Oregon Laws
Relating to Public Schools
and Community Colleges

A compilation of statutes
from the 2005 Legislative Assembly

Susan Castillo
State Superintendent of Public Instruction
Oregon Department of Education
255 Capitol St NE
Salem, Oregon 97310
www.ode.state.or.us
It is the policy of the State Board of Education and a priority of the Oregon Department of Education that there will be no discrimination or harassment on the grounds of race, color, sex, marital status, religion, national origin, age or disability in any educational programs, activities, or employment. Persons having questions about equal opportunity and nondiscrimination should contact the State Superintendent of Public Instruction at the Oregon Department of Education.
I am pleased to present this compilation of laws relating to public schools and community colleges. This excerpt is taken from the Oregon Revised Statutes and is designed to be an easily accessible reference tool for educators. It contains the laws enacted by the 2005 regular session of the Seventy-third Legislative Assembly. Previous editions of this compilation are no longer a valid reference tool.

This volume contains those statutes that directly affect public schools and community colleges, annotations to these statutes, the Oregon Constitution, and the United States Constitution. An index and table of contents are included for your convenience.

Educators are constantly required to make decisions that have legal implications. As useful as we hope this document is to you, it cannot substitute for professional expertise. For individual legal advice, a private attorney is necessary. Please feel free to call Gene Evans, Communications Director, at 503-947-5737.

Sincerely,

Susan Castillo
State Superintendent of Public Instruction
CONTENTS BY CHAPTER

Also see Chapter Outlines

Chapter 326. State Administration of Education ................................................  1
  • State Board of Education
  • Department of Education
  • Superintendent of Public Instruction
  • School Census
  • Department of Community Colleges and Workforce Development
  • Intellectual Property
  • General Educational Development (GED) Certificates
  • Student Records
  • Criminal Offender Information Process
  • Youth Corrections and Juvenile Detention Education Programs

Chapter 327. State Financing of Elementary and Secondary Education .... 15
  • State School Fund
  • Grants to School Districts and Programs
  • Common School Fund
  • Education Cash Account
  • Quality Education Commission
  • Miscellaneous
  • Education Lottery Bond Program

Chapter 328. Local Financing of Education ....................................................... 45
  • General Provisions
  • County School Fund
  • Douglas County School Fund
  • Common School Fund for District No. 1, Klamath County
  • Bonds
  • Oregon School Bond Guaranty Act
  • Disbursements; Audits
  • Taxes and Indebtedness

Chapter 329. Oregon Educational Act for the 21st Century;
  Educational Improvement and Reform.................................................. 63
  • Oregon Educational Act for the 21st Century
  • Oregon 21st Century Schools Program
  • School Improvement and Professional Development Program
  • Oregon Virtual School District
  • Miscellaneous
  • Literacy, Education and Professional Technical Job Training

Chapter 330. Boundary Changes; Mergers........................................................ 101
  • General Provisions
  • Boundary Change and Merger Procedures
  • Notice
  • Local School Committees
Chapter 332. Local Administration of Education................................. 113
  • General Provisions
  • Board of Directors
  • Board Organization and Meetings
  • Status, General Powers and Duties
  • Elections
  • District Property
  • Gifts
  • Transportation
  • Insurance
  • Traffic Regulation
  • Personnel
  • Student Census
  • Student Travel Services
  • Intellectual Property

Chapter 334. Education Service Districts........................................... 131
  • General Provisions
  • Education Service District Board
  • Powers and Duties
  • Superintendent
  • Budget and Tax Levies
  • Boundary Changes
  • Merger

Chapter 335. High Schools.................................................................. 145
  • General Provisions
  • Union High Schools

Chapter 336. Conduct of Schools Generally ......................................... 153
  • Holidays; Special Observances; Required Courses of Study
  • Additional Programs
  • Disclosure of Personal Information about Student
  • Alcohol and Drug Abuse Program
  • Dental Health Program
  • Human Sexuality Education
  • Extracurricular Sports
  • Community Schools
  • Residential Programs; Youth Care Centers; Detention Facilities
  • Alternative Education Programs
  • Student Traffic Safety Education

Chapter 337. Books and Instructional Materials.................................. 171

Chapter 338. Public Charter Schools.................................................... 177
  • General Provisions
  • Formation
  • Operation
  • Funding
Chapter 339. School Attendance; Admission; Discipline; Safety .......................... 189
- General Provisions
- Compulsory School Attendance
- Admission of Students
- Residency
- Tuition and Fees
- Student Conduct and Discipline
- School Safety
- Religious Instruction
- Interscholastic Activities
- Student Accounting System
- Traffic Patrol
- Miscellaneous
- Enforcement
- Penalties

Chapter 340. Expanded Options Program ......................................................... 215

Chapter 341. Community Colleges .................................................................... 223
- General Provisions
- Direct and Contract Services
- Community College Districts
- Board of Education
- Elections Generally
- Establishment and Operation of Community Colleges
- Boundary Changes
- Expansion of Community College Districts
- Aid for Operation
- Finance
- Aid for Construction

Chapter 342. Teachers and Other School Personnel ....................................... 263
- General Provisions
- Licensing and Registration of Teachers and Administrators
- Teacher Standards and Practices Commission
- Minority Teacher Act
- School Nurses
- Teachers’ Contracts
- Terms and Conditions of Employment of School Personnel
- Sexual Harassment
- Accountability for Schools for the 21st Century Law
- Miscellaneous

Chapter 343. Special Education Services ......................................................... 293
- General Provisions
- Special Education Procedures
- Administration of Special Education
- Talented and Gifted Children
- Services to Preschool Children with Disabilities
- Appropriate Learning Media for Blind Students (Braille)
- Disadvantaged Children
- Migrant Children
- Miscellaneous Provisions
Chapter 344. Career and Professional Technical Education; Rehabilitation; Adult Literacy ................................................................. 321

- Professional Technical Education
- Coordination of Continuing Education
- Vocational Rehabilitation
- Rehabilitation Facilities
- Youth Apprenticeship, Training and Work Based Learning Programs
- Adult Literacy
- Rehabilitation of Workers

Chapter 345. Private Schools .................................................................................. 333

- Career Schools
- Private Elementary and Secondary Schools
- Penalties

Chapter 346. Programs for Persons Who Are Blind or Deaf................................. 345

- Training and Education Facilities
- Commission for the Blind
- Vending Facilities on Public Property
- Assistance Dogs for Persons Who Are Blind or Deaf
- Assistance Animals for Persons with Physical Impairment
- Penalties

Chapter 348. Student Aid; Education Stability Fund; Planning......................... 359

- Policy
- Loans Generally
- Scholarships and Grants
- Rural Medical Education Loans
- Student Loan Default
- Volunteers in Service to Oregon Vouchers
- Community Service Voucher Program
- Cooperation Between Oregon University System and Community Colleges
- Oregon Student Assistance Commission
- Education Stability Fund
- Oregon 529 College Savings Network
- Coordination of State Agencies
- Education Commission of the States
- Penalties

Chapter 702. Student Athlete Agents ..................................................................... 399

Annotations .............................................................................................................. 407

Index Table of Contents ........................................................................................ 419

General Index ........................................................................................................ INDEX-1

Constitution of Oregon Proposed Amendments............................................... CONST-1
Constitution of Oregon ................................................................. CONST-3
Index to Constitution of Oregon ................................................. CONST-71
Constitution of the United States .................................................. CONST-85
Index to the Constitution of the United States ............................. CONST-99
Chapter 326

State Administration of Education

STATE BOARD OF EDUCATION

326.011 Policy
326.021 State Board of Education; confirmation; term; reappointment; qualifications; removal
326.031 Vacancies
326.041 Meetings; election and term of chairperson; compensation and expenses
326.051 Board functions; rules
326.075 Cooperation with Education and Workforce Policy Advisor; cooperation and compliance with Oregon Student Assistance Commission decisions

DEPARTMENT OF EDUCATION

326.111 Department of Education; composition; functions
Note Workforce 2005 Task Force--2005 c.589 §§1,3
Note Review of administrative and support services--2005 c.828 §16
326.115 Department of Education Account
326.305 Term of Superintendent of Public Instruction

