

# TITLE 30

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### Chapter 326

1993 EDITION

#### State Administration of Elementary and Secondary Education

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**326.003** [1991 c.780 §1; repealed by 1993 c.45 §1a]

**326.005** [1961 c.624 §1; repealed by 1965 c.100 §456]

**326.010** [Repealed by 1961 c.624 §8 and 1965 c.519 §15]

Note: Section 1, chapter 45, Oregon Laws 1993, provides:

**Sec. 1. Effect of chapter 45, Oregon Laws 1993.** The Legislative Assembly in enacting this Act intends to revise sections containing the education laws contained in Oregon Revised Statutes and Oregon law in order to maintain their accuracy. However, nothing in this Act is intended to alter the legislative intent or purpose of statutory sections affected by this Act. [1993 c.45 §1]

## STATE BOARD OF EDUCATION

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

**326.020** [Amended by 1961 c.624 §2; 1963 c.544 §15; repealed by 1965 c.100 §456]

**326.021 State Board of Education; confirmation; term; reappointment; qualifications; removal.** (1) The State Board of Education shall consist of seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. No person may be appointed to serve consecutively more than two full terms as a board member.

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

(3) The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing. [1965 c.100 §3 (enacted in lieu of 326.060); 1969 c.695 §4; 1971 c.485 §1; 1985 c.565 §56; 1993 c.45 §2]

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

**326.031 Vacancies.** Appointments made to fill vacancies occurring prior to expiration of a term shall be for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed

from the congressional district for which the vacancy exists. [1965 c.100 §4; 1985 c.565 §57]

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

### **326.041 Meetings; election and term of chairperson; compensation and expenses.**

(1) The State Board of Education shall meet at least six times each year on dates determined by the board, and at such other times as may be designated by the chairperson agreeable to a majority of the board, or at the call of a majority of the board members.

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

(3) A member is entitled to compensation and expenses as provided in ORS 292.495. [1965 c.100 §5; 1967 c.507 §3; 1969 c.314 §21; 1971 c.656 §1; 1987 c.474 §1; 1993 c.15 §1; 1993 c.45 §3]

**326.050** [Repealed by 1957 c.124 §3]

**326.051 Board functions.** Subject to ORS 417.300 and 417.305:

(1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS 183.310 to 183.550, the State Board of Education shall:

(a) Establish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.

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

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities in accordance with standards established pursuant to paragraph (f) of this subsection.

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. Discrimination is as defined in ORS 659.150.

(f) Adopt standards applicable to voluntary organizations that administer interscholastic activities as provided in ORS 339.430.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public kindergartens and public elementary and secondary schools and public community colleges and use such

money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

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

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting. [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975 c.459 §1; 1975 c.605 §17a; 1981 c.91 §1; 1987 c.404 §2; 1987 c.474 §2; 1989 c.834 §§12,13; 1993 c.45 §§5,6]

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

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

**326.058** [1987 c.404 §1; 1993 c.45 §9; renumbered 339.430 in 1993]

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

**326.061** [1965 c.100 §8; repealed by 1993 c.45 §10]

**326.063** [Repealed by 1965 c.100 §456]

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

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

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

**326.075 Cooperation with Oregon Office of Educational Policy and Planning; compliance with office decisions.** (1) The State Board of Education shall cooperate with the Oregon Office of Educational Policy and Planning in the development of a state comprehensive education plan including elementary, secondary and community college education and in review of the board's programs and budget as provided in ORS 348.705 to 348.825. The board shall submit in timely fashion to the office such data as is appropriate in a form prescribed by the office.

(2) If chapter 667, Oregon Laws 1991, remains in effect after June 30, 1997, the board shall comply with the decisions of the office regarding proposed new post-secondary programs and proposed new post-secondary locations determined by the office to have a significantly adverse impact on one or more segments of education other than elementary, secondary and community college education. [1975 c.553 §8; 1993 c.45 §11]

**326.080** [Repealed by 1965 c.100 §456]

**326.081** [1971 c.656 §2; repealed by 1985 c.388 §3]

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

**326.095** [Formerly 326.030; repealed by 1965 c.100 §456]

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

**326.102** [1953 c.266 §1; renumbered 326.520]

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

**326.106** [1953 c.266 §3; renumbered 326.540]

**326.110** [Repealed by 1965 c.100 §456]

## DEPARTMENT OF EDUCATION

**326.111 Department of Education; composition; functions; duties of Office of Community College Services.** (1) The Department of Education shall function under the direction and control of the State Board of Education with the Superintendent of Public Instruction serving as an administrative officer for public school matters and the Commissioner for Community College Services serving as an administrative officer for community college matters.

