

# Chapter 336

1993 EDITION

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336.005 [1991 c.785 §1; renumbered 329.153 in 1993]

**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]

**336.023 History of Oregon Statehood Week.** (1) The week of May 2 shall be known as the History of Oregon Statehood Week to commemorate May 2, 1843, as the date that settlers met at Champoeg to form a provisional government.

(2) The State Board of Education is encouraged to develop and adopt curriculum to commemorate the formation of the provisional government at Champoeg and the significant events that led to Oregon becoming the 33rd state and to honor the participants in the events.

(3) The public schools may set aside time during school hours in the week of May 2 to implement the curriculum described in subsection (2) of this section. [1993 c.124 §1]

**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 supple-

mental 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 sexually transmitted diseases 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 school 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 holding indorsements for health education shall be used where available. No teacher shall be subject to discipline or removal for teaching or refusing to teach courses concerning sexually transmitted diseases. [Formerly 336.225; 1967 c.67 §26; 1967 c.200 §6; 1973 c.565 §1; 1993 c.45 §74]

**336.040** [Repealed by 1965 c.100 §456]

**336.045** [Formerly 332.100; renumbered 336.630 and then 339.875 in 1993]

**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 and then 339.141 in 1993]

**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 disability. 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; 1993 c.45 §75]

**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 kindergarten and grades one through eight on fire and earthquake dangers and drills. [Formerly 336.340; 1991 c.956 §13; 1993 c.45 §76]

**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 kindergarten and each grade level 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; 1993 c.45 §77]

**336.080** [Repealed by 1965 c.100 §456]

**336.081 Opportunity to qualify to assist non-English speaking students.** (1) All school districts providing courses pursuant to ORS 336.079 shall afford the licensed personnel of that district that are assigned to perform teaching duties for such courses an opportunity to qualify to assist non-English speaking students to learn English at no cost to the personnel.

(2) Nothing in this section prevents a district from employing licensed personnel who are qualified to teach courses under ORS 336.079. [Formerly 342.609]

**336.082 Development of nondiscriminatory curriculum.** (1) The State Board of Education shall encourage the development and implementation of curriculum for public elementary and secondary schools in Oregon that will improve instructional effectiveness or efficiency and that does not discriminate.

(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.

(3) As used in subsection (1) of this section, "discriminate" has the meaning given "discrimination" in ORS 659.150. [1975 c.423 §§1, 2; 1989 c.491 §23; 1993 c.45 §78]

**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 prestated 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 Conflict resolution program; 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. [1987 c.417 §§1, 2; 1993 c.45 §79]

### ADDITIONAL PROGRAMS

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

**336.092 Definitions for ORS 336.092 and 336.095.** 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 or who has been admitted by the district school board under ORS 336.095 (2).

(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; 1993 c.45 §80]

**336.095 Free kindergarten facilities required; admission of underage child.** (1) The district school board of every common school district shall 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.

(2) However, nothing in this section prevents a district school board from admitting free of charge a child whose needs for cognitive, social and physical development would best be met in the school program, as defined by policies of the district school board, to school even though the child has not attained the minimum age requirement but is a resident of the district.

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

(4) Kindergartens are an integral part of the public school system of this state. [1973 c.707 §3; 1981 c.543 §1; 1993 c.45 §81]

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

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

**336.107 Parenting skills and child development course.** A district school board is encouraged to develop a course of study to instruct high school students on parental skills and child development. [1993 c.257 §1]

**336.109 Policy to reduce gang involvement, violent activities and drug abuse.**

(1) After consultation with appropriate agencies and officials including the Department of Education, each school district is encouraged to develop and adopt a comprehensive policy to reduce gang involvement, violent activities and drug abuse by public school students in the school district, including but not limited to:

(a) A statement that evaluates:

(A) The nature and extent of gang involvement, violent activities and drug abuse by public school students of the school district; and

(B) The impact of gang involvement, violent activities and drug abuse on the ability of public schools in the school district to meet curriculum requirements and improve the attendance of public school students.

(b) A statement that emphasizes the need to reduce gang involvement, violent activ-

ities and drug abuse by public school students.

