

# Chapter 344

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**PROFESSIONAL TECHNICAL EDUCATION**

344.010 [Repealed by 1959 c.641 §38]

344.020 [Repealed by 1959 c.641 §38]

344.030 [Repealed by 1959 c.641 §38]

344.040 [Repealed by 1959 c.641 §38]

344.050 [Repealed by 1959 c.641 §38]

**344.055 Policy on professional technical education and employment training.** It shall be the policy on professional technical education and employment training in this state that:

(1) Accessibility to professional technical education programs should be facilitated. Individuals should have a choice of training opportunities for which they are qualified and from which they can benefit. Such opportunities should be available from school districts, community colleges, federal and state manpower training programs, private professional technical schools, apprenticeship programs and institutions of higher education. The student should have easy access to training with the flexibility to move in and out of programs as needs indicate. Opportunities should be available for all individuals to obtain the skills and knowledge needed for initial employment as well as for occupational upgrading and job changes.

(2) State and local planning and program operations should be coordinated to provide the most efficient use of federal, state, local and private resources.

(3) A comprehensive system of education and employment training should be developed. Secondary schools should provide an educational program which balances the educational skills of reading, writing, speaking, computation and reasoning ability, occupational skills including technical knowledge, manipulative ability and other skills required to perform job tasks and employment skills such as job seeking, work attitude, work adjustment and job-coping abilities. Community colleges should provide comprehensive programs in both academic and professional technical subjects. In addition, community colleges should provide short-term training designed for specific occupations, related training for apprenticeships and opportunities for employed persons to improve their skills. Other providers of employment training should compliment this effort with programs aimed at specific job training.

(4) Full working partnerships among education, business, industry, labor, government and agriculture should be developed to meet employer needs for a skilled work force and to promote employee job satisfaction. Such partnerships should be fostered by promoting efforts such as work site training stations, lending or donating of equipment to

training programs, employee-teacher exchange programs, advisory committees and cooperative work experience programs. All segments of the community should be encouraged to assist in professional technical training.

(5) Federal, state, local and private funding resources should be combined to insure the development and implementation of quality programs. Both the governmental and private sectors should make a commitment to professional technical training as an investment which will help bring about economic development and stability as well as high social and financial returns. Improvement of existing training programs, as opposed to development of duplicative or parallel efforts, should be utilized to promote flexibility and economy in the design and delivery of professional technical education.

(6) High quality professional technical training requires an adequate supply of well prepared teachers and support personnel. Provisions should be made for the formal preparation of teachers and for the recruitment of teachers from business and industry. Programs should be designed and implemented to insure that teachers remain current in their areas of expertise, and instructors should be encouraged to return to business and industry to gain additional experience in their fields. To promote retention of qualified personnel, institutions preparing and licensing teachers and agencies employing teachers should allow credit for relevant professional technical experiences.

(7) Professional technical education programs and other employment training programs should be developed, operated and evaluated jointly with representatives of the professional technical instructional areas included in the programs. Evaluation of efforts should consider the cost effectiveness of the program both for society and the state.

(8) Each student's educational, professional technical and employment skills should be assessed upon entering so that proper placement in the educational program can occur. Credit should be given for prior education, work experience and community service. Assessments to determine progress, competency attainment and needed corrective action should be made on a periodic basis. Assistance in obtaining employment and follow-through services to help students succeed on the job should be provided.

(9) Provisions should be made to meet the needs of women, minorities, disadvantaged or persons with disabilities and others who have special training needs. Special curricula, facilities, equipment, counseling and instruction should be provided as necessary. The

agencies and institutions serving these groups should coordinate use of the available resources to provide cost effective services.

(10) Career education provides the learning experiences needed to make effective career choices and to develop the attitudes, knowledges and skills that enable persons to perform successfully in the producer role and to assist them in other related life roles. It progresses through the steps of awareness and exploration of work, preparation for a broad range of occupations and specialization in a specific occupation.

(11) Professional technical education is taught at the secondary school level, in post-secondary professional technical institutions, community colleges and apprenticeship programs and may continue through skill upgrading or retraining for a new career. [1981 c.756 §1; 1993 c.45 §243]

**344.060** [Amended by 1959 c.641 §35; repealed by 1965 c.100 §456]

**344.070 Revolving accounts for federally sponsored education or training; advances; uses.** (1) The Oregon Department of Administrative Services may draw warrants upon any state fund to which federal funds for training or education have been credited, in payment of vouchers approved by the Superintendent of Public Instruction or the Commissioner for Community College Services pursuant to rules of the State Board of Education, in favor of school districts, education service districts and community college districts, for such sums, not exceeding \$100,000 for a single district in the aggregate, as the state board, by rule, shall determine. The warrants, upon delivery thereof to the districts, shall constitute advances from state funds to enable the districts more readily to effectuate the purposes set forth in any federal law or regulation pertaining to professional technical education or other education or training sponsored by the Federal Government.

(2) The districts to which moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances are not within any limitation upon indebtedness prescribed by law for districts. The moneys advanced to districts shall not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient district in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of professional technical training programs. The advances shall be made only in those cases in which the Federal Government defrays all or part of the cost of such programs. [Amended by 1965

c.100 §435; 1965 c.102 §1; 1983 c.740 §109; 1989 c.491 §48; 1993 c.45 §244]

**344.080 Reimbursement vouchers; accounts and records; bond.** (1) All reimbursement vouchers for claims paid from the revolving funds mentioned in ORS 344.070 shall be approved by the Superintendent of Public Instruction or the Commissioner for Community College Services pursuant to rules of the State Board of Education. When vouchers are so approved, warrants covering the same shall be drawn by the Oregon Department of Administrative Services, payable from the appropriate fund, and be used to reimburse the revolving funds.

