student enrollment. The board shall cause the parents or guardians of minor students to be notified in advance that the course is to be taught. Any such parent or guardian may direct in writing that the minor child in the care of the parent or guardian be excused from the class. Any parent or guardian may inspect the instructional materials to be used before or during the time the class is taught.

(3) The district board shall coordinate the course provided in subsection (2) of this section with the officials of the local health department and the Superintendent of Public Instruction. Teachers certified for teaching venereal disease education shall be used where available. No teacher shall be subject to discipline or removal for teaching or refusing to teach venereal disease education. [Formerly 336.225; 1967 c.67 §26; 1967 c.200 §6; 1973 c.565 §1]

336.040 [Repealed by 1965 c.100 §456]

336.045 [Formerly 332.100; renumbered 336.630]

336.050 [Repealed by 1965 c.100 §456]

336.055 [Formerly 332.200; 1965 c.100 §229; renumbered 336.105]

336.057 Courses in Constitution and history of United States. (1) In all public and private schools courses of instruction in the Constitution of the United States and in the history of the United States shall be given.

(2) The courses prescribed under subsection (1) of this section shall begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(3) Such courses shall also be required in all state institutions of higher education, except the Oregon Health Sciences University, and in all state and local institutions which provide education for patients or inmates to an extent to be determined by the Superintendent of Public Instruction. [Formerly 336.230; 1977 c.226 §1]

336.060 [Amended by 1965 c.100 §230; renumbered 336.115]

336.065 [1961 c.717 §2; 1963 c.235 §1; 1965 c.100 §235; renumbered 336.165]

336.067 Instruction in ethics and morality. (1) In public schools special emphasis shall be given to instruction in:

(a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the

Constitution of the United States and the Constitution of the State of Oregon, respect for parents and the home, the dignity and necessity of honest labor and other lessons which tend to promote and develop an upright and desirable citizenry.

(b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or handicaps. Acknowledgment of the dignity and worth of individuals and groups and their participative roles in society.

(c) Humane treatment of animals.

(d) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

(2) The Superintendent of Public Instruction shall prepare an outline with suggestions which will best accomplish the purpose of this section, and shall incorporate the outline in the courses of study for all public schools. [Formerly 336.240; 1975 c.531 §1; 1979 c.744 §13]

336.070 [Amended by 1961 c.717 §1; repealed by 1965 c.100 §456]

336.072 Fire and earthquake drills; unlocked exits; instruction in dangers. (1) In every public, private or parochial school or educational institution having an average daily attendance of 50 or more, pupils shall be instructed and drilled so that they may, in sudden emergency, be able to leave the school building or, in case of earthquake, seek shelter in the shortest possible time and without confusion or panic. Drills or rapid dismissals shall be held at least once each school month. All exit doors shall be maintained so that they can be opened from the inside without a key during school hours.

(2) At least 30 minutes in each school month shall be used to instruct children in grades one through eight on fire and earthquake dangers and drills. [Formerly 336.340; 1991 c.956 §13]

336.073 [Formerly 332.360; repealed by 1965 c.100 §456]

336.074 Teaching in English required; exceptions. Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except:

(1) Instruction in foreign languages.

(2) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities. [1971 c.326 §2]

336.075 [1955 c.103 §§1, 3; repealed by 1965 c.100 §456]

336.077 [1963 c.570 §11; repealed by 1965 c.100 §456]

336.078 [Formerly 336.270; repealed by 1971 c.326 §1]

336.079 Special English courses for certain children. Specific courses to teach speaking, reading and writing of the English language shall be provided at each grade level, starting at the first grade, to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English. [1971 c.326 §3]

336.080 [Repealed by 1965 c.100 §456]

336.082 Development of nondiscriminatory curriculum to improve instructional effectiveness. (1) The State Board of Education shall encourage the development or implementation of curriculum for public elementary and secondary schools in Oregon that will improve instructional effectiveness or efficiency and that is nondiscriminatory by race, sex, age, marital status, creed or color.

(2) The State Board of Education shall stimulate the development of nondiscriminatory courses of study or parts of courses to improve instructional effectiveness or efficiency in public elementary and secondary schools in Oregon. The board may direct the Department of Education or contract with appropriate public educational agencies to develop program materials and to establish a mechanism for the purpose of introducing the materials and implementing the techniques. [1975 c.423 §§1, 2; 1989 c.491 §23]

336.085 [Formerly 332.140; repealed by 1965 c.100 §456]

336.086 Standards for curriculum described in ORS 336.082. The projects authorized by ORS 336.082 should be designed to:

(1) Develop and test nondiscriminatory courses of study or parts of courses which feature predictable student achievement of pre-stated student performance objectives.

(2) Stimulate the implementation of innovative approaches to instruction within the various schools, providing training programs as necessary to familiarize faculty and administrators with newly developed instructional methodology.

(3) Be capable of objective evaluation within two years of commencement. [1975 c.423 §3]

336.088 Nuclear age education curriculum; development; participants; adoption discretionary. (1) The Department of Education shall prepare and make available to the educational community a comprehensive educational program affecting appropriate parts of the curriculum, to:

(a) Improve dispute and conflict resolution skills and encourage creative problem solving;

(b) Provide understanding of other cultures and the roots and nature of conflict between cultures;

(c) Communicate insight into how attitudes are formed and decisions are made;

(d) Present to students, as is appropriate to their ages, a balanced discussion of the following topics:

(A) The history of the arms race;

(B) The short, intermediate and long-term dangers of the use of modern weapons of mass destruction;

(C) The changing nature of armed conflict; and

(D) The effect of the arms race on national and local economies.

(2) A school district may adopt or modify and implement the educational program described in subsection (1) of this section at the district's discretion.

(3) In complying with the requirements of subsections (1) and (2) of this section, the Department of Education shall consult and seek advice from representatives of at least the following:

(a) Higher education;

(b) District school boards;

(c) School superintendents;

(d) School administrators;

(e) Classroom teachers at both elementary and secondary levels;

(f) School counselors;

(g) Curriculum development organizations; and

(h) Students. [1987 c.417 §§1, 2]

ADDITIONAL PROGRAMS

336.090 [Repealed by 1965 c.100 §456]

336.092 Definitions for ORS 336.092 and 336.095; admission of underage child. As used in ORS 336.092 and 336.095, unless the context requires otherwise:

(1) "Kindergarten child" means a child five years of age or whose fifth birthday occurs on or before September 1. However, nothing in this section prevents a district school board from admitting a child who is determined to be academically, socially and physically ready to enter kindergarten, as defined by policies of the district school board, to enter kindergarten even though the child has not attained the fifth birthday but is a resident of the district.

(2) "Kindergarten facilities" includes physical facilities, supplies, equipment and

personnel suitable for the education and training of kindergarten children.

(3) "Physical facilities" includes but is not limited to public school buildings, rented buildings which meet health and safety standards or homes used in school district sponsored programs. [1973 c.707 §2; 1987 c.283 §1]

336.095 Establishment, funding and status of kindergartens. (1) By July 1, 1989, the district school board of every common school district shall provide and before that date any district may provide kindergarten facilities free of charge for the kindergarten children residing in the district by operating such facilities either singly or jointly with other districts or by contracting with public or private providers that conform to standards adopted by rule by the State Board of Education. Pursuant to criteria specified in rules of the state board, the state board may authorize extensions beyond July 1, 1989, for complying with the requirement of this subsection in cases of financial hardship.

(2) Kindergartens established under subsection (1) of this section shall be funded in the same manner as other schools of the district are funded.

(3) Kindergartens are an integral part of the public school system of this state. [1973 c.707 §3; 1981 c.543 §1]

336.100 [Repealed by 1965 c.100 §456]

336.105 [Formerly 336.055; repealed by 1973 c.707 §7 and 1973 c.750 §13]

336.110 [Repealed by 1965 c.100 §456]

336.115 [Formerly 336.060; 1971 c.190 §1; repealed by 1987 c.194 §1]

336.120 [Repealed by 1965 c.100 §456]

336.125 Continuation evening schools. A district school board may:

(1) Operate continuation evening schools, fix the hours during which schools shall be in session and fix the length of term for schools.