SUPERINTENDENT OF PUBLIC INSTRUCTION
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>326.310</td>
<td>Superintendent’s educational duties</td>
</tr>
<tr>
<td>326.320</td>
<td>Publications; fees; accounting</td>
</tr>
<tr>
<td>326.323</td>
<td>Superintendent’s signature on public contracts</td>
</tr>
<tr>
<td>326.330</td>
<td>Deputy Superintendents of Public Instruction; appointment; powers</td>
</tr>
<tr>
<td>326.340</td>
<td>Disposition of conference fees by superintendent; disbursement of fees</td>
</tr>
<tr>
<td>326.350</td>
<td>Authority for department staff to serve on education-related organizations; Educational Organizations Fund; disbursements</td>
</tr>
<tr>
<td>326.355</td>
<td>Determination of school census</td>
</tr>
<tr>
<td>326.370</td>
<td>Department of Community Colleges and Workforce Development under State Board of Education; rules</td>
</tr>
<tr>
<td>326.373</td>
<td>Department of Community Colleges and Workforce Development Account</td>
</tr>
<tr>
<td>326.375</td>
<td>Commissioner for Community College Services; appointment; duties</td>
</tr>
<tr>
<td>326.380</td>
<td>Advanced Technology Education and Training Fund</td>
</tr>
<tr>
<td>326.382</td>
<td>Advanced technology education and training grants and loans; rules</td>
</tr>
<tr>
<td>326.520</td>
<td>Acquisition of intellectual property by board</td>
</tr>
<tr>
<td>326.530</td>
<td>Management, development and disposition of intellectual property</td>
</tr>
<tr>
<td>326.540</td>
<td>Revenue from intellectual property; Board of Education Invention Fund; purpose</td>
</tr>
<tr>
<td>326.550</td>
<td>General Educational Development (GED) certificates; rules; how fee determined; accounting</td>
</tr>
<tr>
<td>326.565</td>
<td>Standards for student records; rules</td>
</tr>
<tr>
<td>326.575</td>
<td>Records when student transfers or is placed elsewhere; notice to parents; amendments to records; rules</td>
</tr>
<tr>
<td>326.580</td>
<td>Electronic student records; rules; standards; participation by educational institutions</td>
</tr>
<tr>
<td>326.585</td>
<td>Definitions for ORS 326.587 and 326.589</td>
</tr>
<tr>
<td>326.587</td>
<td>Disclosure of Social Security number of higher education student</td>
</tr>
<tr>
<td>326.589</td>
<td>Disclosure of Social Security number of community college student</td>
</tr>
<tr>
<td>326.591</td>
<td>Action for disclosure of Social Security number</td>
</tr>
<tr>
<td>326.603</td>
<td>Authority of school districts and schools to obtain criminal records check of employees and contractors; fee</td>
</tr>
<tr>
<td>326.607</td>
<td>Authority of school districts and schools to obtain criminal records check of volunteers and applicants for employment; fee</td>
</tr>
<tr>
<td>326.695</td>
<td>Definitions for ORS 326.700 and 326.712</td>
</tr>
<tr>
<td>326.700</td>
<td>Purpose of programs; distribution of State School Fund</td>
</tr>
<tr>
<td>326.712</td>
<td>Superintendent may contract with district to provide programs</td>
</tr>
</tbody>
</table>
STATE BOARD OF EDUCATION

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

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

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

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

(3) The Governor may remove members of the State Board of Education for cause at any time after notice and public hearing. [1965 c.100 §3; enacted in lieu of 326.060; 1969 c.695 §4; 1971 c.45 §1; 1985 c.565 §6; 1993 c.45 §2]

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

326.031 Vacancies. Appointments made to fill vacancies occurring prior to expiration of a term shall be for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists. [1965 c.100 §4; 1985 c.565 §57]

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

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

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

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

326.050 (Repealed by 1957 c.124 §3]

326.051 Board functions; rules. Subject to ORS 417.300 and 417.305:

(1) In addition to such other duties as are prescribed by law and pursuant to the requirement of ORS chapter 183, the State Board of Education shall:

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

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

(c) Prescribe required or minimum courses of study.

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

(e) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. As used in this paragraph, “discrimination” has the meaning given that term in ORS 659.850.

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

(g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury compounds and mercury-added instructional materials by public elementary and secondary schools.

(2) The State Board of Education may:

(a) Consistent with the laws of this state, accept money or property not otherwise provided for under paragraph (b) of this subsection, which is donated for the use or benefit of the public kindergartens and public elementary and secondary schools and public community colleges and use such money or property for the purpose for which it was donated. Until it is used, the board shall deposit any money received under this paragraph in a special fund with the State
Treasurer as provided in ORS 293.265 to 293.275.

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

(c) Adopt rules to administer the United States Department of Agriculture’s National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities.

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting. [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975 c.659 §1; 1975 c.605 §17a; 1981 c.91 §1; 1987 c.404 §2; 1987 c.474 §2; 1989 c.834 §§12,13; 1993 c.45 §§5,6; 2001 c.530 §1; 2003 c.14 §146; 2003 c.151 §1]

326.054 [1953 c.78 §11; repealed by 1965 c.100 §456]

326.056 [1953 c.78 §12; repealed by 1965 c.100 §456]

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

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

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

326.063 [Repealed by 1965 c.100 §456]

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

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

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

326.075 Cooperation with Education and Workforce Policy Advisor; cooperation and compliance with Oregon Student Assistance Commission decisions. (1) The State Board of Education shall cooperate with the Education and Workforce Policy Advisor in the development of a state comprehensive education plan including elementary, secondary and community college education and in review of the board’s programs and budget. The board shall submit in timely fashion to the advisor such data as is appropriate in a form prescribed by the advisor.

(2) The board shall cooperate with the mediation process administered by the Oregon Student Assistance Commission pursuant to ORS 348.603 and, if a negotiated resolution cannot be reached by mediation, comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations. [1975 c.553 §8; 1993 c.45 §11; 1997 c.662 §20]

326.080 [Repealed by 1965 c.100 §456]

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

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

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

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

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

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

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

326.110 [Repealed by 1965 c.100 §456]

DEPARTMENT OF EDUCATION

326.111 Department of Education; composition; functions. (1) The Department of Education is created and shall function under the direction and control of the State Board of Education with the Superintendent of Public Instruction serving as an administrative officer for public school matters.

(2) The Department of Education shall consist of:

(a) Agencies and officers that are added by law to the Department of Education; and

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

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency. [1965 c.100 §10; 1967 c.552 §22; 1989 c.491 §2; 1991 c.757 §1; 1991 c.886 §2; 1993 c.45 §12; 1999 c.39 §3; 2005 c.209 §1]

Note: Sections 1 and 3, chapter 589, Oregon Laws 2005, provide:

Sec. 1. Workforce 2005 Task Force. (1) The Workforce 2005 Task Force is created for the purpose of examining career and professional technical education in grades 7 through 12 and higher education as a unified system that integrates education with workforce and economic development.

(2) The Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the Oregon University System, the Superintendent of Public Instruction and the Commissioner for Community College Services shall jointly appoint the members of the task force as follows:

(a) Four members from business and industry;
(b) One member who serves as a regional professional technical education coordinator;
(c) One member from the State Workforce Investment Board;
(d) One member who serves as a chairperson of a local workforce investment board;
(e) One member who serves as an instructor or administrator of a professional technical education program at a public institution of higher education;
(f) One member who serves as an instructor or administrator of a professional technical education program at a private institution of higher education;
(g) One member who serves as an instructor or administrator of a professional technical education program at a community college;
(h) Two members who serve as instructors of a professional technical education program at a high school;
(i) One member from the Employment Department;
(j) One member from the Economic and Community Development Department;
(k) One member from the Office of Professional Technical Education at the Department of Education;
(L) One member from the Department of Community Colleges and Workforce Development;
(m) One member who serves as the Education and Workforce Policy Advisor; and
(n) One member from the Department of Human Services.

(3) The duties of the task force include:

(a) Reviewing available funding sources to determine the amount of moneys that should be appropriated to adequately fund career and professional technical education in grades 7 through 12 and in higher education;
(b) Reviewing and reporting data about the two-plus-two program and about student success in career and professional technical education programs, and making recommendations about changes in the programs and the names of the programs so that the programs and names greater reflect the strong natural ties between education and workforce and economic development;
(c) Examining and making recommendations for innovative and cost-effective funding models of career and professional technical education programs and associated student leadership programs at high schools, community colleges and public and private institutions of higher education;
(d) Examining the ability to access high-quality career and professional technical education programs at high schools, community colleges and public and private institutions of higher education;
(e) Reviewing existing investments in distance education and making recommendations for building new partnerships that increase the capacity for delivering high-quality career and professional technical education across the state;
(f) Reviewing the status of teacher education programs and making recommendations for establishing quality teacher education programs for professional technical education teachers; and
(g) Working in groups based on teacher endorsement areas for the purpose of identifying practices that lead to high student performance in each endorsement area and identifying the barriers and costs for implementing those practices.