(2) The districts receiving such advances shall maintain their accounts and records so as to disclose at all times the true status of the unpaid vouchers issued for the reimbursement of the funds, the district warrants drawn against the funds advanced and the balances to the credit thereof.

(3) The revolving funds and accounts shall be subject to examination and audit by the state in the manner provided by law for other state funds and accounts. The State Board of Education may require an audit of the revolving accounts and shall take proper precautions as to the safety of, and accountability for, all funds advanced.

(4) The State Board of Education may require the filing with it of a bond of a corporate surety duly licensed to transact business in this state to insure the proper handling of and responsibility for any funds advanced. The bond shall be cumulative and supplemental to fidelity insurance coverage already held by the district concerned. The state may have recourse to any and all fidelity bonds of clerks or other financial officers of the district to protect such advances. [Amended by 1983 c.740 §110; 1989 c.491 §49; 1993 c.45 §245]

**344.090 Procedure when training and educational programs are no longer needed, or when advances are improperly handled or accounted for.** When it appears to the Superintendent of Public Instruction or the Commissioner for Community College Services that the training and educational programs for which funds are advanced under ORS 344.070 have been completed, or that the need for such advances or revolving funds no longer exists, or that the sums advanced are not being properly handled or accounted for, the superintendent or commissioner may require that all or part of the amounts advanced to any district shall be returned, with any interest earned, to the state funds or accounts from which the amounts originally were withdrawn. Upon receipt of notification from the superinten-

dent or commissioner that funds advanced are to be returned, the district concerned shall immediately repay the same to the State Treasurer, for credit to the proper fund or account. To the extent that funds advanced are so repaid, security or protection theretofore required by the State Board of Education under ORS 344.080 (4) to insure the safety of such funds may be released. [Amended by 1989 c.491 §50; 1993 c.45 §246]

**344.100 Acceptance of provisions of federal Act.** The State of Oregon hereby accepts all provisions and benefits of an Act of Congress with the stated purpose: "To make the United States more competitive in the world economy by developing more fully the academic and occupational skills of all segments of the population. This purpose will principally be achieved through concentrating resources on improving educational programs leading to academic and occupational skill competencies needed to work in a technologically advanced society." [Amended by 1993 c.45 §247]

**344.110** [Amended by 1989 c.491 §51; repealed by 1993 c.45 §248]

**344.120 Payment of claims approved by board.** All lawfully incurred claims duly approved pursuant to rules of the State Board of Education, including all claims to be paid from the moneys received by the state from the Federal Government for professional technical education purposes and for which the State Treasurer is custodian shall be paid as provided in ORS 293.295 to 293.462. The Oregon Department of Administrative Services shall draw warrants on the State Treasurer in payment thereof out of the proper appropriations or funds. [Amended by 1983 c.740 §111; 1989 c.491 §52; 1993 c.45 §249]

**344.130 Cooperation by district school boards to establish professional technical training.** Any district school board may cooperate with the State Board of Education in establishment of professional technical schools or classes giving instruction in agricultural subjects, the trade or industrial subjects, or in home economics subjects, and may use any moneys raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools. [Amended by 1993 c.45 §250]

**344.140** [Repealed by 1979 c.570 §4]

**344.150** [1955 c.632 §2; 1959 c.641 §36; repealed by 1961 c.596 §7]

### COUNCIL FOR PROFESSIONAL TECHNICAL EDUCATION

**344.205 Definitions for ORS 344.205 to 344.245.** As used in ORS 344.205 to 344.245:

(1) "Career education" means education which links learning activities with jobs

along the entire range of skills for technical and professional careers and is an integral part of the total educational program.

(2) "Professional technical education" means a component of career education which offers specific skill training in a wide variety of technical and professional knowledge, skills and attitudes to prepare individuals for gainful employment.

(3) "State council" means the Council for Professional Technical Education. [1975 c.637 §1; 1977 c.227 §1; 1993 c.45 §251]

**344.215** [1975 c.637 §8; repealed by 1993 c.45 §252]

**344.225 Council for Professional Technical Education; appointment; qualifications; term; expenses; quorum.** (1) There is created a Council for Professional Technical Education. The Governor shall appoint members for terms of three years. The appointments shall be consistent with the requirements of any federal programs providing financial support to the council and shall have as a majority of its members persons who are not educators or administrators in the field of education and shall be representative of both sexes, racial and ethnic minorities, and the various geographic regions of the state.

(2) Members of the state council are entitled to expenses as provided in ORS 292.495 (2).