(2) The Department of Education shall consist of:

(a) The State Board of Education;

(b) The State Textbook Commission;

(c) The Office of Community College Services which shall have authority to negotiate with the Federal Government on federal funds for community colleges, to possess an agency accounting number separate from that for other department activities, to reimburse the department for such central services as the office desires to use and to pay such personnel assessments, rent and utility costs and other costs as may be attributable to the office and separable from expenses and costs for other activities of the Department of Education;

(d) Such other agencies and officers as are added by law to the Department of Education; and

(e) The administrative organizations and staffs required for the performance of the department's functions.

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and

the department shall exercise all administrative functions of the state relating to supervision, management and control of schools and community colleges not conferred by law on some other agency. [1965 c.100 §10; 1967 c.552 §22; 1989 c.491 §2; 1991 c.757 §1]

**Note:** The amendments to 326.111 by section 2, chapter 886, Oregon Laws 1991, are repealed January 1, 1996. See section 16, chapter 886, Oregon Laws 1991. The text, as amended by section 1, chapter 757, Oregon Laws 1991, section 2, chapter 886, Oregon Laws 1991, and section 12, chapter 45, Oregon Laws 1993, is set forth for the user's convenience.

**326.111** (1) The Department of Education shall function under the direction and control of the State Board of Education with the Superintendent of Public Instruction serving as an administrative officer for public school matters and the Commissioner for Community College Services serving as an administrative officer for community college matters.

(2) The Department of Education shall consist of:

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

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools and community colleges not conferred by law on some other agency.

(4) The Office of Community College Services may negotiate with the Federal Government on federal funds for community colleges to possess an agency accounting number separate from that for other department activities, to reimburse the department for such central services as the office desires to use and to pay such personnel assessments, rent and utility costs and other costs as may be attributable to the office and separable from expenses and costs for other activities of the Department of Education.

**Note:** Section 2, chapter 766, Oregon Laws 1993, provides:

**Sec. 2. Juvenile Corrections Education Program.** On and after July 1, 1994, the Department of Education shall assume responsibility for the Juvenile Corrections Education Program, including the employment of teachers and other staff. [1993 c.766 §2]

**326.120** [Amended by 1965 c.100 §9; renumbered 326.071]

**326.130** [Repealed by 1965 c.100 §456]

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

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

## SUPERINTENDENT OF PUBLIC INSTRUCTION

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

**326.310 Superintendent's educational duties.** Except as provided by ORS 326.041,

326.051, 326.375, 341.005, 341.015, 341.440, 341.445, 341.455, 341.626, 341.655 and 341.933, the Superintendent of Public Instruction shall exercise, under the direction of the State Board of Education, a general superintendence of school officers and the public schools. In carrying out the duties of office, the Superintendent of Public Instruction shall:

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

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

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

(4) Obtain and compile such statistical information relative to the condition and operation of the public schools as the superintendent or the state board may consider advisable for the advancement of education and for the information of the state board.

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

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

(7) Perform such other functions as may be necessary to the performance of the duties of the superintendent. [1965 c.100 §11; 1989 c.491 §3; 1993 c.45 §13]

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

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

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

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

(4) Deposit all moneys received under subsection (3) of this section in the State Treasury. Such moneys shall be credited to the Education Cash Account of the Department of Education and are continuously appropriated. The Department of Education shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [1965 c.100 §12; 1979 c.570 §1; 1993 c.45 §14]

**326.330 Deputy Superintendents of Public Instruction; appointment; powers.**

(1) The Superintendent of Public Instruction may appoint Deputy Superintendents of Public Instruction, for whose acts the superintendent shall be responsible. A deputy may perform any act or duty of the office of Superintendent of Public Instruction designated by the superintendent.