(2) Employ teachers and otherwise provide for the instruction of pupils in all branches taught in the day sessions if there seems sufficient demand in the evening school.

(3) Fix a course of study for graduation from the evening high school.

(4) Admit any person not receiving instruction in the day session for the public schools without restriction as to age. [Formerly 336.285]

336.130 [Repealed by 1965 c.100 §456]

336.135 Classes for employed minors. (1) The district school board of any school district in which reside or are employed, or both, at least 15 employed children between

the ages of 14 and 18 years shall, and any district school board may, provide classes for such employed children.

(2) The State Board of Education shall adopt rules governing the organization and administration of classes and shall expend from the funds available for the promotion of vocational education such sums of money as are necessary for the classes. [1965 c.100 §232]

336.140 [Repealed by 1965 c.100 §456]

336.145 Adult education classes; fees. (1) Any district school board may provide for the establishment of classes for adult education. The board may employ personnel for the purpose of establishing and maintaining classes for adults on the fundamental principles of democratic government, English language, citizenship, public affairs, forums, arts and crafts, general cultural subjects, adult recreation and such other subjects as the State Board of Education may authorize. Such classes shall be conducted in the English language, except as the needs for teaching a foreign language may require otherwise.

(2) The district school board may establish a fee schedule for such classes and collect fees from persons enrolled in the adult education program of the district. The fees shall be used for the support or encouragement of adult education.

(3) The classes shall be subject to the rules of the district school board, shall be organized to meet the needs of the adults in the district and, as far as practicable, shall be held at such times and places as are most convenient and accessible to the members of the class. [1965 c.100 §233; 1967 c.67 §6]

336.150 [Repealed by 1965 c.100 §456]

336.155 [1965 c.100 §234; 1971 c.513 §87; repealed by 1989 c.216 §1]

336.157 Learning environment; Learning Centers; scope of services; outreach; advisory committee. (1) By January 1, 1995, the Department of Education in consultation with the Office of Community College Services and the Oregon Workforce Quality Council shall formulate an implementation plan for approval by the State Board of Education establishing learning environments that may include Learning Centers designed to assist students who have left school in obtaining the Certificate of Initial Mastery through the use of teaching strategies, technology and curricula that emphasize the latest research and best practice.

(2) The Learning Centers shall also provide the integration of existing local and community programs that provide any part of the services needed to assist individuals in obtaining the Certificate of Initial Mastery.

(3) The plan for the centers shall promote means of identifying, coordinating and integrating existing resources and may include:

- (a) Day care services;
- (b) After-school child care;
- (c) Parental training;
- (d) Parent and child education;
- (e) English as a second language or bilingual services for limited proficiency students;
- (f) Health services or referral to health services;
- (g) Housing assistance;
- (h) Employment counseling, training and placement;
- (i) Summer and part-time job development;
- (j) Drug and alcohol abuse counseling; and
- (k) Family crisis and mental health counseling.

(4) Education service districts, school districts or schools, or any combination thereof, shall contact any eligible elementary or secondary school student and the student's family if the student has ceased to attend school to encourage the student's enrollment at a Learning Center. If the student or the family cannot be located, the name and last known address shall be reported to the Learning Center or school nearest the address. The Learning Center shall attempt to determine if that student or family is being provided services by this state and shall seek to assist the student or family in any appropriate manner.

(5) The Department of Education shall monitor the Learning Centers and periodically report their progress to the State Board of Education and the Oregon Workforce Quality Council. The department may recommend integration of existing services if it determines that such services can be provided more effectively at the centers.

(6) The Learning Centers shall be entitled to payment by the district in which the student resides until the student reaches 21 years of age or has earned the Certificate of Initial Mastery, whichever occurs earlier, pursuant to the rules established by the State Board of Education. The payment shall be in an amount not to exceed the cost of the student's participation in the program. A school district shall not receive state funds for the student in an amount that exceeds the cost of the student's participation in the program. The payment shall consist of:

- (a) An amount equal to the district expenses from its local revenues for each stu-

dent in average daily membership, payable by the resident district in the same year;

(b) Any state and federal funds that the district is entitled to receive; and

(c) Any supplemental funds available to the resident district necessary to provide appropriate education services to the student consistent with any previous services provided by the resident district.

(7) Adults who wish to pursue a Certificate of Initial Mastery may attend a Learning Center and pay tuition for services.

(8) Learning centers may establish advisory committees involving representatives from the 21st Century Schools Councils in those districts, and including a majority of teachers. [1991 c.693 §24]

336.160 [Repealed by 1965 c.100 §456]

336.165 Tuition for study not part of regular school program. (1) For the purposes of this section:

(a) "Regular school program" means the regular curriculum provided in the full-time day sessions in the schools of the district for grades 1 through 12 during the period of approximately nine months each year when the schools of the district are normally in operation and does not include summer sessions or evening sessions.

(b) "Tuition" means payment for the cost of instruction and does not include fees authorized under ORS 339.155.

(2) Except as provided in subsection (3) of this section, district school boards may establish tuition rates to be paid by pupils receiving instruction in educational programs, classes or courses of study, including driver instruction, which are not a part of the regular school program. Tuition charges, if made, shall not exceed the estimated cost to the district of furnishing the program, class or course of study.

(3) No tuition shall be charged to any resident pupil regularly enrolled in the regular school program for special instruction received at any time in connection therewith.

(4) Except as provided in ORS 343.730 for driver instruction, no program, class or course of study for which tuition is charged, except courses of study beyond the 12th grade, shall be eligible for reimbursement from state funds. [Formerly 336.065; 1977 c.815 §1]

336.168 When tuition not allowed under ORS 336.165; hardship waiver. (1)(a) Notwithstanding ORS 336.165, no district school board shall require tuition for courses not part of the regular school program, except for driver instruction, from a pupil who is a member of a low-income family in an

amount in excess of what the low-income family may receive as money specifically to be used for payment of such tuition.

(b) As used in this subsection, "low-income family" means a family whose children qualify for free or reduced price school meals under the federal lunch program, including but not limited to the National School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amendments.

(2) A family that does not qualify under subsection (1) of this section but believes the payment of school tuition is a severe hardship may request the district school board to waive in whole or in part the payment of such tuition.

(3) Any parent or guardian who believes that payment of any fee authorized under ORS 339.155 is a severe hardship may request the district school board to waive payment of the fee and the board shall waive in whole or in part the fee upon a finding of hardship. Consideration shall be given to any funds specifically available to the parent, guardian or child for the payment of fees or other school expenses.

(4) No district school board shall impose or collect fees authorized under ORS 339.155 from any student who is a ward of a juvenile court or of the Children's Services Division unless funds are available therefor in the court's or the division's budget.

(5) No district school board is required to waive any fee imposed under ORS 339.155 (5)(a) or (d). [1975 c.508 §2; 1977 c.815 §2]

336.170 [Repealed by 1965 c.100 §456]

336.175 Extended educational experiences. In addition to regular courses of study, any district school board may make available to its students extended educational experiences through public and private community agencies when such experiences can be provided by the agencies more appropriately or at a lesser cost than by the school district. Programs under this section may include but are not limited to work experience programs conducted on a contractual basis with individual employers or employer groups. [1967 c.200 §4]

336.177 Community service programs guidelines. (1) Subject to the approval of the State Board of Education, the Department of Education shall develop curriculum guidelines for community service programs and make such guidelines available for use in school districts. The guidelines shall:

(a) Encourage students to develop an ethic of helping others through voluntary efforts.

(b) Demonstrate the reciprocal benefits and obligations of citizenship.

(c) Incorporate community service practicums.

(d) Provide students with opportunities to prepare for and reflect upon their service experience.

(2) The guidelines developed under subsection (1) of this section shall:

(a) Be structured to encourage school districts to give credit to those students who perform community service.

(b) Prohibit school-sponsored student involvement in advocacy organizations or political groups.

(3) On an annual basis, the Department of Education shall review and report to the State Board of Education on the status of community service education programs operating throughout the state. [1989 c.663 §§1, 2]

336.179 Commitment to excellence in education and citizenship; recognition of students. (1) It is state policy for all school districts to foster an atmosphere of student commitment to excellence in education, recognizing excellence in academics and excellence in citizenship.