(3) A majority of the state council constitutes a quorum for the transaction of business. [1975 c.637 §2; 1977 c.227 §2; 1993 c.45 §253]

**344.235 Duties of council.** The state council shall:

(1) Provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the career and professional technical education programs of the state;

(2) Serve as an advisory body to the Oregon Office of Educational Policy and Planning in matters relating to career and professional technical education in the state;

(3) Make available to local education agencies as recipients of federal career and professional technical education funds and the local career and professional technical advisory councils of these local education agencies, such technical assistance as the recipients may request to establish and operate such local advisory councils; and

(4) Fulfill such other duties as set forth in the Carl D. Perkins Vocational Educational Act of 1984, as amended by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990, P.L. 100-297, Elementary and Secondary School Improvements Amendments of 1988 and P.L. 100-418, the Omnibus Trade and Competitive

Act of 1988. [1975 c.637 §3; 1977 c.227 §3; 1993 c.45 §254]

**344.245 Use of funds; staff.** (1) All moneys received by the state council shall be paid into the State Treasury and credited to the state council account. Such funds are appropriated continuously for and shall be used in carrying out functions of ORS 344.205 to 344.245 and expended pursuant to state budget procedures. The expenditure of these funds shall be determined solely by the state council for carrying out its functions under ORS 344.205 and 344.225 to 344.245, and may not be diverted or reprogrammed for any other purpose by any state board, agency or individual. The state council shall designate an appropriate state agency or other public agency, eligible to receive funds and to act as its fiscal agent for purpose of disbursement, accounting and auditing.

(2) The state council is authorized to obtain the services of such professional, technical and clerical personnel as may be necessary to enable it to carry out its functions under ORS 344.205 and 344.225 to 344.245 and to contract for such services as may be necessary to carry out its evaluation functions, independent of programmatic and administrative control by other state boards, agencies and individuals. [1975 c.637 §5; 1977 c.227 §4; 1993 c.45 §255]

**344.255** [1975 c.637 §6; 1977 c.227 §5; repealed by 1993 c.45 §256]

**344.305** [1989 c.961 §1; renumbered 285.200 (1) to (3) in 1991]

**344.309** [1989 c.961 §2; 1991 c.668 §5; renumbered 285.243 in 1991]

**344.310** [Amended by 1957 c.389 §1; subsection (2) of 1957 Replacement Part enacted as 1957 c.389 §2; repealed by 1959 c.566 §8]

**344.314** [1957 c.389 §3; repealed by 1959 c.566 §8]

**344.315** [1989 c.961 §3; repealed by 1991 c.667 §17 and 1991 c.668 §17]

**344.316** [1957 c.389 §3; repealed by 1959 c.566 §8]

**344.318** [1957 c.389 §15; repealed by 1959 c.566 §8]

**344.319** [1989 c.961 §4, renumbered 285.205 in 1991]

**344.320** [Repealed by 1957 c.389 §17]

**344.322** [1957 c.389 §8; repealed by 1959 c.566 §8]

**344.323** [1989 c.961 §5; renumbered 285.223 in 1991]

**344.324** [1957 c.389 §§4, 5; repealed by 1959 c.566 §8]

**344.325** [1989 c.961 §6; renumbered 285.225 in 1991]

**344.326** [1957 c.389 §6; repealed by 1959 c.566 §8]

**344.328** [1957 c.389 §10; repealed by 1959 c.566 §8]

**344.329** [1989 c.961 §7; renumbered 285.227 in 1991]

**344.330** [Repealed by 1959 c.566 §8]

**344.335** [1989 c.961 §8; renumbered 285.230 in 1991]

**344.339** [1989 c.961 §9; renumbered 285.233 in 1991]

**344.340** [Repealed by 1959 c.566 §8]

**344.343** [1989 c.961 §10; renumbered 285.235 in 1991]

**344.345** [1953 c.722 §1; repealed by 1959 c.566 §8]

**344.347** [1989 c.961 §11; renumbered 285.237 in 1991]

**344.350** [Repealed by 1959 c.566 §8]

**344.355** [1989 c.961 §12; renumbered 285.240 in 1991]

**344.360** [Repealed by 1959 c.566 §8]

**344.370** [1957 c.389 §11; repealed by 1959 c.566 §8]

**344.375** [1957 c.389 §12; repealed by 1959 c.566 §8]

**344.380** [1957 c.389 §13; repealed by 1959 c.566 §8]

**344.390** [1957 c.389 §9; repealed by 1959 c.566 §8]

**344.400** [1957 c.389 §14; repealed by 1959 c.566 §8]

**344.410** [1957 c.389 §7; repealed by 1959 c.566 §8]

## VOCATIONAL REHABILITATION

**344.510** [Amended by 1963 c.522 §1; repealed by 1965 c.100 §436 (344.511 enacted in lieu of 344.510)]

**344.511 Definitions for ORS 344.511 to 344.690 and 344.710 to 344.730.** As used in ORS 344.511 to 344.690 and 344.710 to 344.730:

(1) "Assistant director" means the Assistant Director for Vocational Rehabilitation.

(2) "Disabled individual" means any person who has a substantial occupational handicap due to a physical or mental condition except blindness.

(3) "Division" means the Vocational Rehabilitation Division established by ORS 344.520.

(4) "Maintenance" means money payments, during vocational rehabilitation, to individuals with occupational handicaps found to require financial assistance with respect thereto in order to effectuate the vocational rehabilitation of such individuals.

(5) "Occupational handicap" means a physical or mental condition other than blindness which, regardless of its origin, constitutes, contributes to, or, if not corrected, will probably result in, an obstruction to occupational performance or the condition of being an untrained individual.

(6) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in any occupation.

(7) "Occupational tools, equipment and supplies" means such customary implements, appliances, apparatus, fixtures and materials as are necessary for the successful prosecution of the employment objective of an individual with an occupational handicap.

(8) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially modify an individual's occupational handicap within a reasonable length of time. The term includes but is not limited to medical, psychiatric, dental and surgical treatment, nursing services, hospital and convalescent home care, medical and surgical drugs and supplies, and prosthetic appliances, excluding

curative treatment for acute or transitory conditions.