(4) A majority of the members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the members of the task force who are present.

(6) The task force shall elect one of its members to serve as chairperson.

(7) If there is a vacancy for any cause, the appointing authorities shall make an appointment to become immediately effective.

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall report its findings and recommendations to the Seventy-fourth Legislative Assembly and to any interim committee related to education in the manner provided by ORS 192.245 no later than October 1, 2007.

(11) The Department of Education shall provide staff support to the task force.

(12) Members of the task force are not entitled to compensation or reimbursement for expenses, and serve as volunteers on the task force.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

(14) The Department of Education may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the task force.

(15) All moneys received by the Department of Education under subsection (14) of this section shall be paid into the State Treasury and deposited in the General Fund to the credit of the Department of Education. The moneys are continuously appropriated to the Department of Education for the purposes of carrying out the duties of the task force. [2005 c.589 §1]

Sec. 3. Section 1 of this 2005 Act is repealed on January 2, 2008. [2005 c.589 §3]

Note: Section 16, chapter 828, Oregon Laws 2005, provides:

Sec. 16. Review of administrative and support services. (1) The Department of Education shall conduct a review of administrative and support services provided by the department, education service districts and school districts that support classroom instruction. The purpose of the review is to identify and evaluate redundant services that occur within the kindergarten through grade 12 education system. The department or districts shall explain, correct or eliminate any redundant services identified by the department.

(2) Prior to October 1, 2006, the department shall report to the interim legislative committees relating to education on the results of the review conducted under subsection (1) of this section. The report shall include recommendations on the correction or elimination of redundant services identified by the department. [2005 c.828 §16]

326.115 Department of Education Account. The Department of Education Account is established separate and distinct from the General Fund. All moneys received by the Department of Education, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the department to
carry out the duties, functions and powers of the department. [2001 c.716 §12]

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

326.130 [Repealed by 1965 c.100 §456]

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

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

SUPERINTENDENT OF PUBLIC INSTRUCTION

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

326.310 Superintendent’s educational duties. Except as provided by ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933, the Superintendent of Public Instruction shall exercise, under the direction of the State Board of Education, a general superintendence of school officers and the public schools. In carrying out the duties of office, the Superintendent of Public Instruction shall:

1. Act as administrative officer of the State Board of Education.
2. Act as executive head of the Department of Education and direct and supervise all activities of the department.
3. Assist all district school boards and education service district boards in answering questions concerning the proper administration of the school laws, the rules of the State Board of Education and the ministerial duties of school officers and teachers. The decision of the superintendent shall guide school officers and teachers in the performance of their duties relating to the matters decided. The superintendent may submit any question to the State Board of Education which shall then decide the question.
4. Obtain and compile such statistical information relative to the condition and operation of the public schools as the superintendent or the state board may consider advisable for the advancement of education and for the information of the state board and the public.
5. Appoint, subject to the State Personnel Relations Law and with the approval of the State Board of Education, such personnel as may be necessary for the performance of the duties of the office of the superintendent. The Superintendent of Public Instruction may designate one or more suitable persons to sign or countersign warrants, vouchers, certificates or other papers and documents requiring the signature of the superintendent.
6. Administer and supervise adult education programs in the public elementary and secondary schools.
7. Perform such other functions as may be necessary to the performance of the duties of the superintendent. [1965 c.100 §11; 1989 c.491 §3; 1993 c.45 §13; 1995 c.67 §37; 1999 c.508 §3; 2003 c.226 §2]

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

1. Prepare and distribute to the various school officers materials necessary for the administration of the school laws and cause to be printed materials necessary for the information of school officers and teachers.
2. Annotate and compile all school laws ordered published by the State Board of Education.
3. Except as otherwise provided by law or by rules of the State Board of Education, establish and collect fees for supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups. Such charges shall not exceed costs of production plus mailing and other distribution costs.
4. Deposit all moneys received under subsection (3) of this section in the State Treasury. Such moneys shall be credited to the Education Cash Account of the Department of Education and are continuously appropriated. The Department of Education shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [1965 c.100 §12; 1979 c.570 §1; 1993 c.45 §14]

326.323 Superintendent’s signature on public contracts. The Superintendent of Public Instruction may use a facsimile signature on public contracts for personal services if the value of the contract is $3,000 or less. [2001 c.37 §1]

326.330 Deputy Superintendents of Public Instruction; appointment; powers. (1) The Superintendent of Public Instruction may appoint Deputy Superintendents of Public Instruction, for whose acts the superintendent shall be responsible. A deputy may perform any act or duty of the office of Superintendent of Public Instruction designated by the superintendent.
2. Notice of the appointment of a deputy and the duties designated for the deputy shall be filed with the Secretary of State. [1965 c.100 §13; 1991 c.887 §1]
326.340 Disposition of conference fees by superintendent; disbursement of fees. (1) When the Superintendent of Public Instruction has possession or control of conference fees that are made available for training programs sponsored in whole or in part by the Department of Education, the fees shall be deposited with the State Treasurer in the Education Training Revolving Account which is established and which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

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

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

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

(3) Disbursements from the account to persons lawfully entitled thereto may be made by the Superintendent of Public Instruction or designee, by checks or orders drawn upon the State Treasurer. [1989 c.966 §77; 2001 c.104 §107]

SCHOOL CENSUS

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

(2) Subject to guidelines approved by the Superintendent of Public Instruction, the administrative officer of each education service district shall apportion the census so certified to those common school districts reporting to the education service district. The estimated district census determined by this manner shall be deemed applicable to all statutory references to the term “census” or “school-age child” in Oregon Revised Statutes. [Formerly 332.575; 2003 c.226 §3]

DEPARTMENT OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

326.370 Department of Community Colleges and Workforce Development under State Board of Education; rules. (1) The Department of Community Colleges and Workforce Development shall function under the direction and control of the State Board of Education with the Commissioner for Community College Services serving as an administrative officer for community college matters.

(2) The Department of Community Colleges and Workforce Development, in consultation with the Education and Workforce Policy Advisor and pursuant to ORS chapter 183, may adopt any rules necessary for the administration of laws related to the federal Workforce Investment Act that the department is charged with administering. [1999 c.39 §1; 2001 c.684 §1]

326.373 Department of Community Colleges and Workforce Development Account. (1) The Department of Community Colleges and Workforce Development Account is established separate and distinct from the General Fund. Except for moneys otherwise designated by statute, all fees, assessments and other moneys received by the Department of Community Colleges and Workforce Development shall be deposited into the State Treasury and credited to the account. All moneys in the account are continuously appropriated to the department for purposes authorized by law.

(2) The department may accept gifts, grants and donations from any source to carry out the duties imposed upon the department. Moneys received under this subsection shall be paid into the account.

(3) The department shall keep a record of all moneys deposited into the account. The record shall indicate by separate cumulative subaccounts the sources from which the moneys are derived and the individual activity or program against which each withdrawal is charged.

(4) Disbursements from the account shall be made as directed by the department. [2001 c.716 §13]

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

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

(3) The commissioner shall:
(a) Be the executive head of the Department of Community Colleges and Workforce Development;
(b) Direct and supervise all activities of the Department of Community Colleges and Workforce Development;
(c) Hire staff, as authorized by the State Board of Education to assist in carrying out the duties of the commissioner. The staff shall be considered employees of the Department of Community Colleges and Workforce Development for purposes of ORS chapters 240 and 243; and
(d) Be responsible directly to the State Board of Education for those duties enumerated in ORS chapter 341.

(4) The commissioner, with approval of the State Board of Education, shall be responsible for the representation of community college interests to the Governor, the Legislative Assembly, state agencies and others. The commissioner, with the approval of the state board, shall be responsible for submitting community college budget requests and budget reports for the Department of Community Colleges and Workforce Development to the Legislative Assembly. The state board shall ensure that the budget request for community colleges and for the Department of Community Colleges and Workforce Development are separate and distinct from its other requests to the Legislative Assembly. [1987 c.474 §3; 1991 c.757 §2; 1995 c.67 §38; 1999 c.39 §4]

326.380 Advanced Technology Education and Training Fund. There is created within the State Treasury, separate and distinct from the General Fund, the Advanced Technology Education and Training Fund. Moneys in the fund are continuously appropriated to the Department of Community Colleges and Workforce Development for the purpose of making grants and loans for the provision of advanced technology education and training opportunities under ORS 326.382. [2003 c.798 §1]

326.382 Advanced technology education and training grants and loans; rules.
(1) The Department of Community Colleges and Workforce Development shall establish by rule a process for making grants or loans to public-private partnerships to provide advanced technology education and training opportunities. The purpose of the grants and loans is to support the development and implementation of public-private partnerships to provide advanced technology education and training opportunities in all business and industry sectors for individuals in communities throughout Oregon. The partnerships shall be between public and private entities and may include joint ventures among business and industry, school districts, education service districts, eligible post-secondary institutions as defined in ORS 348.180 and public bodies as defined in ORS 174.109.