(2) Each school district shall determine the activities necessary to qualify for special recognition of student achievement.

(3) In implementing the state policy, and after consultation with the student body, an elementary or secondary school shall offer special recognition as appropriate which may include activities such as:

(a) Reduced admission to athletic events;

(b) Discount on school yearbook;

(c) Discount on student store merchandise;

(d) Free or discounted school parking permits;

(e) Free or discounted tickets to student events;

(f) Exemption from a limited number of semester finals;

(g) Academic "Pride" insignia;

(h) Early registration privileges;

(i) Local merchant discounts where available to the district; and

(j) Free membership in school organizations. [1991 c.344 §1]

336.180 [Repealed by 1965 c.100 §456]

336.183 Providing programs outside usual classroom hours. Any district school board may contract for or operate programs providing activities before and after usual classroom hours for school age children residing in the district. Such programs may be

supervised by persons other than persons holding teaching licenses. The district school board shall establish rules of eligibility for participation in such programs and may collect fees for participation therein. The fees shall be used for the support of the programs. [1981 c.74 §1]

STUDENT RECORDS

336.185 Definitions for ORS 336.185 to 336.215. For purposes of ORS 336.185 to 336.215, the following definitions will apply:

(1) "Student records" include all records relating to students maintained by any elementary, secondary school or education service district.

(2) "Student behavioral records" are student records which include psychological tests, personality evaluations, records of conversations and any written transcript of incidents relating specifically to student behavior.

(3) "Student progress records" are student records which include transcripts of grades and courses taken, records of attendance, tests relating specifically to achievement or measurement of ability, and records of health.

(4) "Superintendent" means the highest ranking administrative officer in a school district or an educational institution, or in the absence of the superintendent, the person designated to fulfill the functions.

(5) "Board" means the board of directors of a school district or other educational institution. [1971 c.512 §1; 1979 c.274 §1; 1981 c.892 §93]

336.190 [Repealed by 1955 c.290 §1]

336.195 Student records confidential; rules for inspection or release. (1) All student records maintained by a school, educational institution or education service district shall be confidential, and except as hereinafter provided shall be open for inspection only in accordance with such rules as the board shall adopt.

(2) The board shall establish rules to provide that all student records maintained by any elementary or secondary school in the district shall be available for inspection by any parent or legal guardian requesting to see such records; however, student behavioral records shall be released only in the presence of an individual qualified to explain or interpret the records.

(3) Release of student behavioral records for use in any proceedings, civil or criminal, in any court of this state shall be made only by the superintendent or a designated representative, or with the consent of the student or juvenile so confiding or to whom such records relate, if the student is 18 years of age

or over, or if the person is a minor, with the consent of the parent or legal guardian of the person. Release shall be made only in the presence of an individual qualified to explain or interpret the records.

(4) Student progress records shall be available to all teaching staff, parents, legal guardians or surrogate parents. [1971 c.512 §2; 1973 c.827 §30; 1979 c.274 §2]

336.200 [Repealed by 1955 c.290 §1]

336.205 [1971 c.512 §5; repealed by 1979 c.274 §4]

336.210 [Repealed by 1955 c.290 §1]

336.215 Transfer of student records to other schools or districts. (1) Any school, educational institution or education service district shall transfer to any other school, educational institution or education service district all student progress records relating to a particular individual provided that they have received notice of the student enrolling in the school or institution.

(2) Any private school, as defined in ORS 345.505, must promptly transfer to any other school, educational institution or education service district all student progress records relating to a particular student upon receipt of notice of the student's enrollment in the other school or institution. [1971 c.512 §3; 1975 c.557 §11; 1979 c.274 §3]

336.220 [Amended by 1953 c.561 §2; repealed by 1955 c.290 §1]

ALCOHOL AND DRUG ABUSE PROGRAM

336.222 District policy and plan; content. In accordance with rules adopted by the State Board of Education in consultation with the office of Alcohol and Drug Abuse Programs, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

(1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;

(2) The nature and extent of the district's expectation of intervention with students who appear to have drug or alcohol abuse problems;

(3) The extent of the district's alcohol and other drug prevention and intervention programs; and

(4) The district's strategy to gain access to federal funds available for drug abuse prevention programs. [1989 c.1076 §1]

336.225 [Formerly 332.340; 1965 c.100 §224; renumbered 336.035]

336.227 Duties of state office of Alcohol and Drug Abuse Programs. To assist school districts to formulate the programs

described in ORS 336.222 (1), the office of Alcohol and Drug Abuse Programs shall:

(1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and

(2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information. [1989 c.1076 §2]

336.230 [Amended by 1965 c.100 §225; renumbered 336.057]

336.235 State board rules. In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the office of Alcohol and Drug Abuse Programs, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227. [1989 c.1076 §4]

336.240 [Amended by 1957 c.149 §1; 1965 c.100 §226; renumbered 336.067]

336.245 Reports. The Department of Education, the State System of Higher Education and the office of Alcohol and Drug Abuse Programs shall report to regular sessions of the Legislative Assembly and to the Governor on the progress and effectiveness of the policies and plans described in ORS 336.222, 336.227 and 352.008 by submitting a copy of the report to the offices of the President of the Senate, the Speaker of the House of Representatives and to the Governor. [1989 c.1076 §6]

336.250 [Repealed by 1957 c.149 §2]

336.260 [Repealed by 1965 c.100 §456]

336.270 [Amended by 1965 c.100 §228; renumbered 336.078]

336.280 [Repealed by 1963 c.544 §52]

336.285 [Formerly 332.350; 1965 c.100 §231; renumbered 336.125]

336.290 [Repealed by 1963 c.544 §52]

336.300 [Repealed by 1963 c.544 §52]

336.310 [Repealed by 1963 c.544 §52]

336.320 [Repealed by 1963 c.544 §52]

336.330 [Repealed by 1963 c.544 §52]

336.340 [Amended by 1965 c.100 §227; renumbered 336.072]

336.350 [Amended by 1963 c.452 §1; 1965 c.100 §222; renumbered 336.015]

336.360 [Repealed by 1965 c.100 §456]

336.370 [Amended by 1965 c.100 §223; renumbered 336.025]

DENTAL HEALTH PROGRAM

336.375 "Dental health program" defined. As used in ORS 336.375 to 336.420, "dental health program" means a program whereby a dental examination is made at least once each school year of each pupil at-

tending school in the district at the time of the examination and whereby dental treatment may be provided, subject to the rules of the district school board. [1965 c.100 §237]

336.380 Dental health program authorized in districts of 100,000. The district school board in a district with a population of 100,000 or more, according to the latest federal census, may conduct a dental health program. [Amended by 1965 c.100 §238]

336.390 Equipment; standards; charges; consent. (1) A district school board which conducts a dental health program may furnish necessary instruments and equipment and provide suitable quarters in which either dental examination or treatment may be made.

(2) The dental examination and treatment shall be scientific, sanitary and efficient, and may be furnished by the district school board free of expense to the minor pupils whose parents or guardians are unable to pay therefor and to the pupils who have attained the age of majority who are unable to pay therefor. Any charges made by the board for the dental examination and treatment shall be fair and reasonable.

(3) No minor pupil shall be required or permitted to receive a dental examination or treatment without the written consent of the parents or guardian of the minor pupil. No pupil who has attained the age of majority shall be required to receive a dental examination or treatment. [Amended by 1965 c.100 §239; 1973 c.827 §31]

336.400 Report to parent; selection of dentist; certificate of treatment. The result of the dental examination shall be reported in writing to the parent or guardian of any pupil who, in the opinion of the person making the examination, requires dental treatment. If, after receiving the report, the parent or guardian elects to have the recommended treatment performed by a dentist of the parent or guardian's own choosing, that dentist shall supply a certificate attesting that the treatment was performed in accordance with the report from the dental health program. The content of the certificate shall be recorded by the board. [Amended by 1965 c.100 §240]

336.410 Nonliability for injury from treatment. No school district shall be liable to any pupil, or to the parents or guardian of any pupil, for or on account of any claim for damage on account of any action by any person in connection with the district's dental health program. [Amended by 1965 c.100 §241]

336.420 Cooperation and sharing expense. Any district school board which conducts a dental health program may cooperate

with and share the expense of dental examination and treatment with any other organization or individuals. [Amended by 1965 c.100 §242]

336.430 [Renumbered 336.620]

EARLY CHILDHOOD IMPROVEMENT PROGRAM

336.435 Administration; planning components; grants. (1) The Department of Education shall administer the Early Childhood Improvement Program to assist public school districts in providing programs designed to improve educational services for children enrolled in grades kindergarten through three. Programs shall be based on research and proven successful practices in programs such as Head Start. The department shall evaluate the programs which receive grants under ORS 326.705 to 326.835, 327.006, 327.103, 335.125, 335.140 to 335.180, 336.157, 336.435, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017, 343.415 and 343.437 and report the results of the evaluation to the Legislative Assembly.