(9) "Prosthetic appliance" means any artificial appliance designed to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Rehabilitation training" means all training provided, directly or through public or private instrumentalities, to an individual to compensate for the occupational handicap of the individual. The term includes but is not limited to manual, preconditioning, pre-vocational, vocational and supplementary training and training provided for the purpose of achieving broader and more remunerative skills and capacities.

(11) "Severely handicapped individual" means a disabled individual who, because of the nature of disabilities, is not able to participate fully in competitive employment, and for whom specialized employment opportunities must be provided.

(12) "Untrained individual" means any person without mental or physical disability who has a substantial occupational handicap due to lack of occupational training, experience, skills or other factors and who is receiving and, in the opinion of the Adult and Family Services Division, probably will continue to receive public assistance because of the occupational handicap of the individual.

(13) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services necessary to enable an individual with an occupational handicap to engage in a remunerative occupation and include, but are not limited to, medical and vocational diagnoses, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, occupational tools, equipment and supplies, maintenance and training books, supplies and materials. [1965 c.100 §437 (enacted in lieu of 344.510); 1967 c.552 §1; 1969 c.597 §160; 1969 c.614 §1]

**344.520 Vocational Rehabilitation Division.** There is established a Vocational Rehabilitation Division. The division consists of an assistant director and such other personnel as may be necessary for the efficient performance of the functions of the division. [Amended by 1967 c.552 §2; 1969 c.597 §161]

**344.525 Assistant director; bond.** (1) The division shall be under the supervision and control of an assistant director who shall be appointed as provided in ORS 409.100 and who shall be responsible for the performance of the duties imposed upon the division. The assistant director shall be a person who, by training and experience, is well qualified to perform the duties of the division.

(2) Before entering upon the duties of office, the assistant director shall give to the state a fidelity bond for the faithful performance of duties in such penal sum as may be fixed by law or, if not so fixed, as may be fixed by the Governor, with corporate surety authorized to do business in this state. The premium for such bond shall be paid by the division. [1967 c.552 §11; 1969 c.597 §162; 1983 c.740 §112]

**Note:** 344.525 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 344 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**344.527 Administrative assistants; salary and expenses.** (1) Subject to the approval of the Governor, the assistant director may appoint two assistants who shall serve at the pleasure of the assistant director and be in the unclassified service.

(2) The assistants shall receive such salary as may be provided by law or, if not so provided, as may be fixed by the assistant director. In addition to their individual salaries, each assistant administrator shall, subject to the limitations otherwise provided by law, be reimbursed for all expenses actually and necessarily incurred by the assistant administrator in the performance of official duties. [1969 c.597 §164]

**344.530 Rehabilitation duties.** Notwithstanding any other provisions of the law, the division shall perform the following vocational rehabilitation functions:

(1) Provide for the vocational rehabilitation of all eligible individuals with occupational disabilities and for their placement in remunerative occupations.

(2) Establish and enforce such rules as may be necessary to:

(a) Carry out ORS 344.511 to 344.690 and 344.710 to 344.730;

(b) Safeguard the confidential character of vocational rehabilitation information and records; and

(c) Maintain a system of personnel standards, subject to the State Personnel Relations Law, governing the selection, appointment and employment upon a merit basis of all personnel engaged in the administration of the vocational rehabilitation program.

(3) Cooperate with public and private departments, agencies and institutions in:

(a) Providing for the vocational rehabilitation of individuals with occupational disabilities;

(b) Studying the problems involved therein; and

(c) Establishing, developing and providing, in conformity with ORS 344.511 to 344.690 and 344.710 to 344.730, such programs, facilities and services as may be necessary.

(4) Enter into reciprocal agreements with other states relative to the provision of vocational rehabilitation to residents of the states concerned.

(5) Conduct research and compile statistics relating to the vocational rehabilitation of individuals with occupational disabilities.

(6) Encourage and assist severely disabled individuals in the establishment, maintenance and conduct of appropriate home industries within their capacities and in the promotion of the sale and distribution of the products of such home industries. All funds collected or received from such activities shall be deposited in a permanent special fund in the State Treasury and shall be used for the operation of such home industries as determined by the division.

(7) For rehabilitation facilities:

(a) Establish, conduct and maintain facilities necessary for the sheltered employment of severely disabled individuals;

(b) Pay the individuals employed in the facilities suitable wages;

(c) Devise means for the sale and distribution of the products of the facilities;

(d) Devise a subsidy program, and include a plan for its funding in each biennial budget submitted to the Legislative Assembly; and

(e) Take such other action as may be necessary to insure the successful operation of the facilities established.

(8) All funds collected or received from activities described in subsection (7) of this section shall be deposited in the State Vocational Rehabilitation Account and are appropriated and shall be used for the operation of facilities necessary for the sheltered employment of severely disabled individuals as determined by the division.

(9) Family support services provided by the Vocational Rehabilitation Division shall be delivered in accordance with the principles described in ORS 417.342 and 417.344.

(10) Take such other action as may be necessary to carry out ORS 344.511 to 344.690 and 344.710 to 344.730. [Amended by 1963 c.522 §2; 1965 c.100 §438; 1967 c.552 §3; 1969 c.597 §165; 1971 c.617 §1; 1989 c.224 §55; 1991 c.93 §5; 1991 c.122 §10]

**344.540 Federal cooperation.** The division:

(1) Shall cooperate with the Federal Government in carrying out the purposes of

any federal Act pertaining to vocational rehabilitation, and in related matters of mutual concern, including the adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of plans for vocational rehabilitation.