(2) A public-private partnership that receives a grant or loan under this section must provide advanced technology education and training opportunities that:
(a) Address current and future workforce development needs dictated by Oregon’s rapidly changing economy;
(b) Facilitate sustainable and dynamic economic development in communities by creating flexible opportunities for workforce development;
(c) Establish results oriented, collaborative investments of public and private resources in communities throughout Oregon;
(d) Ensure that Oregon’s capacity for economic growth and vitality is not limited by a lack of opportunities for workforce development; and
(e) Provide support to existing community efforts to establish innovative strategies for delivering advanced technology education and training.

(3) The process established by the department for making grants and loans shall ensure that:
(a) Local communities are informed about the availability of the grants and loans;
(b) Advanced technology education and training projects are geographically distributed throughout Oregon;
(c) There is equal opportunity for urban and rural access to quality education and training opportunities;
(d) Representatives of related, ongoing community efforts assist in the implementation of advanced technology education and training projects; and
(e) Procedures and timelines are designed to minimize barriers to receiving funds.

(4) When considering applications for grants and loans, the department shall give priority to advanced technology education and training projects that:
(a) Provide or increase access for individuals to advanced technology education and training through the efforts of local and regional career centers and partnerships and distance education technology available locally and regionally;
(b) In combination with other projects receiving funds, contribute to advanced technology education and training opportunities in every part of the state;
(c) Use federal funds;
(d) Have widespread community support as evidenced by a memorandum of agreement or similar documentation;
(e) Represent an effective sharing of resources through public-private partnerships among business and industry, school districts, education service districts, eligible post-secondary institutions as defined in ORS 348.180 and public bodies as defined in ORS 174.109;
(f) Have a long-term strategic plan and lack only the necessary financial resources;
(g) Provide state-of-the-art technology that meets current standards of business and industry and addresses local and regional economic development priorities;
(h) Help individuals connect education and training with career planning and job opportunities through local and regional career centers as implemented under the federal Workforce Investment Act;
(i) Provide articulated education programs that lead to a degree or an industry-specific skills certification; and
(j) Establish short-term training programs that meet the immediate needs of local employers in their communities.

(5)(a) A public-private partnership awarded a grant or loan under this section shall use the grant or loan for any of the following:
(A) Infrastructure construction or reconstruction.
(B) Equipment or technology purchases.
(C) Curriculum development.
(D) Expansion or revision of a current project to increase the capacity of the project, alter the project plan, change the members of the partnership or address education or employment deficiencies in the community served by the public-private partnership.

(b) A grant or loan awarded under this section for the purpose described in paragraph (a)(D) of this subsection may not exceed $25,000.
(6) The application for a grant or loan under this section shall include:
(a) The names of the members of the public-private partnership;
(b) A description of standards used to assess the performance of the project;
(c) An estimate of the number of individuals who will be served by the project;
(d) The name of the fiscal agent of the public-private partnership;
(e) A project plan covering at least the first two years after receipt of a grant or loan; and
(f) The name of the person who will be responsible for convening the public-private partnership on a regular basis.

(7) The department may accept contributions of funds and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of this section.

(8) Any moneys received by the department through repayment of a loan awarded under this section, or received by the department under subsection (7) of this section, shall be deposited by the department in the Advanced Technology Education and Training Fund. [2003 c.798 §2; 2005 c.22 §230; 2005 c.216 §1]

326.400 [1989 c.968 §1; repealed by 1993 c.45 §15 and 1993 c.156 §1]
326.410 [1989 c.968 §2; repealed by 1993 c.45 §16 and 1993 c.156 §1]
326.510 [Formerly 343.950; 1973 c.708 §1; renumbered 343.960]

INTELLECTUAL PROPERTY

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

(1) By gift.
(2) By outright purchase with money in the Board of Education Invention Fund or otherwise made available for such purpose.
(3) By assignment pursuant to a contract whereby the board undertakes to aid in the development of the assigned property and to pay the assignor a share of any money received on account of its ownership or management thereof. [Formerly 326.102]

326.530 Management, development and disposition of intellectual property. (1) The State Board of Education may manage, develop or dispose of property acquired under ORS 326.520 in any manner deemed by the board to be in the public interest. The board may contract with any person regarding such management, development or disposition.
(2) The board may determine the terms and conditions of any transaction authorized by ORS 326.520 to 326.540 and need not require competitive bids in connection therewith. No formal publicity or advertising is
required regarding property for the development of which the board wishes to contract, but the board shall make reasonable efforts to disseminate pertinent information in appropriate research and industrial circles.

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

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

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

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

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

(c) For the acquisition, management or development of intellectual property. [Formerly 326.106; 2005 c.755 §18]

GENERAL EDUCATIONAL DEVELOPMENT (GED) CERTIFICATES

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

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

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

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

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

(6) The Commissioner for Community College Services shall consult with the Superintendent of Public Instruction on all matters related to evaluation procedures used to measure equivalent achievement under this section. The superintendent is authorized to make independent recommendations on evaluation procedures to the State Board of Education in those cases where the superintendent’s judgment differs from that of the commissioner. [Amended by 1967 c.571 §1; 1979 c.386 §1; 1979 c.570 §2; 1993 c.159 §1; 1989 c.491 §4; 1991 c.703 §5; 1993 c.45 §17; 1997 c.249 §94]

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

STUDENT RECORDS

326.565 Standards for student records; rules. The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. The state board shall distribute the rules that are adopted to all school districts. The school districts shall make those rules available to the public schools in the district and to the public. The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions. The standards shall include requirements under which public and private schools and education service districts transfer student education records pursuant to ORS 326.575. [1993 c.806 §3 (326.565, 326.575 and 326.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §1]

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

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

(3) Notwithstanding subsections (1) and (2) of this section, for students who are in substitute care programs:

(a) A school, institution, agency, facility or center shall notify the school, institution, agency, facility or center in which the student was formerly enrolled and shall request the student’s education records within five days of the student seeking initial enrollment; and

(b) Any school, institution, agency, facility or center receiving a request for a student’s education records shall transfer all student education records relating to the particular student to the requesting school, institution, agency, facility or center no later than five days after the receipt of the request.

(4) Each educational institution that has custody of the student’s education records shall annually notify parents and eligible students of their right to review and propose amendments to the records. The State Board of Education shall specify by rule the procedure for reviewing and proposing amendments to a student’s education records. If a parent’s or eligible student’s proposed amendments to a student’s education records are rejected by the educational institution, the parent or eligible student shall receive a hearing on the matter. The State Board of Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

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

(b) “Educational institution” means a public or private school, education service district, state institution, private agency or youth care center.

(c) “Private agency” means an agency with which the Department of Education contracts under ORS 343.961.

(d) “Substitute care program” has the meaning given that term in ORS 339.133.

(e) “Youth care center” means a center as defined in ORS 420.855. [1993 c.806 §4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §2; 2001 c.450 §1; 2003 c.521 §3]

326.580 Electronic student records; rules; standards; participation by educational institutions. (1) As used in this section, “educational institution” means:

(a) An “educational institution” as defined in ORS 326.575.

(b) A state agency.

(c) A local correctional facility.

(2) The State Board of Education may adopt by rule standards for the content and format of an Oregon electronic student record. An Oregon electronic student record may be used to transfer student record information from one educational institution to another.

(3) The board may define the Oregon electronic student record to constitute a full and complete copy of the official student permanent record, student education record and certificate of immunization status that are required by state and federal law.

(4) The standards established by the board shall include procedures and criteria for participation in the Oregon electronic student record program by educational institutions. An educational institution may apply to the Department of Education for a certificate of participation in the Oregon electronic student record program.

(5) An educational institution that is approved for participation in the Oregon electronic student record program by the Department of Education:

(a) Shall not be required to forward by mail or other means physical items such as original documents or photocopies to a receiving educational institution that also is approved for participation in the program. This paragraph does not apply to special education records that are specifically required by federal law to be physically transferred.

(b) May elect to designate the Oregon electronic student record as the official student record.

(c) Shall retain the official student record in compliance with state and federal law. [2001 c.450 §1]

326.585 Definitions for ORS 326.587 and 326.589. As used in ORS 326.587 and 326.589:
“Disclose” means to make available for review by another person.