(2) The programs shall include the following planned components:

(a) Targeted services for "at-risk" children and families, which may include but are not limited to remedial and alternative academic programs, child care, parent participation and child development services.

(b) Efforts to improve the kindergarten through third grade curriculum and educational practices so that they:

(A) Are consistent with research findings on how children learn;

(B) Are sensitive to individual differences such as cultural background and learning styles; and

(C) Encourage parent participation. Such efforts may include but are not limited to adapting curricula and training administrators and other staff in early childhood education and child development.

(c) Comprehensive education, health care and social services for children to be provided through interagency agreements among school districts, health care and social service providers.

(d) Evaluation of programs by goals set by the district for the program.

(e) Planned transition from prekindergarten programs to grades kindergarten through three.

(3) In addition to the components listed in subsection (4) of this section, Early Childhood Improvement Programs may include but are not limited to the following components:

(a) Extended day services for school age children who need care or enrichment opportunities; and

(b) Programs designed to improve the adult to child ratios in grades kindergarten to three.

(4) The district application shall include:

(a) Plans developed by 21st Century Schools Councils at the school building level as described in ORS 336.745; and

(b) Demonstrated consistency with the local assessments and plans resulting from the juvenile program planning described in ORS 417.415.

(5) Public school districts or consortia of such districts with education service districts are eligible to receive funds under ORS 326.705 to 326.835, 327.006, 327.103, 335.125, 335.140 to 335.180, 336.157, 336.435, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017, 343.415 and 343.437. Funds shall be available to districts with approved applications on a per child basis for the district's children enrolled in kindergarten through grade three. Funds not allocated shall be prorated to the districts with approved applications not later than the end of the fiscal year for which the allocation is made.

(6) If the district plan proposes use of innovative instructional materials, the State Board of Education, pursuant to ORS 337.050, may waive the use of such instructional materials as might otherwise have been required. [1991 c.693 §19a]

Note: Section 19b, chapter 693, Oregon Laws 1991, provides:

Sec. 19b. Advisory committee. The Superintendent of Public Instruction shall appoint an advisory committee composed of public school teachers, district school board members, administrators, social service and health professionals, parents, early childhood specialists and business and community members to assist with the establishment of the rules and program requirements under ORS 343.415 and sections 19a to 19e of this Act. The advisory committee shall be disbanded on June 30, 1992. [1991 c.693 §19b]

336.437 Rules. (1) The State Board of Education shall adopt rules for the establishment of the Early Childhood Improvement Program. Rules shall require school districts to include in their applications cooperative efforts with other programs for young children.

(2) The Department of Education shall review and approve applications by July 1 of each year. [1991 c.693 §19c]

Note: Section 19f, chapter 693, Oregon Laws 1991, provides:

Sec. 19f. Nongraded primary program; models. (1) By the 1992 school year, the Department of Education shall recommend models for use by school districts for developmentally appropriate nongraded primary programs for children enrolled in prekindergarten

through the primary grades. The models shall be done in consultation with:

(a) Teachers, parents, administrators and classified school employees from schools and Oregon prekindergarten programs that currently provide:

- (A) Developmentally appropriate nongraded primary programs;
- (B) Comprehensive health and social services;
- (C) Active parent involvement;
- (D) Extended day services; or
- (E) Staff development programs in developmentally appropriate practices;

(b) Higher education faculty representatives from the fields of education, human development and family services; and

(c) Community college representatives from the field of early childhood education.

(2) The State Board of Education shall report to the 1993 regular session of the Legislative Assembly on the feasibility of all school districts implementing nongraded primary programs, including strategies for prevention of failure and early intervention for students requiring special assistance.

(3) Plans for early childhood education shall include a recommended funding formula and implementation process that recognize the need for flexible models to meet local needs and shall include strategies that:

- (a) Reduce the ratio of students to teachers and other trained adults in the classroom;
- (b) Utilize trained classified and other support personnel;
- (c) Coordinate comprehensive health and social services to parents and families;
- (d) Provide preventive and remedial services;
- (e) Provide for extended day services to children either through coordination with existing community providers or through school-sponsored programs;
- (f) Improve the curriculum and instructional practices consistent with research;
- (g) Provide materials, supplies and equipment needed to carry out developmentally appropriate programs;
- (h) Provide inservice training in developmentally appropriate practices for staff;
- (i) Encourage parent or guardian participation and education regarding developmentally appropriate practices for young children;
- (j) Recognize the necessity for appropriate physical facilities to carry out this subsection;
- (k) Encourage heterogeneous groupings of students and discourage negative labeling of children's learning levels; and
- (L) Develop nongraded primary models that are culturally and linguistically appropriate. [1991 c.693 §19f]

336.440 [Amended by 1965 c.100 §247; renumbered 336.610]

TRAFFIC PATROL

336.450 "Traffic patrol" defined. As used in ORS 336.450 to 336.480 "traffic patrol" means one or more individuals appointed by a public, private or parochial school to protect pupils in their crossing of

streets or highways on their way to or from the school by directing the pupils or by cautioning vehicle operators. [1961 c.575 §1; 1965 c.100 §243; 1981 c.22 §1; 1983 c.338 §913]

336.460 Traffic patrols authorized; medical benefits; rules. (1) A district school board may do all things necessary, including the expenditure of district funds, to organize, supervise, control or operate traffic patrols. A district school board may make rules relating to traffic patrols which are consistent with rules under ORS 336.470 (1).

(2) The establishment, maintenance and operation of a traffic patrol does not constitute negligence on the part of any school district or school authority.

(3) A district school board may provide medical or hospital care for an individual who is injured or disabled while acting as a member of a traffic patrol. [1961 c.575 §3; 1965 c.100 §244]

336.470 Regulation of traffic patrols for public, private and parochial schools; qualifications. (1) To promote safety the State Board of Education after consultation with the Motor Vehicles Division, the Highway Division and the Department of State Police, shall make rules relating to traffic patrols.

(2) A member of a traffic patrol:

(a) Shall be at least 18 years of age unless the parent or guardian of the member of the traffic patrol has consented in writing to such membership and ceases to be a member if such consent is revoked.

(b) May display a badge marked "traffic patrol" while serving as a member.

(c) May display a directional sign or signal in cautioning drivers where students use a school crosswalk of the driver's responsibility to obey ORS 811.015. [1961 c.575 §2; 1965 c.100 §245; 1971 c.189 §1; 1981 c.22 §2; 1983 c.338 §914; 1989 c.491 §24]

336.480 Intergovernmental cooperation and assistance in connection with traffic patrols. (1) The Department of Education and the Highway Division shall cooperate with any public, private or parochial school in the organization, supervision, control and operation of its traffic patrol.