(2) May 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 vocational rehabilitation purposes. [Amended by 1965 c.100 §439; 1967 c.552 §4; 1969 c.597 §166]

**344.550 Eligibility for and extent of rehabilitation services.** Vocational rehabilitation services shall be provided to any disabled individual:

(1) Who is in the state and files an application therefor and who is not in the state for the sole purpose of receiving vocational rehabilitation services.

(2) Who is eligible for vocational rehabilitation service under the terms of an agreement with another state or with the Federal Government.

(3) Except as otherwise provided by law or as specified in any agreement with the Federal Government with respect to classes of individuals certified by the division, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

(a) Physical restoration.

(b) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary.

(c) Occupational licenses.

(d) Customary occupational tools and equipment.

(e) Maintenance.

(f) Training books and materials. [Amended by 1965 c.100 §440; 1967 c.552 §5; 1969 c.614 §2]

**344.555 Training under apprenticeship program.** (1) When an individual with an occupational handicap is to be trained as an apprentice as defined in ORS chapter 660, or in a trade or craft for which training standards are established under ORS chapter 660, the training shall be subject to the provisions of ORS chapter 660, and shall be under the jurisdiction of the State Apprenticeship Council in cooperation with the division.

(2) This section is not intended to limit any necessary financial assistance to which or for which an individual with an occupational handicap would otherwise be entitled under ORS 344.550. [1963 c.522 §9]

**344.560 Application; form.** Applications for vocational rehabilitation under ORS 344.550 shall be made in such manner and form and contain such information as the assistant director may require.

**344.570 Action upon application.** Whenever the division receives an application for vocational rehabilitation under ORS 344.560, it shall promptly cause to be obtained and recorded, with respect to such applicant, all essential, pertinent information concerning the circumstances, health condition, vocational aptitudes and experience of the applicant, and such other information as may be necessary for the determination of the eligibility of the applicant and of the nature and amount of vocational rehabilitation services needed.

**344.573 Referral by Adult and Family Services Division; eligibility of person referred; reimbursement.** (1) The Adult and Family Services Division may refer to the Vocational Rehabilitation Division any untrained individual who is responsible for personal maintenance or is the responsible head of a household when, in the opinion of the Adult and Family Services Division, the individual has a reasonable chance for employment after receiving vocational rehabilitation.

(2) If, in the opinion of the Vocational Rehabilitation Division the individual so referred has a reasonable chance for employment after receiving vocational rehabilitation, the individual shall be eligible for all services of the division including those under ORS 344.550 (2). The division shall report the amount of any additional payments made to the individual to the Adult and Family Services Division.

(3) The Adult and Family Services Division in making a referral under subsection (1) of this section shall send any medical, psychiatric, social, financial or other information in its possession concerning the individual that the Vocational Rehabilitation Division may request unless such information is confidential under federal laws or regulations.

(4) The Adult and Family Services Division shall enter into an agreement for reimbursement of the Vocational Rehabilitation Division for its expenditures in providing vocational rehabilitation to untrained individuals and shall reimburse the division for such expenditures according to the terms of such agreement. [1963 c.522 §7; 1971 c.779 §5]

**344.575 Training for person referred by Adult and Family Services Division.** The division shall provide vocational rehabilitation to any untrained individual who

is referred by the Adult and Family Services Division in the county in which the untrained individual resides as provided in ORS 344.573 if, in the opinion of the Vocational Rehabilitation Division, the individual has a reasonable chance for employment after receiving vocational rehabilitation. [1963 c.522 §3a]

**344.577 Eligibility for public assistance of person referred for training.** (1) An untrained individual referred to the division under ORS 344.573 or the family of the individual shall continue if otherwise eligible to receive public assistance during the period when the individual is receiving vocational rehabilitation.

(2) The Adult and Family Services Division may make adjustment in the amount of assistance required by the family of the individual if, because of a lack of facilities for vocational rehabilitation in the area where the individual and the family of the individual live, the individual is required to live away from home during the period when the individual is receiving vocational rehabilitation. [1963 c.522 §8; 1971 c.779 §6]

**344.580 Payments exempt from process.** Any payments made to an individual with an occupational handicap as maintenance under ORS 344.511 to 344.690 and 344.710 to 344.730 shall not be transferable or assignable at law or in equity. None of the money payable under ORS 344.511 to 344.690 and 344.710 to 344.730 shall be subject to execution, levy, attachment, garnishment or other legal process or to the operation of any bankruptcy or insolvency law. [Amended by 1963 c.522 §4]

**344.590 Appeal and hearing.** Any individual applying for or receiving vocational rehabilitation who is aggrieved because of the division's decision or delay in making a decision shall be entitled to appeal to the division, and opportunity for hearing as a contested case shall be accorded as provided in ORS 183.310 to 183.550 and chapter 734, Oregon Laws 1971. [Amended by 1967 c.552 §6; 1971 c.734 §38]

**Note:** The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "chapter 734, Oregon Laws 1971" in 344.590. Chapter 734, Oregon Laws 1971, enacted into law and amended ORS sections which may be found by referring to the Comparative Section Table located in volume 15 of Oregon Revised Statutes.