(c) Strategies to reduce gang involvement, violent activities and drug abuse by students of the school district considering the needs of the public school students.

(d) Methods to communicate conflict resolution skills to the teachers and public school students of the school district.

(e) Strategies to inform the teachers of the school district, the parents of public school students and the public about the policy the school district developed pursuant to this section.

(2) As used in this section, "gang" means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity. [1993 c.421 §1]

**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** [Formerly 336.285; repealed by 1993 c.45 §82]

**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 professional technical education such sums of money as are necessary for the classes. [1965 c.100 §232; 1993 c.45 §83]

**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** [1991 c.693 §24; renumbered 329.860 in 1993]

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

**336.165** [Formerly 336.065; 1977 c.815 §1; 1993 c.45 §86; 1993 c.748 §1; renumbered 339.141 in 1993]

**336.168** [1975 c.508 §2; 1977 c.815 §2; 1993 c.45 §87; 1993 c.676 §49; renumbered 339.147 in 1993]

**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]

**336.185** [1971 c.512 §1; 1979 c.274 §1; 1981 c.892 §93; repealed by 1993 c.806 §1 (326.565, 326.575 and 336.187 enacted in lieu of 336.185)]

### DISCLOSURE OF PERSONAL INFORMATION ABOUT STUDENT

**336.187 When school authorized to disclose personally identifiable information on student; "health or safety emergency" defined.** (1) A public school or school district shall disclose personally identifiable information from an education record

of a student to law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals.

(2) As used in this section, a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 418.750 to 418.760 (1991 Edition). [1993 c.806 §9 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215)]

**336.190** [Repealed by 1955 c.290 §1]

**336.195** [1971 c.512 §2; 1973 c.827 §30; 1979 c.274 §2; repealed by 1993 c.806 §1 (326.565, 326.575 and 336.187 enacted in lieu of 336.195)]

**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** [1971 c.512 §3; 1975 c.557 §11; 1979 c.274 §3; 1993 c.45 §89; repealed by 1993 c.806 §1 (326.565, 326.575 and 336.187 enacted in lieu of 336.215)]

**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 and the Speaker of the House of Representatives and to the Governor. [1989 c.1076 §6; 1993 c.45 §90]

**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 attending 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** [Amended by 1965 c.100 §238; repealed by 1993 c.45 §91]

**336.390 Dental health program; district duties; charges; parental consent.** (1) A district school board may conduct a dental health program.

(2) 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.

(3) 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.

(4) 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; 1993 c.45 §92]

**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 and then 339.880 in 1993]

**336.435** [1991 c.693 §19a; 1993 c.45 §94; 1993 c.676 §52; renumbered 329.237 in 1993]

**336.437** [1991 c.693 §19c; renumbered 329.245 in 1993]

**336.440** [Amended by 1965 c.100 §247; renumbered 336.610 and then 339.885 in 1993]

**336.450** [1961 c.575 §1; 1965 c.100 §243; 1981 c.22 §1; 1983 c.338 §913; renumbered 339.650 in 1993]

## HUMAN SEXUALITY EDUCATION

**336.455 Human sexuality education courses; criteria.** (1) Course material and instruction for all human sexuality education courses that discuss human sexuality in public elementary and secondary schools shall enhance students' understanding of sexuality as a normal and healthy aspect of human development. Course instruction shall be appropriate for the age of the pupils and satisfy the following criteria:

(a) Be comprehensive.

(b) As an integral part of the health education curriculum, include information about responsible sexual behaviors and hygienic practices that eliminate or reduce the risks of pregnancy, exposure to human immunodeficiency virus, hepatitis B and other infectious or sexually transmitted diseases and shall be designed to allay those fears concerning the risks that are scientifically groundless.

(c) Promote abstinence for school age youth and mutually monogamous relationships with an uninfected partner for adults as the safest and most responsible sexual behavior. However, abstinence shall not be taught to the exclusion of other material and instruction on contraceptive and disease reduction measures. Human sexuality education courses shall acknowledge the value of abstinence while not devaluing or ignoring those young people who have had or are having sexual intercourse.