(2) The Department of State Police, the sheriff of each county or the police of each city may assist any public, private or parochial school in the organization, supervision, control or operation of its traffic patrol. [1961 c.575 §4; 1965 c.100 §246; 1971 c.189 §2]

336.500 [1961 c.364 §§1, 2, 3; 1965 c.100 §157; renumbered 332.470]

COMMUNITY SCHOOLS

336.505 "Community school program" defined. As used in ORS 336.505 to 336.525, unless the context requires otherwise "community school program" means a program that fosters citizen involvement and provides educational, recreational, cultural and related services to the community. [1981 c.259 §1]

336.510 Legislative findings; direction to Department of Education. The Legislative Assembly finds that the community school is an expression of the philosophy that the local school is most effective when it involves the people of that community in programs designed to fulfill their needs and interests while increasing the community's use of personnel, buildings, equipment and other public educational resources. Accordingly, the Department of Education is directed to:

- (1) Provide state leadership for community school development;
- (2) Assist in the establishment, maintenance and expansion of community schools;
- (3) Serve as the state administrative agency for federal community school funding; and
- (4) Foster coordination of community school services provided by local schools, community colleges, education service districts, community college service districts and other public and private agencies to avoid unnecessary duplication. [1981 c.259 §2]

336.515 State Advisory Committee for Community Schools established; duties. (1) A State Advisory Committee for Community Schools appointed by the Superintendent of Public Instruction is established to advise the Department of Education.

- (2) The committee's duties include:
 - (a) Advising the superintendent regarding community school practices; and
 - (b) Performing other responsibilities relating to community schools designated in writing by the superintendent. [1981 c.259 §3; 1989 c.491 §25]

336.520 Community school program to provide for advisory involvement; local advisory bodies. (1) The community school program shall provide for the active and continuous involvement on an advisory basis of institutions, groups and individuals in the community to be served by the program and the active and continuous involvement of local residents in the planning, development and operation of those programs and services deemed appropriate for their community.

- (2) Local advisory bodies shall review needs, establish local goals and objectives,

recommend priorities, identify available resources, promote programs, study progress, encourage interagency cooperation, suggest financing and evaluation methods and make recommendations to district school boards and local administrators. [1981 c.259 §4]

336.525 Program to be operated by district providing elementary or secondary education; exception. In a community which chooses to operate a community school program, the program shall be operated by a school district that provides elementary or secondary education. However, if a school district has no community school program, it may consent in writing for the formulation and operation of a community school program by a community college or community college service district or an education service district or a municipal government or a parks and recreation district, or any combination thereof. [1981 c.259 §5]

21ST CENTURY SCHOOLS PROGRAM

336.530 Definitions for ORS 336.530 to 336.570. As used in ORS 336.530 to 336.570:

- (1) "Administrator" includes all persons whose duties require administrative licenses.
- (2) "21st Century Schools Council" means a body composed of teachers, administrators and public members, constituted according to ORS 336.745, for the purpose of designing and administering programs submitted and approved under ORS 336.530 to 336.570.
- (3) "Department" means the Department of Education.
- (4) "District planning committee" means a body composed of teachers, administrators and public members, constituted under ORS 336.550, for the purpose of sponsoring programs submitted and approved under ORS 336.530 and 336.570.
- (5) "School district" means a school district, an education service district, a state-operated school or any legally constituted combination of such entities that sponsors an eligible program and submits an application under ORS 336.550.
- (6) "State board" means the State Board of Education.

(7) "Teacher" means all licensed employees of a school district who have direct responsibility for instruction, coordination of educational programs or supervision of teachers and who are compensated for their services from public funds. "Teacher" does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license. [1989 c.840 §1]

336.535 Policy. The Legislative Assembly finds that:

(1) Because American society and the American student are changing dramatically, schools and schooling must be altered significantly in order to sustain their relevance and their vitality in an increasingly challenging world;

(2) Real and fundamental change in the structure of schools and education must emerge from the school site rather than be imposed externally or unilaterally and should be based on professional knowledge and a solid foundation of research;

(3) To encourage the restructuring of schools in Oregon, the state should establish a process to allow teachers, administrators and the public to modify or waive, or both, certain statutes, rules and local policies and agreements in order to promote greater flexibility in the way schools are organized, managed and financed; and

(4) In exchange for such flexibility, teachers, administrators and the public should be held accountable to clear and measurable standards of student learning and other educational performance. [1989 c.840 §2]

336.540 21st Century Schools Program.

(1) There is established a program to begin in the 1990-1991 school year known as the "21st Century Schools Program."

(2) The purposes of this program include the following:

(a) To encourage the restructuring of school operations and formal relationships between teachers, administrators and local citizens, including but not limited to modifications of the following:

(A) The length and structure of the school day and the school year;

(B) Curriculum requirements;

(C) Graduation requirements;

(D) The licensing, assignment and formal responsibilities of teachers, administrators and other school personnel;

(E) State statutes and rules and local policies and agreements relating to educational practices, with the exception of those that affect health, safety or constitutional rights under state or federal law;

(F) The formal and informal relationships between school districts and other entities, including community colleges, four-year colleges and universities, businesses and other institutions; and

(G) The integration of traditional services to grades kindergarten through 12 with public and privately sponsored social services, such as early childhood education, day care and assistance for teenage parents and other at-risk youth.

(b) To encourage educators, school districts and local citizens to establish measurable goals for educational attainment and increased expectations for student performance, including but not limited to improvement in such performance measures as:

(A) Student dropout rates;

(B) District, state and national standardized tests and other assessments of student learning and educational progress;

(C) The extent and nature of parental involvement in school activities;

(D) Student conduct and disciplinary actions;

(E) Student expectations and attitudes towards learning; and

(F) Student success in college, vocational and other post-secondary programs. [1989 c.840 §3]

Note: Section 13, chapter 693, Oregon Laws, 1991, provides:

Sec. 13. Funding from State School Fund. (1) By 1996, in addition to other funds available for the purposes of the 21st Century Schools Program under ORS 336.530 to 336.570 and the School Improvement and Professional Development program under ORS 336.705 to 336.785, an amount equal to one percent of the State School Fund shall be used for the purposes of ORS 336.530 to 336.570 and 336.705 to 336.785 before any other distribution is made. The amount shall be distributed to eligible school districts at the same time and in the same manner as the State School Fund is distributed. The amount distributed to any eligible school district depends on the amount approved in the school district's application.

(2) Out of the amount available for distribution under this section, an amount equal to five percent thereof shall be distributed to eligible school districts that demonstrate substantial progress in student performance as a result of changes made, taking into consideration such factors as the socioeconomic characteristics of the student population. The decision to distribute funds under this subsection shall be made by the State Board of Education on advice of the 21st Century Schools Advisory Committee. [1991 c.693 §13]

336.545 District eligibility for program.

(1) Any district school board is eligible to submit an application for the 21st Century Schools Program.

(2) Applications may be made on behalf of the following:

(a) An individual school building;

(b) Two or more school buildings within a district;

(c) All school buildings within a district; or

(d) A consortium consisting of two or more school districts. [1989 c.840 §4]

336.550 Application; 21st Century Schools Councils; district planning committee. (1) To the extent practicable, the development of the application and the administration of programs under ORS 336.530 to 336.570 shall be delegated by the state and

school districts to the 21st Century Schools Councils.

(2) If more than one school building is part of an application, the 21st Century Schools Councils may elect to establish a district planning committee to facilitate the development of its application. A district planning committee constituted under ORS 336.530 to 336.570 shall consist of:

(a) Administrators and at least one school board member to be chosen by the school board.

(b) Teachers, chosen by the exclusive representative, in a number equal to those appointed under paragraph (a) of this subsection.

(c) At least three public members, chosen jointly by the other members of the committee.

(3) To participate in the 21st Century Schools Program, and prior to submission of an application by the school board, a school district shall have accomplished the following:

(a) Identified the school building or buildings and, if appropriate, the school district or districts on whose behalf the application is submitted.

(b) Established, in each school building affected by the proposal, a 21st Century Schools Council.

(c) Agreed, at the direction of the 21st Century Schools Councils and, if applicable, the district planning committee, upon the following:

(A) The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 336.540 (2).

(B) The specified measures of student learning and educational outcomes, including but not limited to those described in ORS 336.540 (2) for each building affected by the application.

(C) The process by which each 21st Century Schools Council and, where applicable, the district planning committee will collect data and assess the progress and final performance of its program.

(4) The local district school board shall be responsible for submitting the application and certifying that all appropriate requirements of ORS 336.530 to 336.570 have been met. [1989 c.840 §5]

336.555 Application content. (1) All applications for the 21st Century Schools Program shall be submitted to the Department of Education, and shall contain the following:

(a) A letter of support from the school board and the exclusive representative of teachers in the buildings affected.