**344.600 Unauthorized use of official rehabilitation data.** Except for purposes directly connected with the administration of vocational rehabilitation, and in accordance with the rules and regulations of the division, no person shall solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information con-

cerning persons applying for or receiving vocational rehabilitation directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. [Amended by 1967 c.552 §7]

**344.610** [Amended by 1963 c.522 §5; repealed by 1965 c.100 §456]

**344.620 State Vocational Rehabilitation Account; federal funds; custody and disbursement; records.** (1) There is established in the General Fund of the State Treasury, a State Vocational Rehabilitation Account which shall consist of all moneys made available to the division for rehabilitation purposes. All moneys in such special account hereby are appropriated for the purposes of the administration of ORS 344.511 to 344.690, 344.710 to 344.730 and 344.850.

(2) The State Treasurer is designated custodian of all funds received from the Federal Government for the purpose of carrying out any federal Act pertaining to vocational rehabilitation. The State Treasurer shall receive such funds and provide for their custody.

(3) Disbursements from the State Vocational Rehabilitation Account shall be made as directed by the division. The division 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 divisional activity against which each withdrawal is charged. [Amended by 1967 c.552 §8; 1969 c.597 §167; 1983 c.297 §1]

**344.630 Gifts for rehabilitation purposes.** The division may receive and accept such gifts, donations and other funds from either public or private sources as may be offered unconditionally or under such conditions as in the judgment of the division are proper and consistent with the provisions of ORS 344.511 to 344.690 and 344.710 to 344.730. Gifts so accepted shall be held in trust for investment, reinvestment and use in accordance with the conditions of the gift. Such moneys shall be deposited in the State Treasury to the credit of the State Vocational Rehabilitation Account. [Amended by 1967 c.552 §9]

**344.640** [Amended by 1953 c.674 §13; 1957 c.574 §1; renumbered 344.810]

**344.650** [Renumbered 344.820]

**344.660** [Amended by 1953 c.674 §13; renumbered 344.830]

**344.670** [Renumbered 344.840]

**344.680** [1955 c.762 §3; renumbered 344.850]

**344.685 Vocational Rehabilitation Division Revolving Fund.** (1) There is established the Vocational Rehabilitation Division

Revolving Fund, not to exceed the sum of \$750,000, for the use of the division. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the division may draw checks for the purposes of paying expenses of vocational rehabilitation services when it is appropriate to make immediate payments for such services, including advance payments to applicants for vocational rehabilitation.

(2) Disbursements from the revolving fund may be made by the division and all vouchers for payments made from the fund shall be approved by the administrator of the division. When payments are so approved, reimbursements shall be made to the division revolving fund upon order of the assistant director out of funds in the State Vocational Rehabilitation Account. [1967 c.483 §§2, 4; 1969 c.597 §168; 1969 c.614 §§3, 3a]

**344.690 Advances to fund from account; repayment.** (1) The warrants shall be drawn as provided by law in favor of the division on funds in the State Vocational Rehabilitation Account in the State Treasury. The funds so advanced shall be used by the division for the revolving fund set forth in ORS 344.685 (1).

(2) At any time during the biennium for which the advances mentioned in subsection (1) of this section were made, upon written request together with a check drawn on the Vocational Rehabilitation Division Revolving Fund by the division, the Secretary of State shall return such advances to the State Vocational Rehabilitation Account.

(3)(a) The State Treasurer shall, from time to time, advance from funds in the hands of the treasurer not required to meet current demands, to the Vocational Rehabilitation Division Revolving Fund established by ORS 344.685 (1), an amount not to exceed \$40,000.

(b) The amounts so advanced shall be returned without interest by the division to the State Treasurer at times and in amounts agreed upon between the State Treasurer and the division. [1967 c.483 §3; 1969 c.597 §170]

## REHABILITATION FACILITIES

**344.710 Definition for ORS 344.710 to 344.730.** "Rehabilitation facility" means a nonprofit sheltered or community-based service established and operated by a public or private organization to provide two or more of the following services for individuals with disabilities:

- (1) Vocational assessment.
- (2) Community integration.
- (3) Training.

(4) Employment. [1963 c.506 §2; 1989 c.224 §56; 1991 c.93 §6]

**344.720 Establishment of rehabilitation facilities; application; approval.** (1) Upon approval of the rehabilitation facility and within the limits of available funds, the Vocational Rehabilitation Division may make grants to assist rehabilitation facilities.

(2) Applications for grants under subsection (1) of this section shall be made in the manner and form and contain the information required by the division.

(3) The approval of the division required by subsection (1) of this section shall be based on reasonable and satisfactory assurance of:

(a) Provision for vocational training and employment experience to enable the disabled or severely disabled individuals to participate in competitive employment when the physical condition of the person warrants such employment.

(b) Compliance with the rules of the division applicable to rehabilitation facilities. [1963 c.506 §3; 1965 c.100 §441; 1967 c.552 §10; 1989 c.224 §57; 1991 c.93 §7]

**344.730 Financial report.** All rehabilitation facilities which receive state aid under the provisions of ORS 344.710 to 344.730, on or before January 15, shall file with the division a financial report on the preceding year in the form prescribed by the division. [1963 c.506 §4; 1991 c.93 §8]

**344.735 State advisory committee; members; duties.** (1) There is established a state advisory committee which shall function solely in an advisory capacity to the Assistant Director of the Vocational Rehabilitation Division of the Department of Human Resources and to the division. The assistant director shall appoint members to the advisory committee. A majority of the advisory committee shall be disabled persons.