(2) Notice of the appointment of a deputy and the duties designated for the deputy shall be filed with the Secretary of State. [1965 c.100 §13; 1991 c.887 §1]

**326.340 Disposition of conference fees by superintendent; disbursement of fees.**

(1) When the Superintendent of Public Instruction has possession or control of conference fees that are made available for training programs sponsored in whole or in part by the Department of Education, the fees shall be deposited with the State Treasurer in the Education Training Revolving Account which is established and which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

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

**326.350 Authority for department staff to serve on education related organizations; Educational Organizations Fund; disbursements.** (1) The Superintendent of Public Instruction may authorize staff mem-

bers of the Department of Education to serve as executive directors of educational related organizations and in so doing manage the funds of those organizations.

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

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

### SCHOOL CENSUS

**326.355 Determination of school census by state and county offices.** (1) The Superintendent of Public Instruction shall prorate the annual estimate of census as provided in ORS 327.410 and 327.420 in proportion as the resident average daily membership of each education service district or county school district bears to the total resident average daily membership of the state and certify such to the administrative officer of each education service district or county office.

(2) Subject to guidelines approved by the Superintendent of Public Instruction, the administrative officer of each education service district or county school officer shall apportion the census so certified to those common school districts reporting to the education service district or county school office. The estimated district census determined by this manner shall be deemed applicable to all statutory references to the term "census" or "school age child" in Oregon Revised Statutes. [Formerly 332.575]

### COMMISSIONER FOR COMMUNITY COLLEGE SERVICES

**326.375 Commissioner for Community College Services; appointment; duties.** (1) The State Board of Education shall appoint a Commissioner for Community College Services who shall serve at the pleasure of the board.

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.445, 341.455, 341.626, 341.655 and 341.933.

(3) Notwithstanding ORS 326.310 (1) and (2), the commissioner shall:

(a) Be the executive head of the Office of Community College Services;

(b) Direct and supervise all activities of the Office of Community College Services;

(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Office of Community College Services for purposes of ORS chapters 240 and 243; and

(d) Be responsible directly to the State Board of Education for those duties enumerated in ORS 341.005 to 341.950.

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Office of Community College Services to the Legislative Assembly. The state board shall insure that the budget request for community colleges and for the Office of Community College Services are separate and distinct from its other requests to the Legislative Assembly. [1987 c.474 §3; 1991 c.757 §2]

**Note:** 326.375 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 326 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**326.400** [1989 c.968 §1; repealed by 1993 c.45 §15 and 1993 c.156 §1]

**326.410** [1989 c.968 §2; repealed by 1993 c.45 §16 and 1993 c.156 §1]

**326.510** [Formerly 343.950; 1973 c.708 §1; renumbered 343.960]

## INTELLECTUAL PROPERTY

**326.520 Acquisition of intellectual property by board.** The State Board of Education may acquire intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. Such property may be acquired:

(1) By gift.

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

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

**326.530 Management, development and disposition of intellectual property.** (1) The State Board of Education may manage,

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

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

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

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

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

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

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

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

## GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATES

**326.550 General Educational Development certificates; how fee determined; accounting.** (1) The Commissioner for Community College Services may issue General Educational Development certificates to persons who demonstrate satisfactory performance in tests prescribed under subsection (2) of this section or meet the requirements of any prescribed evaluative procedure.

(2) The State Board of Education by rule may prescribe tests and other appropriate evaluation procedures for the purposes of subsection (1) of this section and may establish age, residence and other relevant qualifications for applicants.

(3) The Office of Community College Services may utilize its personnel and facilities for the administration of this section, and the State Board of Education may establish by rule a nonrefundable application fee. The fee may be waived by the State Board of Education in case of hardship.

(4) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, the fee established under subsection (3) of this section shall not exceed the cost of administering the program, as authorized by the Legislative Assembly within the board's budget, as the budget may be modified by the Emergency Board.

(5) All moneys received under this section shall be deposited in the State Treasury to the credit of the Office of Community College Services and shall be used exclusively for administration of this section. The Office of Community College Services shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged.