“Law enforcement agency” has the meaning given that term in ORS 181.010.

“Wages” has the meaning given that term in ORS 652.210. [2003 c.776 §1]

326.587 Disclosure of Social Security number of higher education student. (1) A state institution of higher education may not disclose the Social Security number of a student who is attending the institution.

(2) Subsection (1) of this section does not apply if the institution discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing support enforcement services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers; or

(e) For purposes of statistical analysis. [2003 c.776 §2]

326.589 Disclosure of Social Security number of community college student. (1) A community college as defined in ORS 341.005 may not disclose the Social Security number of a student who is attending the college.

(2) Subsection (1) of this section does not apply if the college discloses the Social Security number:

(a) At the request of a law enforcement agency or an agency providing support enforcement services under ORS 25.080;

(b) After obtaining written permission for the disclosure from the student to whom the number refers;

(c) In the payment of wages or benefits;

(d) In the payment or collection of taxes or of a debt owed by the student to whom the number refers; or

(e) For purposes of statistical analysis. [2003 c.776 §3]

326.591 Action for disclosure of Social Security number. (1) A student who suffers an ascertainable loss of money, personal property or real property as a result of a violation of ORS 326.587 or 326.589 may bring an action in a circuit court to recover the student’s actual damages.

(2) The court may award reasonable attorney fees to the party that prevails in an action on a claim under this section. [2003 c.776 §4]

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

CRIMINAL OFFENDER INFORMATION PROCESS

326.603 Authority of school districts and schools to obtain criminal records check of employees and contractors; fee. (1)(a) A school district shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each person described in ORS 181.539 (1)(d), (e), (f), (h) or (i).

(b) A private school may send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each person described in ORS 181.539 (1)(d), (e), (f), (h) or (i).

(2) The Department of Education shall request that the Department of State Police conduct a criminal records check as provided in ORS 181.534 and may charge the district or private school a fee as established by rule under ORS 181.534. The school district or private school may recover its costs or a portion thereof from the person described in ORS 181.539 (1)(d), (e), (f), (h) or (i). If the person described in ORS 181.539 (1)(e), (f), (h) or (i) requests, the district shall and a private school may withhold the amount from amounts otherwise due the person, including a periodic payroll deduction rather than a lump sum payment.

(3)(a) If the Superintendent of Public Instruction informs the school district that the person has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction of a crime, the superintendent shall notify the school district of the fact and the district shall not employ or contract with the person. Notification by the superintendent that the school district shall not employ or contract with the person shall remove the person from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

(b) The Superintendent of Public Instruction shall notify the private school if the person has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction of a crime. Based on the notice, the private school may choose not to employ or contract with the person.

(4) If a person described in subsection (1) of this section refuses to consent to the criminal records check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a crime, the district shall terminate the employment or contract status of the person. Termination under this subsection removes the person from any
school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

(5) A school district may not hire or continue to employ or contract with or allow the contractor to continue to assign a person to the school project if the person described in subsection (1) of this section has been convicted of a crime according to the provisions of ORS 342.143.

(6) As used in this section and ORS 326.607:

(a) “Private school” means a school that provides educational services as defined in ORS 345.505 and is registered as a private school under ORS 345.505 to 345.575.

(b) “School district” means:

(A) A school district as defined in ORS 330.003.

(B) The Oregon State School for the Blind.

(C) The Oregon State School for the Deaf.

(D) An educational program under the Youth Corrections Education Program.

(E) A public charter school as defined in ORS 338.005.


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

326.607 Authority of school districts and schools to obtain criminal records check of volunteers and applicants for employment; fee. (1) Upon request from a school district, a private school or a public charter school or a school district, private school or public charter school contractor and with consent from the individual, the Department of Education may conduct an Oregon criminal records check using the Law Enforcement Data System for screening an individual who is a volunteer for the school district, private school or public charter school and who has direct, unsupervised contact with school children, or for screening applicants for employment.

(2) The department may charge the requesting school district, private school, public charter school or school district, private school or public charter school contractor a fee not to exceed $5 for each request under subsection (1) of this section. [1995 c.446 §3; 1997 c.536 §2; 1999 c.200 §26; 2005 c.730 §14]

326.610 [1993 c.684 §3; 1999 c.477 §3; renumbered 329.180 in 1993]

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

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

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

326.695 Definitions for ORS 326.700 and 326.712. As used in ORS 326.700 and 326.712:

(1) “Juvenile Detention Education Program” means the provision of educational services to youths lodged overnight who receive educational services on consecutive days within a detention facility, as defined in ORS 419A.004.

(2) “Youth Corrections Education Program” means the provision of educational services to youths in youth correction facilities, as defined in ORS 420.005. [2001 c.681 §2]

326.700 Purpose of programs; distribution of State School Fund. It is the purpose of ORS 326.712 and 327.026 and this section that youths enrolled in the Youth Corrections Education Program and the Juvenile Detention Education Program administered by the Department of Education be treated as nearly the same as practicable in the distribution of the State School Fund as children enrolled in common and union high school districts in this state. [Formerly 420.405; 2005 c.828 §4]

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

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

326.712 Superintendent may contract with district to provide programs. The Superintendent of Public Instruction may contract with an education service district or a school district to provide teachers, counselors or other personnel for the Youth Corrections Education Program and the Juvenile Detention Education Program. However, the programs may not be considered a component district and the students enrolled in the programs may not be counted in determining the number of pupils in average daily membership for purposes of ORS 334.175 (5). [1965 c.798 §1; 1985 c.422 §13b; 2001 c.681 §4; 2005 c.828 §4]

Note: The amendments to 326.712 by section 4, chapter 828, Oregon Laws 2005, become operative July 1, 2006. See section 7, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user’s convenience.

326.712. The Superintendent of Public Instruction may contract with an education service district or a school district to provide teachers, counselors or other personnel for the Youth Corrections Education Program and the Juvenile Detention Education Program. However, the programs may not be considered a component district and the students enrolled in the programs may not be counted in determining the number of pupils in
# Chapter 327
2005 EDITION

State Financing of Elementary and Secondary Education

## STATE SCHOOL FUND

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>327.006</td>
<td>Definitions</td>
</tr>
<tr>
<td>327.008</td>
<td>State School Fund; State School Fund grants</td>
</tr>
<tr>
<td>327.013</td>
<td>State School Fund distribution computations for school districts</td>
</tr>
<tr>
<td>327.019</td>
<td>State School Fund distribution computations for education service districts</td>
</tr>
<tr>
<td>327.021</td>
<td>Percentages and time of payment of apportionments to education service districts</td>
</tr>
<tr>
<td>327.023</td>
<td>Grants for special and compensatory education programs</td>
</tr>
<tr>
<td>327.026</td>
<td>State School Fund grant for programs; calculation; adjustment; rules</td>
</tr>
<tr>
<td>327.033</td>
<td>Approved transportation costs</td>
</tr>
<tr>
<td>327.043</td>
<td>When district required to provide transportation; waiver</td>
</tr>
<tr>
<td>327.061</td>
<td>Computation of number of students in average daily membership</td>
</tr>
<tr>
<td>327.077</td>
<td>Remote small elementary school and small high school determination; effect; waiver</td>
</tr>
<tr>
<td>Note</td>
<td>Effect of reopening remote small elementary school-1993 c61 §12</td>
</tr>
<tr>
<td>327.082</td>
<td>Kindergarten apportionment</td>
</tr>
<tr>
<td>327.095</td>
<td>Percentages and time of payment of apportionments to school districts</td>
</tr>
<tr>
<td>327.097</td>
<td>Apportionment where district changed</td>
</tr>
<tr>
<td>327.099</td>
<td>Adjustment of distribution within fiscal year</td>
</tr>
<tr>
<td>327.101</td>
<td>Adjustment of distribution between fiscal years</td>
</tr>
<tr>
<td>327.103</td>
<td>Standard school presumed; effect of finding of deficiency; rules</td>
</tr>
<tr>
<td>327.106</td>
<td>School districts required to offer kindergarten through grade 12; exceptions</td>
</tr>
<tr>
<td>327.109</td>
<td>Procedure if school district or charter school alleged to be involved in religious activity; complaint, investigation, finding; effect</td>
</tr>
<tr>
<td>327.120</td>
<td>Correction of errors in apportionments</td>
</tr>
<tr>
<td>327.125</td>
<td>Superintendent to administer ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731; board rules</td>
</tr>
<tr>
<td>327.133</td>
<td>Reports by districts</td>
</tr>
<tr>
<td>327.137</td>
<td>Audit statements filed with department; effect of failure to file or insufficiency of statement</td>
</tr>
<tr>
<td>327.147</td>
<td>Increased allocation when union high school district becomes common school district</td>
</tr>
<tr>
<td>327.152</td>
<td>Increased allocation when certain merger occurs</td>
</tr>
<tr>
<td>327.157</td>
<td>Minimum apportionment to school districts affected or not affected by ORS 327.147 and 327.152</td>
</tr>
</tbody>
</table>