(b) An abstract of the nature and objectives of the project and a description of the changes projected to occur in the school or district, or any combination thereof, as a result of the proposal.

(c) A description of the goals and major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 336.540 (2). The application shall also describe the process used to identify the goals and major activities of the project.

(d) A list of the major student learning and educational outcomes that are projected to occur as a result of the project, including but not limited to those outcomes described in ORS 336.540 (2).

(e) A description of all statutes and rules to be modified or waived to complete the activities of the project. For each provision, the application shall include a statement describing why the modification or waiver is warranted.

(f) A description of all district rules and agreements that are to be modified or waived. All such provisions shall be approved by a majority vote of each 21st Century Schools Council, the affirmative vote of at least two-thirds of the licensed teachers in the affected school buildings and the approval of the local district school board and the exclusive representative of the teachers.

(g) A budget plan for the project and additional anticipated sources of funding, if any, including private grants and contributions.

(h) A description of the process by which data will be collected and assessed to measure student learning and other educational performance attributable to the project.

(i) Letters expressing support and a willingness to participate from community colleges and other post-secondary institutions, where appropriate.

(j) The number of school years for which approval is sought. The period shall be no less than three years and no more than five years.

(k) A description of how the district intends to share and disseminate to other school districts those practices that prove effective.

(2) Applications shall contain all the components of subsection (1) of this section to be eligible for approval.

(3) The application may also contain written statements of support from parents, citizens, local businesses and other interested individuals and organizations. [1989 c.840 §6]

336.557 Additional proposals; content; approval. (1) In addition to the application described in ORS 336.555 for the 21st Century Schools Program or ORS 336.720 for the School Improvement and Professional Development program, a school district may submit proposals to:

- (a) Modify laws, rules or policies;
- (b) Establish nongraded school programs for students;
- (c) Extend the school year or teacher and student contact hours for all students in the district or for a specified group of students;
- (d) Integrate health and social services at the school site to meet the comprehensive needs of children and the families in which they live;
- (e) Substantially modify traditional methods of delivering and monitoring educational services, including but not limited to the elimination of the 55-minute class period and graded classrooms and the promotion of such strategies as the use of team teaching, student-to-student mentoring, bilingual tutoring programs and inclusion of special needs population;
- (f) Operate a team, small group model school with a team of teachers remaining with the same students over a period of several years using a variety of teaching techniques and research-based cooperative small groups;
- (g) Develop public school choice plans to give parents, students and teachers more freedom to design and choose among programs with different emphases, both among school districts and within and among schools;
- (h) Restructure programs for students, including but not limited to applied academics, youth apprenticeships and other schoolwork models that involve, as a minimum, two-year programs;
- (i) Develop new programs integrating technology into the curriculum, instruction and student assessment;
- (j) Increase parent involvement in decision-making at the school site; and
- (k) Restructure programs for middle level students, including, but not limited to, heterogeneous groups, integrated curriculum and staffing and appropriate teaching strategies.

(2) A district that applies under this section shall submit a proposal in accordance

with rules adopted by the State Board of Education, including a requirement that the district form a district site committee composed of representatives from all affected school buildings.

(3) A proposal submitted under this section shall be approved by the school district board of directors and by the exclusive representatives of the teachers in the district.

(4) Notwithstanding ORS 336.705 to 336.785, the State Board of Education shall give preference to applications that involve one or more of the proposals described in subsection (1) of this section or other innovative models to meet the goals of ORS 326.705 to 326.835, 327.006, 327.103, 335.125, 335.140 to 335.180, 336.157, 336.435, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017, 343.415 and 343.437. [1991 c.693 §12]

336.560 Duties of School Improvement and Professional Development advisory committee; criteria for application approval. (1) The School Improvement and Professional Development advisory committee, appointed by the State Board of Education under ORS 336.730, shall propose rules, for adoption by the state board, to govern the submission and approval of applications under ORS 336.530 to 336.570.

(2) The advisory committee shall review all applications submitted under ORS 336.530 to 336.570 and recommend applications for approval by the state board including but not limited to the following criteria:

- (a) The existence of significant, measurable and achievable goals based on student performance;
- (b) The extent to which the district has demonstrated the need for the requested modifications and waiver of specified statutes and rules and local policies and agreements;
- (c) The extent to which the application proposes significant changes in the structure of school operations and the formal relationships between teachers, administrators and public citizens, as described in ORS 336.540;
- (d) The clarity of purpose and values underlying the proposal;
- (e) Evidence of thoroughness in identifying, developing and projecting implementation of the proposed activities;
- (f) Evidence of potential transferability of the proposed activities and practices that are judged to be successful;
- (g) A determination that modification or waiver of statutes and rules and local policies and agreements will not be detrimental to the health, safety or constitutional rights of students, teachers, administrators or the public under state or federal law; and

(h) A demonstration of support and commitment from all parties to support and faithfully implement the proposal.

(3) The advisory committee may suggest modifications in submitted applications, subject to the approval of the school board, the exclusive representative of teachers and each 21st Century Schools Council involved in the project.

(4) The state board shall consider the recommendations of the advisory committee and make the final decisions on approval of the applications, using the criteria contained in subsection (2) of this section. Before making these decisions, the state board shall allow opportunity for comment by persons submitting the applications and by the public. [1989 c.840 §7]

336.565 District annual report; proposed plan amendment. (1) Each district that receives approval for a project under the 21st Century Schools Program shall submit an annual report to the advisory committee appointed under ORS 336.730 and to the local community. The report shall include specific data that reflect the nature and extent of changes in student learning and other performance as described in its application.

(2) Along with its annual report, a district may submit proposed amendments to its approved program describing additional statutes, rules or local policies and agreements that it proposes to waive. Such amendments must be accompanied by a statement of support from the local school board, the exclusive representative of teachers and each 21st Century Schools Council involved in the project. The advisory committee may recommend approval of such amendments upon a finding of satisfactory progress by the district and a determination that all other provisions of ORS 336.530 to 336.570 have been met.

(3) If, based upon these annual reports, the advisory committee determines that a district's progress is unsatisfactory, the advisory committee may recommend to the state board that the district be placed on probation for a one-year period. During the probationary year, the district shall be eligible for special assistance from the Department of Education. During the probationary year, the district shall also prepare a contingency plan in the event it is ordered to terminate its project prematurely.

(4) If, after the probationary period described in subsection (3) of this section, the district's progress is still unsatisfactory in the judgment of the advisory committee, the advisory committee may recommend that the state board terminate the project and implement its plan for returning to compliance

with previously waived statutes, rules and local policies and agreements.

(5) A district may terminate its application by submitting to the board a request for termination that has been approved by the school board, the exclusive representative of teachers and the 21st Century Schools Councils. [1989 c.840 §8]

336.570 Department oversight function. The Department of Education shall be responsible for oversight in the implementation of approved projects. In carrying out this oversight function, the department shall:

(1) Maintain regular contact with educators, school building personnel and school district personnel through site visitations, reports and other appropriate contacts.

(2) Develop and coordinate linkages between participating school districts and other educational institutions, including community colleges, four-year colleges and universities.

(3) Regularly collect relevant information from participating educators, school building personnel and district personnel. [1989 c.840 §9]

MISCELLANEOUS

336.610 Secret societies in public schools prohibited. (1) No secret society of any kind, including a fraternity or sorority, shall be permitted in any public school.

(2) The district school board may order the suspension or expulsion of any pupil who belongs to a secret society.

(3) This section does not apply to any institution of higher education under the jurisdiction of the State Board of Higher Education. [Formerly 336.440]

336.620 Unauthorized soliciting of pupils prohibited. No person shall solicit, receive or permit to be solicited or received from pupils enrolled in public schools, on any public school premises any subscription, donation of money or other thing of value for presentation of testimonials to school officials or for any purpose except such as are authorized by the district school board. [Formerly 336.430]

336.630 Procurement and display of flags. Each district school board shall procure a United States flag and an Oregon State flag of suitable sizes and shall cause such flags to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as the board deems proper. [Formerly 332.100 and then 336.045]

336.650 Liability of school personnel administering medication. A school administrator, teacher or other school em-

ployee designated by the school administrator, who in good faith administers medication to a pupil pursuant to written permission of the pupil's parents or guardian and in compliance with the instructions of a physician, is not liable in a criminal action or for civil damages as a result of the administration except for an act or omission amounting to negligence or willful and wanton misconduct. [1979 c.363 §2]

336.660 When possession of tobacco products prohibited; written policy; exception. (1) A facility shall not permit any person under 18 years of age to possess tobacco products, as defined in ORS 431.840, while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.