(6) The Commissioner for Community College Services shall consult with the Superintendent of Public Instruction on all matters related to evaluation procedures used to measure equivalent achievement under this section. The superintendent is authorized to make independent recommendations on evaluation procedures to the State Board of Education in those cases where the superintendent's judgment differs from that of the commissioner. [Amended by 1967 c.571 §1; 1979 c.386 §1; 1979 c.570 §2; 1983 c.159 §1; 1989 c.491 §4; 1991 c.703 §5; 1993 c.45 §17]

**326.560** [1985 c.464 §1; repealed by 1993 c.45 §18]

### STUDENT RECORDS

**326.565 Standards for student records.** The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. The state board shall distribute the rules that are adopted to all school districts. The school districts shall make those rules available to the public schools in the district and to the public. The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions and may allow district school boards to decide whether to allow disclosure of the address and telephone number or photograph of students with the prior consent of the parent or legal guardian. The standards shall include requirements under

which public and private schools and education service districts transfer student education records pursuant to ORS 326.575. [1993 c.806 §3 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215)]

**326.575 Records when student transfers or is placed elsewhere.** (1) Within 10 days of a student's seeking initial enrollment in a public or private school or when a student is placed in a state institution, other than an institution of post-secondary education, or a private agency or youth care center, the school, institution, agency or center shall notify the public or private school or the institution, agency or center in which the student was formerly enrolled and shall request the student's education records.

(2) Subject to ORS 339.260, any public or private school, state institution, private agency or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, agency or center no sooner than seven days after the receipt of the request. If no request is made under subsection (3) of this section, the school, institution, agency or center shall transfer the student education records no later than 10 days after receipt of the request. The education records shall include any education records relating to the particular student retained by an education service district.

(3) Upon receipt of a request for transfer of education records, the public or private school, education service district, state institution, private agency or youth care center that has custody of the student's education records shall notify the parent or legal guardian of the student of the requested transfer in a manner specified and at the time specified by the State Board of Education by rule. The parent or legal guardian shall have opportunity to examine the education records that are subject to transfer and to request the amendment of specified contents in the education records if the parent or legal guardian believes that the contents are inaccurate, misleading or in violation of the privacy or other rights of the student. The parent or legal guardian is entitled to a hearing if the school, district, institution, agency or center refuses the request to amend specified material in the student's education records. The hearing shall be conducted in accordance with rules of the state board.

(4) As used in this section:

(a) "Private agency" means an agency with which the Department of Education contracts under ORS 343.961.

(b) "Youth care center" means a center as defined in ORS 420.855. [1993 c.806 §4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215)]

**326.600** [1987 c.684 §1; 1989 c.477 §1; renumbered 329.170 in 1993]

### CRIMINAL OFFENDER INFORMATION PROCESS

**326.603 Process for obtaining criminal offender information for school districts.** (1) A school district shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each subject individual described in ORS 181.539 (4)(d) or (e).

(2) The Department of Education shall request criminal offender information from the Department of State Police in the manner required by ORS 181.539 and may charge the district a fee in an amount not to exceed the actual cost of acquiring and furnishing the information described in ORS 181.525 and 181.539. The school district may recover its costs or a portion thereof from the subject individual described in ORS 181.539 (4)(d) and (e). If the subject individual described in ORS 181.539 (4)(e) requests, the district shall withhold the amount from amounts otherwise due the individual, including a periodic payroll deduction rather than a lump sum payment.

(3) If the Superintendent of Public Instruction informs the school district that the subject individual has been convicted of a crime listed in ORS 342.143 or a crime adopted by rule under this subsection or has made a false statement as to the conviction of a crime, the superintendent shall notify the school district of the fact and the district shall not employ or contract with the individual. If the superintendent determines that the subject individual has been convicted of other crimes, the superintendent shall determine whether, under the standards under ORS 670.280, the subject individual may be a district employee or contractor. The superintendent shall notify the district and if the subject individual has been determined to be not employable or eligible for a contract, the district shall not employ or contract with the subject individual. The criminal records are confidential and shall not be released to the district but are subject to inspection by the subject individual. The subject individual may appeal the determination as a contested case under ORS 183.413 to 183.470 and the superintendent shall notify the subject individual of the right to appeal the determination.