(d) Include a discussion of the possible emotional, physical and psychological consequences of preadolescent and adolescent sexual intercourse and the emotional, physical and psychological consequences of unintended pregnancy. Pupils shall be provided with statistics based on the latest medical information regarding both the possible side effects and health benefits of all forms of contraceptives, including the success and failure rates for prevention of pregnancy.

(e) Stress that sexually transmitted diseases are serious possible hazards of sexual contact. Pupils shall be provided with statistics based on the latest medical information regarding the efficacy of contraceptives in preventing human immunodeficiency virus infection and other sexually transmitted diseases.

(f) Advise pupils of the laws pertaining to their financial responsibility for their children.

(g) Advise pupils of the circumstances in which it is unlawful under ORS 163.435 and 163.445 for persons 18 years of age or older to have sexual relations with persons younger than 18 years of age to whom they are not married.

(h) Teach that no form of sexual expression is acceptable when it physically or emotionally harms oneself or others and teach pupils not to make unwanted physical and verbal sexual advances, how to decline unwanted sexual advances or accept the refusal of unwanted sexual advances. Pupils shall be taught that it is wrong to take advantage of or to exploit another person. Materials and information shall be presented in a manner sensitive to the fact that there are students who have experienced sexual abuse.

(i) Validate through course material and instruction the importance of honesty with oneself and others, respect for each person's dignity and well-being, and responsibility for one's actions.

(j) Assist students in the development and practice of effective communication skills, the development of self-esteem and the ability to resist peer pressure.

(k) Encourage family communication and involvement and help students learn to make responsible decisions.

(2) Any course in any public elementary and secondary school, the main purpose of which is to teach human sexuality education or human immunodeficiency virus education, or both, shall emphasize that abstinence from sexual contact is the only method that is 100 percent effective against unintended pregnancy, sexually transmitted diseases and human immunodeficiency virus when transmitted sexually. Abstinence is to be stressed, but not to the exclusion of other material and instruction on contraceptive and disease reduction measures. Such courses are to acknowledge the value of abstinence while not devaluing or ignoring those young people who have had or are having sexual intercourse.

(3) Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses in biology. [1993 c.775 §1]

**336.460** [1961 c.575 §3; 1965 c.100 §244; renumbered 339.655 in 1993]

**336.465 Examination of instructional material; notice; pupil not required to take course.** (1) Each school district shall:

(a) Give parents, guardians and district residents an opportunity to examine the in-

structional materials to be used in any class, course, assembly or school-sponsored activity.

(b) Inform parents or guardians in advance of any instruction on human sexuality or human immunodeficiency virus and give them an opportunity to review materials. At the same time, parents or guardians shall be informed that no pupil shall be required to take or participate in any instruction on human sexuality or human immunodeficiency virus if the pupil's parent or guardian, after having reviewed the materials, submits written objection to the school district.

(2) Refusal to take or participate in any class, course, assembly or school-sponsored activity on human sexuality or human immunodeficiency virus shall not be reason for harassment, suspension or expulsion of the pupil. [1993 c.775 §2]

**336.470** [1961 c.575 §2; 1965 c.100 §245; 1971 c.189 §1; 1981 c.22 §2; 1983 c.338 §914; 1989 c.491 §24; 1993 c.741 §33; renumbered 339.660 in 1993]

**336.475 Report to legislature.** The Department of Education shall report to the Legislative Assembly at each regular session on the implementation of courses on family life, human immunodeficiency virus and human sexuality. The report shall be based on the data in the school districts' annual assurance reports. [1993 c.775 §3]