(2) The assistant director shall include advisory committee recommendations in the division's decision-making process. The advisory committee shall:

(a) Collect and study data and other information and offer advice concerning specialized needs of specific client groups;

(b) Provide liaison between the division and the rehabilitation community;

(c) Review and suggest new and revised legislation affecting the provision of vocational rehabilitation services to Oregon's disabled;

(d) Study, collect data and offer advice regarding high priority issues identified by the division;

(e) Consider items of statewide concern relayed from regional advisory committees; and

(f) Utilize regional committees as a resource for gathering information as it relates to the individual areas.

(3) Through the advisory committee, the division shall take into account views of individuals and groups who are recipients of vocational rehabilitation services, providers of vocational rehabilitation services and others who are active in the vocational rehabilitation field, in connection with matters of general policy, program development and implementation. [1989 c.225 §1]

**344.740** [1969 c.100 §1; 1973 c.517 §1; repealed by 1981 c.126 §6]

### YOUTH APPRENTICESHIP, TRAINING AND WORK BASED LEARNING PROGRAMS

**344.745 Youth apprenticeship, training and work based learning programs; number of participants; qualifications; guidelines; credit.** (1) The State Apprenticeship and Training Council and the Department of Education shall establish youth apprenticeship and training and work based learning programs to provide occupational skill training for up to 2,000 individual high school students in each biennium. Notwithstanding the limitation on the number of program participants, the department and the Bureau of Labor and Industries may increase the number of participants if federal funds become available for such an increase. In the building and construction trades industries, there shall be a maximum of 100 youth apprentices or trainees per biennium. However, the council has the authority to increase the number of youth apprentices in building and construction trades on the basis of demonstrated industry need.

(2) Participating students must be 16 years of age or older and must be enrolled in a high school professional technical program that is applicable to the specific youth apprenticeship and training or work based learning program for which they are applying. Students must demonstrate mastery of the essential competencies contained in an approved career exploration curriculum prior to being registered as a youth apprentice or trainee. In licensed trades for building and construction and for the operation of equipment and machinery defined as hazardous, on-the-job training for students 16 or 17 years of age may be simulated cooperatively at a training site.

(3) Participating schools shall develop and maintain a list of students eligible for youth apprenticeship and training programs.

In a cooperative effort, school districts, education service districts and local apprenticeship and training committee members shall review and select students for participation from the list of eligible students established under this subsection.

(4) Employers under ORS chapter 660 shall cooperate with the State Director of Apprenticeship and Training through the applicable apprenticeship committee to develop training guidelines consistent with youth apprenticeship and training standards for a specific trade. The guidelines shall provide listing of work processes and related training to be done that will permit the student to acquire necessary skills. The employer, school and youth apprentice shall evaluate monthly the student's progress in high school curriculum, related training and on-the-job training.

(5) No registered youth apprentice or trainee shall displace a regular employee of an approved employer. [1991 c.859 §1; 1993 c.45 §257; 1993 c.765 §27]

**344.747 Eligibility to participate in work based learning programs; program requirements; cooperation with regional workforce quality committees; transportation.** (1) The work based learning programs required to be established by ORS 344.745 shall be made available to students 16 years of age and older who have demonstrated mastery of the essential competencies contained in an approved career exploration curriculum and have received labor market based career counseling. The program shall combine on-the-job learning with classroom instruction that bridges high school and post-secondary schooling, facilitates the school-to-work transition and results in certification of mastery of both academic and work skills, including the essential competencies included in the federal Secretary's Commission on Achieving Necessary Skills report. Successful students are to be prepared to compete successfully for high skill, high wage jobs, to continue in post-secondary education that includes, but is not limited to, technical preparatory associate degree programs or to obtain further professional technical training.

(2) Work based learning programs shall provide:

(a) Structured, sequenced classroom instruction that integrates academic and work based learning.

(b) On-the-job instruction that is provided in a skilled occupational area by a skilled mentor, which follows a systematic schedule of identified work activities and is based on recognized skills standards.

(c) A state certificate, recognized by both the educational and business communities, documenting the academic and occupational proficiency of those students who complete the program.

(3) School districts shall prepare in collaboration with regional workforce quality committees, when appropriate, a plan for administration of the work based learning program. Collaboration with a regional workforce quality committee shall insure that training provided is consistent with the goals of the committee's strategic plan and, to the extent practicable, that priority is given to occupations in Oregon key industries.

(4) Participants in work based learning programs are eligible to obtain transportation services from the educational institution at which the training is conducted, from such funds as are available therefor, on a priority of application date basis.

(5) The provisions of ORS 344.750 (5) to (8) apply to participants in work based learning programs. [1993 c.765 §31]

**344.750 Ratios of apprentices or trainees; workers' compensation coverage required; wages; hours; removal.** In addition to the provisions of ORS 344.745, in each program:

(1) The State Apprenticeship and Training Council shall establish by rule appropriate youth apprentice or trainee ratios.

(2) The employer shall provide workers' compensation coverage for the youth apprentices and trainees as required by ORS 656.033.

(3) The youth apprentice or trainee shall begin at a wage that is 80 percent of the first period of the apprenticeship or training wage established by the appropriate apprenticeship or training committee for the applicable standards, but shall not be less than the state minimum wage.

(4) Youth apprentices and trainees shall be evaluated for wage increases consistent with the policies established by the participating local apprenticeship or training committee.

(5) Youth apprentices and trainees shall not be employed on projects subject to the federal Davis-Bacon Act or on projects subject to ORS 279.348 to 279.363.