(2) The facility must have written policies prohibiting the possession of tobacco products described in subsection (1) of this section by persons under 18 years of age. The facility must have written plans to implement such policies.

(3) This section does not apply to any person for whom a tobacco or nicotine product has been lawfully prescribed.

(4) As used in this section, "facility" means public or private schools, juvenile training schools or juvenile detention facilities. "Facility" does not include colleges or universities, vocational schools or community colleges. [1991 c.970 §4]

SCHOOL IMPROVEMENT AND PROFESSIONAL DEVELOPMENT PROGRAM

336.705 Definitions for ORS 336.705 to 336.785. As used in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135:

(1) "Administrator" includes all persons whose duties require administrative licenses.

(2) "Educational goals" means a set of goals for educational performance, as formulated by the 21st Century Schools Councils and local communities, and adopted by district school boards, according to provisions of ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135, to encourage greater accountability between schools and the community, and better to assess the effectiveness of educational programs, including the professional growth and career opportunity programs, described in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135.

(3) "Index of teaching and learning conditions" means the system for the collection and analysis of relevant educational data by schools, districts and the state for the purpose of assessing the educational effectiveness of schools and programs.

(4) "Parents" means parents or guardians of students currently enrolled in a public school providing education in prekindergarten through grade 12.

(5) "School Improvement and Professional Development program" means a formal plan submitted by a school district and approved by the Department of Education according to criteria specified in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135.

(6) "School district" means a school district, an education service district, a state-operated school or any legally constituted combination of such entities that submits an application under ORS 336.720.

(7) "21st Century Schools Council" means a body composed of teachers, classified district employees, administrators, parents of students and others, constituted under ORS 336.745.

(8) "Teacher" means all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision of teachers, and who are compensated for their services from public funds. "Teacher" does not include a school nurse as defined in ORS 342.455 or a person whose duties require a licensed certificate. [1987 c.896 §1; 1989 c.187 §1; 1991 c.693 §33]

336.710 Policy. (1) Further initiatives to promote educational excellence in the public schools are of vital importance in increasing student learning and strengthening Oregon's economy.

(2) The state should encourage and assist local school districts in their efforts to establish school goals through a process that involves educators and members of the community and to develop effective tools to measure progress against those goals that will increase the public accountability of educational programs.

(3) New career opportunities for professional development are desirable to recognize and reward those teachers who have demonstrated mastery of teaching skills, knowledge of their subject matter and other appropriate indicators of professional growth.

(4) The establishment of 21st Century Schools Councils for the school district and for individual schools is desirable to encourage new initiatives in school-based management and the assessment of educational progress, to provide new and expanded career opportunities for teachers and to facilitate efforts to restructure the school workplace to provide educators with greater responsibility while increasing their accountability. [1987 c.896 §2]

336.715 School Improvement and Professional Development program; purpose; availability of funds. (1) Oregon hereby establishes a School Improvement and Professional Development program to encourage the following:

- (a) The development of educational goals for individual schools and school districts;
- (b) The assessment of the educational progress of school programs and students;
- (c) The expansion of professional growth and career opportunities for Oregon teachers; and
- (d) The restructuring of the school workplace to provide teachers with responsibilities and authority commensurate with their status as professionals.

(2) All programs in ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 are subject to the availability of funds appropriated therefor. [1987 c.896 §§3, 28]

336.720 Administration; rules; grants.

(1) The School Improvement and Professional Development program shall be administered by the Department of Education according to rules established pursuant to ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 by the State Board of Education.

(2) A school district or an education service district, or a combination of such entities, may submit an application to the Department of Education to receive a School Improvement and Professional Development grant.

(3) The Department of Education shall be responsible for evaluating district proposals according to rules and criteria established under ORS 336.735.

(4) Grants under this program shall be effective for one or two calendar years and are renewable. A district may apply to continue its grant for one or two years but in no event is the district entitled to receive more than \$1,000 for each teacher for whom a grant is received during the continuation period. [1987 c.896 §4; 1989 c.187 §2; 1989 c.491 §26]

336.730 Advisory committee; duties; membership; grant applications; procedure; distribution of grants. (1) The State Board of Education shall appoint a 21st Century Schools Advisory Committee to propose rules for the submission and approval of grants and programs under ORS 336.557, 336.705 to 336.785, 342.017, 342.782 to 342.796 and 348.120 to 348.135.

(2)(a) The advisory committee shall include teachers, who shall constitute a majority of the 15 members, and one member from each of the following groups, at least one of whom must be a member of a minority:

- (A) School administrators;
- (B) School board members;
- (C) Education school faculty;
- (D) Classified district employees;
- (E) Parents of children currently in prekindergarten through grade 12 of the public school system; and
- (F) Members of the business and labor community.

(b) The board may appoint other citizens as considered appropriate by the board.

(3) The deadline for applications submitted by districts under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall be April 1 preceding the school year for which they are proposed. The Department of Education shall review all applications and shall approve or reject them no later than June 1 preceding the school year for which they are proposed.

(4) Districts that qualify for 21st Century Schools grants under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall receive up to \$1,000 per year for every full-time equivalent teacher deemed eligible for this program.

(5) Subject to ORS 291.232 to 291.260, the Superintendent of Public Instruction shall distribute grants-in-aid to eligible school districts so that at least three-quarters of the allocation due to each eligible district is received no later than February 1 of each fiscal year and the remainder when all required reports are filed with the Department of Education. If underpayments or overpayments result, adjustments shall be made in the following year. [1987 c.896 §5; 1989 c.187 §3; 1991 c.693 §15]

336.735 Recommendations of advisory committee; report on programs. (1) The advisory committee appointed under ORS 336.730 shall make its recommendations no later than November 1, 1987.

(2) After public review of the recommendations of the advisory committee made under ORS 336.730 (1), the State Board of Education shall adopt rules to carry out the provisions of ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 no later than February 1, 1988. Such rules shall be published and distributed to all school districts.

(3) In awarding grants, the Department of Education shall work to insure a representation of school districts of different sizes and in different geographical locations. [1987 c.896 §6 (1) to (3)]

336.745 21st Century Schools Councils; membership; duties. (1) To the extent practicable, the establishment of school

goals, the development and use of indexes of teaching and learning conditions and the administration of grants-in-aid for the professional development of teachers and classified district employees shall be delegated to 21st Century Schools Councils that are established at the school building level.

(2) A 21st Century Schools Council established under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall be composed of teachers, classified district employees, building administrators and parents of students. Members of the 21st Century Schools Council shall appoint parents or guardians of children attending the school and may appoint representatives of the community at-large.

(3) Teachers, classified district employees, building administrators and any designated representatives of the district school board who serve on a 21st Century Schools Council shall be selected by the direct election of peers under the following conditions:

(a) A majority of a 21st Century Schools Council shall be active classroom teachers.

(b) The principal of a school or the principal's designee shall be a member of a 21st Century Schools Council.

(4) The duties of a 21st Century Schools Council under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall include but are not limited to:

(a) The development and implementation of a plan to improve the professional growth and career opportunities of a school's staff;

(b) The improvement of its instructional program; and

(c) The development and coordination of the implementation of ORS 326.705 to 326.835, 327.006, 327.103, 335.125, 335.140 to 335.180, 336.157, 336.435, 336.557, 336.705, 336.730, 336.745, 339.115, 342.017, 343.415 and 343.437 at the school site.

(5) A district may establish a district site committee to assist in the administration of grants under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135. Such district site committees shall be composed of teachers, classified district employees, administrators, parents of students and at least one member appointed by the school board. Teachers shall comprise one-half of such committees and shall be appointed by the certified or recognized bargaining unit, if any, for teachers in the district. Classified district employees shall be appointed by the recognized bargaining unit, if any, for classified employees in the district.