**336.480** [1961 c.575 §4; 1965 c.100 §246; 1971 c.189 §2; renumbered 339.665 in 1993]

**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** [1981 c.259 §3; 1989 c.491 §25; repealed by 1993 c.742 §32]

**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]

**336.530** [1989 c.840 §1; 1993 c.45 §97; renumbered 329.535 in 1993]

**336.535** [1989 c.840 §2; renumbered 329.545 in 1993]

**336.540** [1989 c.840 §3; 1993 c.45 §98; renumbered 329.555 in 1993]

**336.545** [1989 c.840 §4; renumbered 329.565 in 1993]

**336.550** [1989 c.840 §5; renumbered 329.570 in 1993]

**336.555** [1989 c.840 §6; renumbered 329.575 in 1993]

**336.557** [1991 c.693 §12; 1993 c.45 §99; renumbered 329.585 in 1993]

**336.560** [1989 c.840 §7; 1993 c.45 §100; renumbered 329.595 in 1993]

**336.565** [1989 c.840 §8; renumbered 329.600 in 1993]

**336.570** [1989 c.840 §9; renumbered 329.605 in 1993]

## RESIDENTIAL PROGRAMS; YOUTH CARE CENTERS; DETENTION FACILITIES

**336.575 Notice and consultation before establishing, expanding or changing residential program.** (1) Prior to establishing or expanding a residential program authorized to provide care to five or more children or changing the type of educational services provided or the category of children being served by the residential program in any school district, the authorities of the agency establishing or altering such a program shall notify in writing and confer with the superintendent or the district school board of any substantially affected district to determine the impact of the additional children and services upon the facilities and program of the district.

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

(3) This section does not apply to temporary changes in, or expansion of, residential programs of less than 30 days' duration that result from meeting emergency needs of children. [Formerly 339.175]

**336.580 Education at youth care centers; payments.** (1) Every child at a youth care center, as defined in ORS 420.855, which is operated by a private agency, is entitled to receive appropriate education suited to the needs of the child in the least restrictive environment in which the child can function until the child is no longer of compulsory school age or receives a high school diploma or an equivalent.

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

(3) Payments from the Department of Education from funds appropriated specifically for this section shall be distributed on a per capita basis according to the number of children for whom the Children's Services Division or the State Office for Services to Children and Families contracts for care and rehabilitation under ORS 420.855 to 420.885.

(4) In order to be eligible for any funds under subsection (3) of this section, an attending district must provide education leading to a diploma or equivalent.

(5) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 336.575, 339.137 and this section. If a district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.

(6) The State Board of Education shall adopt rules to implement this section.

(7) Nothing in this section limits or otherwise applies to educational rights of children in youth care centers operated by public agencies. [Formerly 339.195]

**336.585 Education at detention facilities.** (1) A school district shall provide or cause to be provided appropriate education for children placed in a detention facility located in the school district. The education may be provided by the school district or an education service district.

(2) The school district or education service district shall notify the resident district of each child placed in the detention facility and may bill the resident district for the costs of the child's education. The billing may be made annually. The billing shall be accompanied by a signed affidavit from the school district or education service district, stating the period of time the child was in the detention facility. The resident district shall pay the actual cost of the child's education. The district may claim State School Fund reimbursement under ORS 327.006 to 327.133 for each child who is in a detention facility for more than 10 days in the school year.

(3) As used in this section:

(a) "Detention facility" has the meaning given the term in ORS 419A.004.

(b) "Resident district" means the school district in which the parents or legal guardian, if any, of the child resided at the time of placement. If the child has no parents or legal guardian, or none can be located, the resident district shall be the school district in which the child is physically located. [Formerly 339.205]

**336.610** [Formerly 336.440; renumbered 339.885 in 1993]

### ALTERNATIVE EDUCATION PROGRAMS

**336.615 Definition for ORS 336.615 to 336.665.** As used in ORS 336.615 to 336.665, "alternative education program" means a school or separate class group designed to assist students to achieve the goals of the

curriculum in a manner consistent with their learning styles and needs. [Formerly 339.605]

**336.620** [Formerly 336.430; renumbered 339.880 in 1993]

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

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332.072.

(3) The State Board of Education by rule shall define the accountable activities and allowable credit for these activities in alternative education programs. [Formerly 339.615]

**336.630** [Formerly 332.100 and then 336.045; renumbered 339.875 in 1993]

**336.635 Enrollment in alternative program; notice to district; billing; status of teachers.** (1) Pursuant to the proposal required in ORS 339.250 (6)(a) to (c), the parent or guardian with the approval of the attending district may enroll the pupil in one of the proposed appropriate and accessible public alternative programs or the private alternative programs of instruction or instruction combined with counseling registered with the Department of Education. If the child is determined to be eligible for special education under ORS 343.221 to 343.236 and 343.261 to 343.295, the program must be approved by the Department of Education prior to the placement of the pupil in the program. The pupil enrolled pursuant to this subsection shall be considered enrolled in the schools of the district for purposes of the distribution of the State School Fund.