## GRANTS TO SCHOOL DISTRICTS AND PROGRAMS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>327.290</td>
<td>Legislative findings relating to student achievement</td>
</tr>
<tr>
<td>327.294</td>
<td>School Improvement Fund</td>
</tr>
<tr>
<td>327.297</td>
<td>Grants for activities related to student achievement; evaluation of recipient progress; rules</td>
</tr>
<tr>
<td>327.300</td>
<td>Definitions for ORS 327.300 to 327.320</td>
</tr>
<tr>
<td>327.310</td>
<td>Legislative findings</td>
</tr>
<tr>
<td>327.320</td>
<td>School Facility Improvement Fund</td>
</tr>
<tr>
<td>327.330</td>
<td>Grants to school districts for construction and maintenance of public school facilities; rules</td>
</tr>
<tr>
<td>327.333</td>
<td>Policy on provision of grants to school districts</td>
</tr>
<tr>
<td>327.336</td>
<td>Qualifications; amount</td>
</tr>
<tr>
<td>327.339</td>
<td>Local Option Equalization Grants Account; grant payments</td>
</tr>
<tr>
<td>327.345</td>
<td>Grants for training English as second language teachers; qualifications; use; rules</td>
</tr>
<tr>
<td>327.348</td>
<td>High Cost Disabilities Account; grants; approved costs; rules</td>
</tr>
<tr>
<td>327.355</td>
<td>Definitions for ORS 327.357</td>
</tr>
<tr>
<td>327.357</td>
<td>Small school district grants; rules</td>
</tr>
<tr>
<td>327.360</td>
<td>Small School District Supplement Fund</td>
</tr>
<tr>
<td>327.365</td>
<td>Automated external defibrillator grants; rules</td>
</tr>
</tbody>
</table>

## COMMON SCHOOL FUND

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>327.403</td>
<td>Definition for ORS 327.405 to 327.480</td>
</tr>
<tr>
<td>327.405</td>
<td>Common School Fund; composition and use</td>
</tr>
<tr>
<td>327.410</td>
<td>Apportionment of Distributable Income Account of Common School Fund among counties; distribution to school districts</td>
</tr>
<tr>
<td>327.420</td>
<td>Basis of apportionment</td>
</tr>
<tr>
<td>327.425</td>
<td>Loans and investment of funds; determination of interest rate</td>
</tr>
<tr>
<td>327.430</td>
<td>Security for loans</td>
</tr>
<tr>
<td>327.435</td>
<td>Ascertainment of value and title of security</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>327.440</td>
<td>Loan repayment</td>
</tr>
<tr>
<td>327.445</td>
<td>Custody of securities for loan; collection of interest</td>
</tr>
<tr>
<td>327.450</td>
<td>Foreclosure of mortgages given to secure loans</td>
</tr>
<tr>
<td>327.455</td>
<td>Record of purchases by Department of State Lands on foreclosures; resale or lease of land; disposition of proceeds</td>
</tr>
<tr>
<td>327.465</td>
<td>Cancellation of unpaid taxes after deed to state in liquidation of loan</td>
</tr>
<tr>
<td>327.470</td>
<td>Cancellation of taxes on land acquired through foreclosure proceedings; right of redemption</td>
</tr>
<tr>
<td>327.475</td>
<td>When county court may acquire mortgaged lands deeded to state</td>
</tr>
<tr>
<td>327.480</td>
<td>Use of Common School Fund moneys to comply with judgment canceling fraudulent deed</td>
</tr>
<tr>
<td>327.482</td>
<td>Appropriation to reimburse fund for any loss</td>
</tr>
<tr>
<td>327.484</td>
<td>Reimbursement for loss or failure to earn four percent interest</td>
</tr>
<tr>
<td></td>
<td><strong>EDUCATION CASH ACCOUNT</strong></td>
</tr>
<tr>
<td>327.485</td>
<td>Education Cash Account; composition; accounting</td>
</tr>
<tr>
<td>327.490</td>
<td>Projects contracted to districts and institutions of higher learning</td>
</tr>
<tr>
<td>327.495</td>
<td>Appropriation of funds received for certain purposes</td>
</tr>
<tr>
<td></td>
<td><strong>QUALITY EDUCATION COMMISSION</strong></td>
</tr>
<tr>
<td>327.497</td>
<td>Legislative findings</td>
</tr>
<tr>
<td>327.500</td>
<td>Establishment; membership; staff</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>MISCELLANEOUS</strong></td>
</tr>
<tr>
<td></td>
<td><strong>(Budget and Accounting System)</strong></td>
</tr>
<tr>
<td>327.511</td>
<td>Uniform budget and accounting system</td>
</tr>
<tr>
<td></td>
<td><strong>(Food Programs)</strong></td>
</tr>
<tr>
<td>327.520</td>
<td>Acceptance and distribution of donated commodities to schools</td>
</tr>
<tr>
<td>327.525</td>
<td>School Lunch Revolving Account</td>
</tr>
<tr>
<td>327.527</td>
<td>Summer lunch reimbursement; rules</td>
</tr>
<tr>
<td>327.535</td>
<td>School breakfast program; waiver; district election based on federal funding</td>
</tr>
<tr>
<td></td>
<td><strong>(Federal Aid to Education)</strong></td>
</tr>
<tr>
<td>327.615</td>
<td>State Treasurer as trustee of funds</td>
</tr>
<tr>
<td>327.620</td>
<td>Review of accounts affecting federal funds</td>
</tr>
<tr>
<td>327.635</td>
<td>Labor standards required on federally financed school construction</td>
</tr>
<tr>
<td></td>
<td><strong>(Financing of State and Federal Requirements)</strong></td>
</tr>
<tr>
<td>327.645</td>
<td>Financing of programs mandated by state and federal programs</td>
</tr>
<tr>
<td></td>
<td><strong>EDUCATION LOTTERY BOND PROGRAM</strong></td>
</tr>
<tr>
<td>327.700</td>
<td>Definitions for ORS 327.700 to 327.711</td>
</tr>
<tr>
<td>327.705</td>
<td>Purpose of ORS 327.700 to 327.711</td>
</tr>
<tr>
<td>327.708</td>
<td>Legislative findings</td>
</tr>
<tr>
<td>327.711</td>
<td>Payment of debt service; issuance of bonds; School Capital Construction, Maintenance and Technology Fund</td>
</tr>
</tbody>
</table>
STATE SCHOOL FUND

327.005 [Repealed by 1957 c.612 §1 (327.006 enacted in lieu of 327.005)]

327.006 Definitions. As used in ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731:

(1) “Aggregate days membership” means the sum of days present and absent, according to the rules of the State Board of Education, of all resident pupils when school is actually in session during a certain period. The aggregate days membership of kindergarten pupils shall be calculated on the basis of a half-day program.

(2)(a) “Approved transportation costs” means those costs as defined by rule of the State Board of Education and is limited to those costs attributable to transporting or room and board provided in lieu of transporting:

(A) Elementary school students who live at least one mile from school;

(B) Secondary school students who live at least 1.5 miles from school;

(C) Any student required to be transported for health or safety reasons, according to supplemental plans from districts that have been approved by the state board identifying students who are required to be transported for health or safety reasons, including special education;

(D) Preschool children with disabilities requiring transportation for early intervention services provided pursuant to ORS 343.224 and 343.533;

(E) Students who require payment of room and board in lieu of transportation;

(F) A student transported from one school or facility to another school or facility when the student attends both schools or facilities during the day or week; and

(G) Students participating in school-sponsored field trips that are extensions of classroom learning experiences.

(b) “Approved transportation costs” does not include the cost of constructing boarding school facilities.

(3) “Average daily membership” or “ADM” means the aggregate days membership of a school during a certain period divided by the number of days the school was actually in session during the same period. However, if a district school board adopts a class schedule that operates throughout the year for all or any schools in the district, average daily membership shall be computed by the Department of Education so that the resulting average daily membership will not be higher or lower than if the board had not adopted such schedule.


(5) “Kindergarten” means a kindergarten program that conforms to the standards and rules adopted by the State Board of Education.