(6) Whenever the decisions of any plan of the 21st Century Schools Council conflict

with a recommendation of the local school committee established under ORS 330.430, the decision of the 21st Century Schools Council shall prevail. [1987 c.896 §8; 1989 c.187 §5; 1991 c.693 §34]

Note: Section 14, chapter 693, Oregon Laws 1991, provides:

Sec. 14. Councils required. By September 1992, each school district with more than one school shall have at least one 21st Century Schools Council established pursuant to ORS 336.745. By September 1994, all school districts shall have at least one school site with a 21st Century Schools Council. Each school site shall be required to have a 21st Century Schools Council not later than September 1995. [1991 c.693 §14]

336.755 Rules for grant applications.

(1) An eligible grant application must be submitted by a school district according to rules prescribed by the State Board of Education. The rules shall include, but not be limited to, the following:

(a) Except for state-operated schools, the school district in its application shall certify that its proposal has been approved by the school board and is consistent with existing district policies, rules and contracts bargained under ORS 243.650 to 243.782.

(b) The administration of grant programs under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall be consistent with existing district policies, rules and contracts bargained under ORS 243.650 to 243.782.

(2) Nothing in this section is intended to make grants under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 subject to collective bargaining. [1987 c.896 §7; 1989 c.187 §4]

336.765 Contents of application. To be eligible for funding, a district's application shall include the following:

(1) A description of a process to formulate and adopt district and individual school building educational goals so that such goals reflect input from a wide range of citizens in the community.

(2) A description of how the district will formulate and use indexes of teaching and learning conditions to measure progress according to those goals. The indexes of teaching and learning conditions may include, but are not limited to, such indicators as:

(a) Class size and teaching loads;

(b) A profile of the teaching and administrative personnel, including such characteristics as years of experience, rate of turnover and absenteeism;

(c) The frequency and nature of teacher misassignments;

(d) The socioeconomic status of the community;

(e) The ability and willingness of a school district to provide financial support for the schools;

(f) Measures of student progress as measured on school district or state assessments, or both;

(g) Attendance and drop out rates;

(h) Student conduct and disciplinary actions;

(i) Measures of student success in vocational, college and other post-secondary programs; and

(j) Student expectations and attitudes toward learning.

(3) A description of how the proposed program will address the identified needs for professional growth and career opportunities of teachers in the district.

(4) Certification by the school district that none of the moneys received through ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 shall be used to replace expenditures for existing programs for professional growth and career opportunities.

(5) A description of how the district will evaluate the effectiveness of its School Improvement and Professional Development grant, using educational goals and an index of teaching and learning conditions. [1987 c.896 §9; 1989 c.187 §6]

336.775 Professional growth and career opportunities; eligibility; grants; application. (1) To be eligible for funding, a district proposal shall define and provide a process by which eligible teachers are selected by a 21st Century Schools Council to receive additional professional growth and career opportunities which may include, but are not limited to, service as a mentor teacher, supervision and instruction of student teachers, either in the classroom or as an adjunct faculty member at a school of education, curriculum development, service on a 21st Century Schools Council, reimbursement for academic course work, opportunities for research in a teacher's field or fields, programs to encourage peer observation and assistance programs, additional sabbaticals and other programs designed to encourage professional growth.

(2) All teachers in good standing shall be eligible for advanced professional growth and career opportunities, according to criteria established by 21st Century Schools Councils. Those criteria shall include demonstration of the following:

(a) Mastery of teaching skills and subject matter knowledge;

(b) A commitment to personal and professional growth as a teacher;

(c) Active collaboration on professional matters with other faculty; and

(d) Active involvement in school and community affairs.

(3) In applying for such opportunities, teachers shall describe how such opportunities will further the goals of the schools in which the teachers are employed.

(4) Administrators may be eligible for additional professional growth and career opportunities, provided that their proposals are directly linked to enhancing their role as instructional leaders within their schools.

(5) Grants for professional growth and career opportunities may be given for a period of time not to exceed one year.

(6) A teacher approved for a professional growth and career opportunity shall be given the choice of receiving additional release time or additional compensation in exchange for assuming additional responsibilities. However, release time shall not be used if to do so increases the work load of other teachers regularly employed by the school district. [1987 c.896 §10]

336.780 Evaluation of programs; report. (1) The Department of Education shall be responsible for conducting a comprehensive evaluation of all district programs under ORS 336.705 to 336.785, 342.782 to 342.796 and 348.120 to 348.135 and reporting to the Legislative Assembly.

(2) The evaluations shall include an assessment of the performance of district programs as measured against those requirements outlined in ORS 336.765. [1987 c.896 §11]

336.785 Dedication of available funds for professional development centers. To administer ORS 336.705 to 336.785, the Department of Education shall dedicate a portion of its funds, not to exceed 10 percent of the total appropriated for the purposes of ORS 336.705 to 336.785 to provide for the establishment of professional development centers to:

(1) Assist school districts, teachers, 21st Century Schools Council members and others to formulate goals and indexes of teaching and learning conditions;

(2) Provide additional professional growth and career opportunities for teachers; and

(3) Carry out other purposes of ORS 336.705 to 336.785. [1987 c.896 §13; 1989 c.187 §12]

CHILD DEVELOPMENT AND STUDENT-PARENT PROGRAMS

336.850 Child development programs; student-parent programs; grants. (1) The Department of Education shall prepare oper-

ating guides for child development programs and for student-parent programs applicable to programs under ORS 316.133, 317.134, 318.031 and 336.850 that are consistent with requirements imposed by the State Board of Education.

(2) The Department of Education shall review applications for approval of child development programs and student-parent programs and may approve up to 20 child development and up to 20 student-parent programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use the contributions described in ORS 316.133, 317.134 and 318.031 for child development curriculum and in the formulation and initiation of onsite child development centers. Each center must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for student-parent programs, the department shall require that the school district use the contributions described in ORS 316.133, 317.134 and 318.031 for appropriate education for student-parents leading to graduation and in the formulation and development of appropriate onsite child care centers. Each center must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to the needs of the student-parents.

(5) As used in this section:

(a) "Child development program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of an education component and a day care component.

(b) "Student-parent program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and day care for the student-parent's child. [1991 c.928 §7]

336.870 Definitions for ORS 336.870 to 336.885. As used in ORS 336.870 to 336.885:

(1) "Child development program" means an educational program funded by ORS 336.870 to 336.885 that conforms to standards

adopted by the State Board of Education and that consists of an education component and a day care component.

(2) "Teenage parent program" means an educational program funded by this Act that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and day care for the student-parent's child. [1991 c.871 §1]

336.875 Study of existing program. The Department of Education shall study the child development program and the teenage parent program at Churchill High School in Eugene and other programs that provide services of a similar nature to determine how these programs could be replicated in other high schools. [1991 c.871 §2]

336.880 Grant procedures for ORS 336.870 to 336.885. (1) The Department of Education shall prepare operating guides for child development programs and for teenage parent programs applicable to programs under ORS 336.870 to 336.885 that are consistent with requirements imposed by the State Board of Education.

(2) The Department of Education shall review applications for approval of child development programs and teenage parent programs and may approve those programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use its grant for child development curriculum and in the formulation and initiation of onsite child development centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for teenage parent programs, the department shall require that the school district use the grant in connection with appropriate education for teenage parents leading to graduation and in the formulation and development of appropriate onsite child care centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to the needs of the teenage student-parents.

(5) Results of the study required by ORS 336.875 shall be used as a basis for school district planning. [1991 c.871 §3]

336.885 Grants under ORS 336.870 to 336.885. (1) An approved school district child development program shall be entitled to receive a grant not to exceed \$50,000.

(2) An approved school district teenage parent program shall be entitled to receive a grant not to exceed \$25,000.

(3) A district may receive grants under both subsections (1) and (2) of this section but no district is entitled to receive more than \$75,000 for the grant period. [1991 c.871 §4]

336.990 [Amended by 1963 c.544 §50; subsection (4) of 1963 Replacement Part derived from 332.990 (7); repealed by 1965 c.100 §456]

EDUCATION AND CULTURAL FACILITIES