(6) The youth apprentice's or trainee's combined in-school coursework and related training, as well as on-the-job training and other training experiences, shall not exceed eight hours per day or 40 hours per week.

(7) Employment with the employer shall not exceed 20 hours per week while the student is enrolled in school classes. All or a

portion of the on-the-job training shall be used to meet graduation requirements.

(8) Participating students who fail to regularly attend and make satisfactory progress in in-school courses and required related training or who leave high school prior to graduation or completion of their high school requirements shall automatically be removed from the youth apprenticeship or work based learning program. [1991 c.859 §2; 1993 c.45 §258; 1993 c.765 §28]

**344.753 Employers eligible for reimbursement for costs of training programs; education service credits.** (1) Employers who enter into written agreements with educational institutions and who are providing training to participants in youth apprenticeship and training or work based learning programs are eligible for reimbursement of expenses incurred in the training process. These expenses may include wages paid to the student, training costs for mentors and supervisors, equipment costs to set up youth training capacity, curriculum development costs, costs of establishing interfirm training centers or other costs necessitated by the training agreement.

(2) The amount of reimbursement shall be 50 percent of the actual cost of the investment, such reimbursement not to exceed \$2,500 per student who completes the agreed upon course of study. In the event that a student drops out of the program through no fault of the employer, the Department of Education may reimburse the employer for costs incurred to that point.

(3) Eligible employers may elect to receive education service credits in lieu of the reimbursement provided in this section. The amount of the education service credit shall equal the value of the potential reimbursement on a dollar-for-dollar basis. Education service credits may be used to purchase educational services provided to the employer by school districts, education service districts, community colleges, the State System of Higher Education or private providers approved by the Department of Education.

(4) Employers who terminate students without the concurrence of the school forfeit all claim to reimbursements or education service credits earned under this section.

(5) The total amount of employer reimbursement allowable under this section to all employers shall not exceed the amount allocated therefor biennially from the Executive Department Economic Development Fund.

(6) Reimbursements allowed under this section must first be certified with regard to eligibility and availability of funds pursuant to a method established by the Department

of Education in consultation with the Bureau of Labor and Industries. [1993 c.765 §32]

**344.755 Loss of eligibility for tax credit and for program participation.** Training agents who terminate youth apprentices without cause as determined by the appropriate apprenticeship committee prior to completion of training or who violate ORS 344.745 or 344.750 or rules adopted pursuant thereto by the State Apprenticeship and Training Council or the Department of Education, upon notice to the Department of Revenue, may lose their eligibility for tax credits pursuant to ORS 315.254 and 318.031 and their eligibility to train and employ youth apprentices under ORS 315.254 and 344.745 to 344.757 for a period of one year. [1991 c.859 §8; 1993 c.45 §259]

**344.757 Gifts and grants.** The Department of Education and the Bureau of Labor and Industries may apply for and obtain gifts and grants of money from any public or private source for the use and benefit of youth apprenticeship and training or work based learning programs and shall expend funds received in accordance with the terms of such gifts or grants. [1993 c.765 §33]

### ADULT LITERACY

**344.760 Legislative findings on adult literacy.** The Legislative Assembly finds that:

(1) It is in the state's interest to assure coordination of the various groups providing adult literacy services within communities.

(2) The demands created by new technologies and foreign competition have intensified the need for a literate work force.

(3) Community colleges are the major providers of adult literacy to Oregon communities through adult basic education, General Education Development and reading, tutoring and pre-employment skills classes.

(4) Community colleges present the opportunity of a statewide network able to link libraries, providers of Job Training Partnership Act services, community schools, volunteer literacy groups and other providers of literacy services and resources. [1987 c.190 §2]

**344.765 Establishment of literacy coalitions by community colleges.** (1) Community colleges may establish local literacy coalitions in the community college districts and in unserved areas in order to enhance educational services to undereducated adults.

(2) A literacy coalition in each district shall inform community members as to the extent of literacy services available in their area. The coalition shall endeavor to insure that community resources are used effectively and try to make more services avail-

able to undereducated adults through community efforts. [1987 c.190 §3]

**344.770 Short title.** ORS 344.760 to 344.770 may be cited as the "Adult Literacy Act." [1987 c.190 §1]

### REHABILITATION OF WORKERS

**344.810** [Formerly 344.640; 1965 c.285 §67b; renumbered 656.616]

**344.820** [Formerly 344.650; 1965 c.285 §67c; renumbered 656.728(1)]

**344.830** [Formerly 344.660; 1965 c.285 §67d; renumbered 656.728(2)]

**344.840 Professional technical instruction in public schools for workers; reimbursement.** Upon application of the Director of the Department of Consumer and Business Services, the district school board of a school district which employs professional technical instructors or maintains a professional technical training program shall

furnish to any person designated by the director such professional technical instruction as is provided for district pupils when the facilities of the district permit. The director shall cause to be paid to the district the actual cost of such instruction as nearly as may be estimated by the district school board. [Formerly 344.670; 1965 c.100 §442; 1993 c.45 §260]

**344.850 Reimbursements to Vocational Rehabilitation Division.** All reimbursements to the Vocational Rehabilitation Division made by the Department of Consumer and Business Services in connection with rehabilitation services shall be deposited in the State Vocational Rehabilitation Account and be included in the biennial budget of the division. [Formerly 344.680; 1965 c.100 §443; 1983 c.297 §2]

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