(6) “Net operating expenditures” means the sum of expenditures of a school district in kindergarten through grade 12 for administration, instruction, attendance and health services, operation of plant, maintenance of plant, fixed charges and tuition for resident students attending in another district, as determined in accordance with the rules of the State Board of Education, but net operating expenditures does not include transportation, food service, student body activities, community services, capital outlay, debt service or expenses incurred for nonresident students.

(7)(a) “Resident pupil” means any pupil:

(A) Whose legal school residence is within the boundaries of a school district reporting the pupil, if the district is legally responsible for the education of the pupil, except that “resident pupil” does not include a pupil who pays tuition or for whom the parent pays tuition or for whom the district does not pay tuition for placement outside the district; or

(B) Whose legal residence is not within the boundaries of the district reporting the pupil but attends school in the district with the written consent of the affected school district boards.

(b) A pupil shall not be considered to be a resident pupil under paragraph (a)(A) of this subsection if the pupil is attending school in another school district pursuant to a contract under ORS 339.125 and in the prior year was considered to be a resident pupil in another school district under paragraph (a)(B) of this subsection. The pupil shall continue to be considered a resident of another school district under paragraph (a)(B) of this subsection.

(c) A pupil shall not be considered to be a resident pupil under paragraph (a)(B) of this subsection if the pupil is attending school in a school district pursuant to an agreement with another school district under ORS 339.133 and in the prior year was considered to be a resident pupil under paragraph (a)(A) of this subsection because the pupil was attending school in another school district pursuant to a contract under ORS 339.125. The pupil shall continue to be considered a resident pupil under paragraph (a)(A) of this subsection.
327.008 EDUCATION AND CULTURE

(d) “Resident pupil” includes a pupil admitted to a school district under ORS 339.115 (7).

(8) “Standard school” means a school meeting the standards set by the rules of the State Board of Education.

(9) “Tax” and “taxes” includes all taxes on property, excluding exempt bonded indebtedness, as those terms are defined in ORS 310.140. (1957 c.612 §2 (enacted in lieu of 327.005); 1957 c.708 §4; 1959 c.388 §1; 1965 c.100 §14; 1971 c.395 §2; 1973 c.750 §16; 1975 c.827 §26; 1977 c.840 §1; 1979 c.259 §1; 1981 c.804 §95; 1989 c.215 §2; 1989 c.342 §1; 1991 c.689 §35; 1991 c.780 §2; 1995 c.660 §47; 1997 c.821 §11; 1999 c.861 §5; 1999 c.989 §30)

327.008 State School Fund; State School Fund grants. (1) There is established a State School Fund in the General Fund. The fund shall consist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education Stability Fund. The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

(2) There shall be apportioned from the State School Fund to each school district a State School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant and a transportation grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.013.

(3) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

(4) All figures used in the determination of the distribution of the State School Fund shall be estimates for the same year as the distribution occurs, unless otherwise specified.

(5) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

(6) A school district may not use the portion of the State School Fund grant that is attributable to the facility grant for capital construction costs.

(7) The total amount of the State School Fund that is distributed as facility grants may not exceed $17.5 million in any biennium. If the total amount to be distributed as facility grants exceeds this limitation, the Department of Education shall prorate the amount of funds available for facility grants among those school districts that qualified for a facility grant.

(8) Each fiscal year, the Department of Education shall transfer the amount of $12 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(9) Each fiscal year, the Department of Education shall transfer the amount of $2.5 million from the State School Fund to the Small School District Supplement Fund established in ORS 327.360. (1991 c.780 §3; 1995 c.61 §4; 1997 c.524 §3; 1997 c.821 §13; 1999 c.1066 §10; 2001 c.695 §§12,13; 2002 s.s.3 c.6 §§13,14; 2003 c.715 §§4,5,7; 2005 c.803 §6)

Note: The amendments to 327.008 by section 6a, chapter 803, Oregon Laws 2005, become operative July 1, 2007. See section 6b, chapter 803, Oregon Laws 2005. The text that is operative on and after July 1, 2007, is set forth for the user’s convenience.

327.008. (1) There is established a State School Fund in the General Fund. The fund shall consist of moneys appropriated by the Legislative Assembly and moneys transferred from the Education Stability Fund. The State School Fund is continuously appropriated to the Department of Education for the purposes of ORS 327.006 to 327.077, 327.095, 327.099, 327.101, 327.125, 327.137, 327.348, 327.355, 327.357, 327.360, 336.575, 336.580, 336.635, 342.173, 343.243, 343.533 and 343.961.

(2) There shall be apportioned from the State School Fund to each school district a State School Fund grant, consisting of the positive amount equal to a general purpose grant and a facility grant and a transportation grant and a high cost disabilities grant minus local revenue, computed as provided in ORS 327.013.

(3) There shall be apportioned from the State School Fund to each education service district a State School Fund grant as calculated under ORS 327.019.

(4) All figures used in the determination of the distribution of the State School Fund shall be estimates for the same year as the distribution occurs, unless otherwise specified.

(5) Numbers of students in average daily membership used in the distribution formula shall be the numbers as of June of the year of distribution.

(6) A school district may not use the portion of the State School Fund grant that is attributable to the facility grant for capital construction costs.

(7) The total amount of the State School Fund that is distributed as facility grants may not exceed $25 million in any biennium. If the total amount to be distributed as facility grants exceeds this limitation, the Department of Education shall prorate the amount of funds available for facility grants among those school districts that qualified for a facility grant.

(8) Each fiscal year, the Department of Education shall transfer the amount of $12 million from the State School Fund to the High Cost Disabilities Account established in ORS 327.348.

(9) Each fiscal year, the Department of Education shall transfer the amount of $2.5 million from the State School Fund to the Small School District Supplement Fund established in ORS 327.360.

327.010 [Amended by 1957 c.626 §2; 1963 c.570 §1; 1965 c.100 §15; 1979 c.277 §2; repealed by 1991 c.780 §30]

327.012 [Repealed by 1957 c.626 §1]

327.013 State School Fund distribution computations for school districts. The State School Fund distributions for school districts shall be computed as follows:
(1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw.

(2) The funding percentage shall be calculated by the Superintendent of Public Instruction to distribute as nearly as practicable the total sum available for distribution of money.

(3) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor.

(4) Statewide Target per ADMw Grant = $4,500.

(5) Teacher Experience Factor = $25 × (District average teacher experience – statewide average teacher experience). “Average teacher experience” means the average, in years, of teaching experience of certified teachers as reported to the Department of Education.

(6) District extended ADMw = ADMw or ADMw of the prior year, whichever is greater.

(7)(a) Weighted average daily membership or ADMw = average daily membership + an additional amount computed as follows:

(A) 1.0 for each student in average daily membership eligible for special education as a child with disabilities under ORS 343.035, applicable to not to exceed 11 percent of the district’s ADM without review and approval of the Department of Education. Children with disabilities eligible for special education in adult local correctional facilities as defined in ORS 169.005 or adult regional correctional facilities as defined in ORS 169.620 may not be included in the calculation of the 11 percent.

(B) 0.5 for each student in average daily membership eligible for and enrolled in an English as a second language program under ORS 336.079.

(C) 0.2 for each student in average daily membership enrolled in a union high school district or in an area of a unified school district where the district is only responsible for educating students in grades 9 through 12 in that area.

(D) −0.1 for each student in average daily membership enrolled in an elementary district operating kindergarten through grade 6 or kindergarten through grade 8 or in an area of a unified school district where the district is only responsible for educating students in kindergarten through grade 8.

(E) 0.25 times the sum of the following:

(i) The number of children 5 to 17 years of age in poverty families in the district, as determined by the Department of Education from a report of the federal Department of Education based on the most recent federal decennial census, as adjusted by the school district’s proportion of students in the county receiving free or reduced price lunches under the United States Department of Agriculture’s current Income Eligibility Guidelines if the number is higher than the number determined from census data and only if the school district had an average daily membership of 2,500 or less for the 1995-1996 school year, and as further adjusted by the number of students in average daily membership in June of the year of distribution divided by the number of students in average daily membership in the district, or its predecessors, in June of the year of the most recent federal decennial census;

(ii) The number of children in foster homes in the district as determined by the report of the Department of Human Services to the federal Department of Education, “Annual Statistical Report on Children in Foster Homes and Children in Families Receiving AFDC Payments in Excess of the Poverty Income Level,” or its successor, for October 31 of the year prior to the year of distribution; and

(iii) The number of children in the district in state-recognized facilities for neglected and delinquent children, based on information from the Department of Human Services for October 31 of the year prior to the year of distribution.

(F) An additional amount as determined by ORS 327.077 shall be added to the ADMw for each remote small elementary school and for each small high school in the district.