(2) The alternate program in which the pupil enrolls shall notify the school district in which the pupil or the pupil's parents or legal guardian, if any, resided at the time the pupil enrolled of the child's enrollment and may bill the school district for tuition. The billing may be made annually or at the end of each term or semester of the alternate program. For each full-time equivalent pupil enrolled in the alternative education program, as defined in ORS 336.615, the school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per pupil net operating expenditure, whichever is lesser, in accordance with rules adopted by the State Board of Education. The alternate program shall be accountable for the expenditures of all State School Fund and other local school support moneys, providing the school district with an annual statement of such expenditures.

(3) A private alternative program that is registered with the Department of Education is not required to employ only licensed teachers or administrators. Teachers and administrators in such private programs shall not be considered employees of any district for purposes of ORS 342.173.

(4) A school district is not required to provide a public alternative program if there are public or private alternative programs that are appropriate and accessible to the pupil to which a pupil can be referred.

(5) Any Oregon teaching license is valid for teaching all subjects and grade levels in an alternative education program operated by a school district or education service district. [Formerly 339.620]

**336.640 Rules governing education for pregnant and parenting students.** (1) The State Board of Education shall establish by rule procedures for considering and obtaining special services for pregnant and parenting students. Such rules shall include, but not be limited to, the obligation of the school district to:

(a) Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;

(b) Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;

(c) Inform pregnant and parenting students and their parents of the availability of resources provided by other agencies, including health and social services;

(d) Provide educational programs and schedules that address the individual learning styles and needs of pregnant and parenting students; and

(e) Develop individualized educational programs or services, or both, to address the needs of pregnant or parenting students when their educational needs cannot be met by the regularly provided school program.

(2) Each school district shall adopt policies and guidelines for implementation of the section in a manner consistent with the rules of the state board adopted under subsection (1) of this section.

(3) No pregnant or parenting student shall be excluded from the public schools solely on the basis of pregnancy or parenthood.

(4) For purposes of reporting enrollments, school districts may count eligible students who are receiving individualized programs or

services, or both, as described in paragraph (e) of subsection (1) of this section, in the same category as students eligible for special education as children with disabilities under ORS 343.035. [Formerly 339.623]

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

**336.650** [1979 c.363 §2; renumbered 339.870 in 1993]

**336.655 District evaluation of program.** Each district operating, participating in or contracting for, an alternative education program shall evaluate each program annually. [Formerly 339.635]

**336.660** [1991 c.970 §4; 1993 c.45 §102; renumbered 339.865 in 1993]

**336.665 Effect of failure to propose alternative programs.** (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (6) or (7).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district. [Formerly 339.640]

**336.705** [1987 c.896 §1; 1989 c.187 §1; 1991 c.693 §33; 1993 c.45 §104; renumbered 329.675 in 1993]

**336.710** [1987 c.896 §2; renumbered 329.685 in 1993]

**336.715** [1987 c.896 §3, 28; 1993 c.45 §105; renumbered 329.690 in 1993]

**336.720** [1987 c.896 §4; 1989 c.187 §2; 1989 c.491 §26; 1993 c.45 §106; renumbered 329.695 in 1993]

**336.730** [1987 c.896 §5; 1989 c.187 §3; 1991 c.693 §15; 1993 c.45 §107; renumbered 329.700 in 1993]

**336.735** [1987 c.896 §6 (1) to (3); repealed by 1993 c.45 §108]

**336.745** [1987 c.896 §8; 1989 c.187 §5; 1991 c.693 §34; 1993 c.45 §109; renumbered 329.705 in 1993]

**336.755** [1987 c.896 §7; 1989 c.187 §4; 1993 c.45 §110; renumbered 329.709 in 1993]

**336.765** [1987 c.896 §9; 1989 c.187 §6; 1993 c.45 §111; renumbered 329.715 in 1993]

**336.775** [1987 c.896 §10; renumbered 329.725 in 1993]

**336.780** [1987 c.896 §11; 1993 c.45 §112; renumbered 329.735 in 1993]

**336.785** [1987 c.896 §13; 1989 c.187 §12; renumbered 329.745 in 1993]

## STUDENT DRIVER TRAINING

**336.790 Definitions for ORS 336.790 to 336.815.** As used in ORS 336.790 to 336.815, unless the context requires otherwise:

(1) "Facility" means any facility for the deaf operated under ORS 346.010, the

Hillcrest School of Oregon and the MacLaren School for Boys.

(2) "Private school" means a private or parochial high school.

(3) "Public school" means a common or union high school district and a community college district. [Formerly 343.705]

**336.795 Student driver training program.** A student driver training program shall be conducted in order to facilitate the policing of the streets and highways of this state and to reduce the direct cost thereof by educating youthful drivers in safe and proper driving practices. [Formerly 343.710]

**336.800 School course in automobile driver instruction.** (1) Any private or public school or facility may offer a course in automobile driver instruction. The course of instruction shall be devoted to the study and practice of the rules of the road, the safe and proper operation of motor vehicles, accident prevention and other matters which promote safe and lawful driving habits and reduce the need for intensive highway policing. The course shall include classroom instruction and instruction in dual control automobiles. No pupil shall participate in behind-the-wheel instruction unless the pupil is enrolled in or has completed a course in classroom instruction.

(2) A person employed to teach a course in automobile driver instruction must meet qualifications established by the Teacher Standards and Practices Commission. However, a person employed to give behind-the-wheel driver instructions is not required to hold a teaching license under ORS 342.135 (1), (2) and (3). [Formerly 343.720]

**336.805 Tuition; waiver; costs; reimbursement.** (1) Each public school or facility offering a course in automobile driver instruction may charge tuition therefor and shall keep accurate records of the cost thereof in the manner required by the Department of Education, pursuant to rules of the State Board of Education. Each public school or facility shall be reimbursed \$150 per pupil completing the course, including any private school pupil completing the course in a public school.

(2) If funds available to the Department of Transportation for the Student Driver Training Fund are not adequate to pay all approved claims in full, public schools and facilities shall receive a pro rata reimburse-

ment based upon the ratio that the total amount of funds available bears to the total amount of funds required for maximum allowable reimbursement.

(3) Tuition authorized by subsection (1) of this section shall not exceed the cost to the district of providing driver instruction less the state reimbursement. Tuition may be reduced or waived by a district for low income pupils.

(4) A district may also offer driver instruction to pupils in neighboring districts that do not offer driver instruction.

(5) Each district shall adopt written policies and procedures for driver instruction programs regarding reduced or waived tuition for low income pupils and for the admission of pupils from neighboring districts. [Formerly 343.730]

**336.810 Student Driver Training Fund.**

(1) There is created the Student Driver Training Fund, separate and distinct from the General Fund. All payments required under ORS 336.795 to 336.815 and moneys paid into the fund under ORS 802.110 and all expenses incurred in the administration of those sections shall be made to and borne by the fund. Interest earned by the fund shall be credited to the fund.

(2) The Superintendent of Public Instruction shall annually distribute the funds available in the Student Driver Training Fund in the manner provided in ORS 336.805.

(3) The Department of Transportation shall make periodic studies to determine the effectiveness of automobile driver instruction programs conducted under authority of ORS 336.790 to 336.815. [Formerly 343.740]

**336.815 Contract with private driver training school.** Any school district may contract with a lawfully licensed private driver training school for the instruction of students enrolled in a driver training course in the school in the portion of the course involving actual operation of motor vehicles. [Formerly 343.750]

**336.850** [1991 c.928 §7; renumbered 329.385 in 1993]

**336.870** [1991 c.871 §1; renumbered 329.395 in 1993]

**336.875** [1991 c.871 §2; renumbered 329.405 in 1993]

**336.880** [1991 c.871 §3; renumbered 329.415 in 1993]

**336.885** [1991 c.871 §4; renumbered 329.425 in 1993]

**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]