(4) If an individual described in subsection (1) of this section refuses to consent to the criminal records check or refuses to

be fingerprinted or if the subject individual falsely swears to the nonconviction of a crime, the district shall terminate the employment or contract status of the individual.

(5) The State Board of Education by rule shall specify:

(a) The information to be required by subsection (1) of this section.

(b) The individuals described in subsection (1) of this section from whom the information may be required.

(c) The fee to be imposed on the district under subsection (2) of this section.

(d) That a school district shall not hire or continue to employ or contract with or allow the contractor to continue to assign an individual to the school project if the individual described in subsection (1) of this section has been convicted of a crime listed in ORS 342.143 or a crime adopted by rule pursuant to subsection (3) of this section.

(e) That school district employment and contract forms contain a notice that employment or contracting is subject to fingerprinting and a criminal records check as required by ORS 181.525, 181.537, 181.539, 326.603, 342.223, 342.227, 342.232, 409.015 and 657A.060.

(f) The crimes that may be considered for purposes of subsection (3) of this section.

(6) In determining whether a subject individual may be employed by or may contract with a school district under subsection (3) or (5) of this section, the Superintendent of Public Instruction or the State Board of Education, whichever is applicable, shall consider the nature of the crime for which the subject individual was convicted and the relevancy, if any, of the crime to the employment or contract for which the subject individual has applied. [1993 c.674 §8]

**326.605** [1987 c.684 §2; 1989 c.477 §2; renumbered 329.175 in 1993]

**326.610** [1987 c.684 §3; 1989 c.477 §3; renumbered 329.180 in 1993]

**326.615** [1987 c.684 §4; 1989 c.477 §4; 1993 c.676 §48; renumbered 329.190 in 1993]

**326.620** [1987 c.684 §5; 1989 c.477 §5; renumbered 329.195 in 1993]

**326.625** [1987 c.684 §6; 1989 c.477 §6; renumbered 329.200 in 1993]

**326.705** [1991 c.693 §1; 1993 c.45 §21; renumbered 329.005 in 1993]

**326.710** [1991 c.693 §1b; 1993 c.45 §23; renumbered 329.015 in 1993]

**326.715** [1991 c.693 §3; 1993 c.45 §24; renumbered 329.025 in 1993]

**326.720** [1991 c.693 §2; 1993 c.45 §25; renumbered 329.035 in 1993]

**326.725** [1991 c.693 §5; renumbered 329.045 in 1993]

**326.730** [1991 c.693 §19g; 1993 c.45 §26; renumbered 329.445 in 1993]

326.735 [1991 c.693 §31; 1993 c.45 §27; renumbered 329.055 in 1993]

326.740 [1991 c.693 §37; 1993 c.45 §28; renumbered 329.065 in 1993]

326.745 [1991 c.693 §38; 1993 c.45 §29; renumbered 329.075 in 1993]

326.755 [1991 c.693 §7; renumbered 329.085 in 1993]

326.760 [1991 c.693 §8; renumbered 329.095 in 1993]

326.765 [1991 c.693 §9; 1993 c.45 §30; renumbered 329.105 in 1993]

326.770 [1991 c.693 §10; 1993 c.45 §31; renumbered 329.115 in 1993]

326.775 [1991 c.693 §4; 1993 c.45 §32; renumbered 329.125 in 1993]

326.785 [1991 c.693 §4c; renumbered 329.145 in 1993]

326.790 [1991 c.693 §4a; renumbered 329.150 in 1993]

326.795 [1991 c.693 §4b; 1993 c.676 §23; renumbered 329.155 in 1993]

326.810 [1991 c.693 §18; renumbered 329.160 in 1993]

326.813 [1991 c.693 §18a; renumbered 329.165 in 1993]

326.815 [1991 c.693 §18b; renumbered 329.185 in 1993]

326.830 [1991 c.693 §23; 1993 c.45 §33; renumbered 329.850 in 1993]

326.835 [1991 c.693 §28; renumbered 329.855 in 1993]

326.990 [Repealed by 1965 c.100 §456]