(G) All numbers of children used for the computation in this section must reflect any district consolidations that have occurred since the numbers were compiled.

(b) The total additional weight that shall be assigned to any student in average daily membership in a district, exclusive of students described in paragraph (a)(E) and (F) of this subsection shall not exceed 2.0.

(8) High cost disabilities grant = the total amount received by a school district under ORS 327.348, for providing special education and related services to resident pupils with disabilities.

(9)(a) Transportation grant equals:

(A) 70 percent of approved transportation costs for those school districts ranked below the 80th percentile under paragraph (b) of this subsection.

(B) 80 percent of approved transportation costs for those school districts ranked in or above the 80th percentile but below the 90th percentile under paragraph (b) of this subsection.

(C) 90 percent of approved transportation costs for those school districts ranked in or
above the 90th percentile under paragraph (b) of this subsection.

(b) Each fiscal year, the Department of Education shall rank school districts based on the approved transportation costs per ADM of each school district, ranking the school district with the highest approved transportation costs per ADM at the top of the order.

(10) Local Revenues are the total of the following:

(a) The amount of revenue offset against local property taxes as determined by the Department of Revenue under ORS 311.175 (3)(a)(A);

(b) The amount of property taxes actually received by the district including penalties and interest on taxes;

(c) The amount of revenue received by the district from the Common School Fund under ORS 327.403 to 327.410;

(d) The amount of revenue received by the district from the county school fund;

(e) The amount of revenue received by the district from the 25 percent of federal forest reserve revenues required to be distributed to schools by ORS 294.060 (1);

(f) The amount of revenue received by the district from state-managed forestlands under ORS 530.115 (1)(b) and (c);

(g) Moneys received in lieu of property taxes;

(h) Federal funds received without specific application by the school district and which are not deemed under federal law to be nonsupplantable;

(i) Any positive amount obtained by subtracting the operating property taxes actually imposed by the district, based on the rate certified pursuant to ORS 310.060, from the amount that would have been imposed by the district if the district had certified the maximum rate of operating property taxes allowed by law; and

(j) Any amount distributed to the district in the prior fiscal year under section 4 (3), chapter 695, Oregon Laws 2001, or ORS 327.019 (8).

(11) Notwithstanding subsection (10) of this section, Local Revenues do not include, if a school district imposes local option taxes pursuant to ORS 280.040 to 280.145, an amount equal to the lesser of:

(a) The amount of revenue actually received by the district from local option taxes imposed pursuant to ORS 280.040 to 280.145;

(b) Fifteen percent of the combined total for the school district of the general purpose grant, the transportation grant, the facility grant and the high cost disabilities grant of the district; or

(c) $750 per district extended ADMw.

(12)(a) Facility Grant = 8 percent of total construction costs of new school buildings.

(b) A school district shall receive a Facility Grant in the distribution year that a new school building is first used.

(c) As used in this subsection:

(A) “New school building” includes new school buildings, adding structures onto existing school buildings and adding premanufactured structures to a school district if those buildings or structures are to be used for instructing students.


327.014 [1953 c.547 §1; 1957 c.626 §3; 1957 s.s. c.2 §1; 1961 c.622 §1; 1963 c.570 §1a; 1965 c.100 §16; 1965 c.528 $1; 1969 c.625 $1; repealed by 1971 c.22 §4]

327.015 [Repealed by 1957 c.612 §18]

327.017 [1993 c.61 §13; repealed by 1995 c.649 §10]

327.018 [1957 c.612 §7 (enacted in lieu of 327.085); 1959 c.388 §2; 1965 c.100 §19; renumbered 327.059]

327.019 State School Fund distribution computations for education service districts. (1) As used in this section:

(a) “Education service district extended ADMw” means the sum of the extended ADMw of the component school districts of the education service district as computed under ORS 327.013.

(b) “Local revenues of an education service district” means the total of the following:

(A) The amount of revenue offset against local property taxes as determined by the Department of Revenue under ORS 311.175 (3)(a)(A);

(B) The amount of property taxes actually received by the district including penalties and interest on taxes;

(C) The amount of revenue received by the district from state-managed forestlands under ORS 530.115 (1)(b) and (c); and

(D) Any positive amount obtained by subtracting the operating property taxes actually imposed by the district based on the rate certified pursuant to ORS 310.060 from the amount that would have been imposed by the district if the district had certified the maximum rate of operating property taxes allowed by law.

(2) Each fiscal year, the Superintendent of Public Instruction shall calculate a State
School Fund grant for each education service district as provided in this section.

(3)(a) Each fiscal year, the superintendent shall calculate the total amount appropriated or allocated to the State School Fund and available for distribution to school districts, education service districts and programs + total amount of local revenues of all school districts, computed as provided in ORS 327.013, + total amount of local revenues of all education service districts. The superintendent may not include in the calculation under this paragraph amounts recovered by the Department of Education from the State School Fund under ORS 343.243.

(b) The superintendent shall multiply the amount calculated under paragraph (a) of this subsection by 95.25 percent.

(c) Based on the amount calculated under paragraph (b) of this subsection, the superintendent shall calculate a funding percentage to distribute as nearly as practicable under ORS 327.006 to 327.133, 327.348, 327.355, 327.357 and 327.360 the total amount calculated under paragraph (b) of this subsection as school district general purpose grants, facility grants, high cost disabilities grants and transportation grants to school districts.

(d) Based on the funding percentage calculated under paragraph (c) of this subsection, the superintendent shall calculate the general purpose grant, facility grant, transportation grant and high cost disabilities grant amounts for each school district.

(4) The general services grant for an education service district shall equal the higher of:

(a) Total amount calculated under subsection (3)(d) of this section for the component school districts of the education service district \( \times \frac{4.75}{95.25} \); or

(b) $950,000.

(5) Subject to subsection (6) of this section, the State School Fund grant for an education service district = general services grant – local revenues of the education service district.

(6)(a) After completing the calculations under subsections (2) to (5) of this section, the Superintendent of Public Instruction shall apportion from the State School Fund to each education service district an amount = (funding percentage \times general services grant) – local revenues of the education service district.

(b) The funding percentage used in paragraph (a) of this subsection shall be calculated by the superintendent to distribute as nearly as practicable the total amount available for distribution to education service districts from the State School Fund for each fiscal year.

(7) Notwithstanding subsections (5) and (6) of this section, the State School Fund grant of an education service district may not be less than zero.

(8) An education service district shall distribute to its component school districts any amount of local revenues of the education service district that is greater than the general services grant. The amount that each component school district receives under this subsection shall be prorated based on the district extended ADMw of each school district.

Note: The amendments to 327.019 by section 1, chapter 828, Oregon Laws 2005, become operative July 1, 2006. See section 2a, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user's convenience.
(d) Based on the funding percentage calculated under paragraph (c) of this subsection, the superintendent shall calculate the general purpose grant, facility grant, transportation grant and high cost disabilities grant amounts for each school district.

(4) The general services grant for an education service district shall equal the higher of:
(a) Total amount calculated under subsection (3)(d) of this section for the component school districts of the education service district × 5.263 percent; or
(b) $1 million.

(5) Subject to subsection (6) of this section, the State School Fund grant for an education service district = general services grant − local revenues of the education service district.

(6)(a) After completing the calculations under subsections (2) to (5) of this section, the Superintendent of Public Instruction shall apportion from the State School Fund to each education service district an amount = (funding percentage × general services grant) − local revenues of the education service district.
(b) The funding percentage used in paragraph (a) of this subsection shall be calculated by the superintendent to distribute as nearly as practicable the total amount available for distribution to education service districts from the State School Fund for each fiscal year.

(7) Notwithstanding subsections (5) and (6) of this section, the State School Fund grant of an education service district may not be less than zero.

(8) An education service district shall distribute to its component school districts any amount of local revenues of the education service district that is greater than the general services grant. The amount that each component school district receives under this subsection shall be prorated based on the district extended ADMw of each school district.

327.020  [Repealed by 1957 c.612 §8 (327.024 enacted in lieu of 327.020)]

327.021 Percentages and time of payment of apportionments to education service districts. (1) The Superintendent of Public Instruction shall distribute funds payable to education service districts from the State School Fund following the same percentages and dates specified for school districts under ORS 327.095.

(2) The Department of Education may require reports from education service districts of projected and estimated data necessary for the calculation of the State School Fund grant amount.

(3) The Department of Education may adjust distributions to an education service district to reflect the difference between the amount payable to the education service district and the amount actually distributed to the education service district based on audited data and data received from reports from education service districts. [2001 c.685 §1]

327.023 Grants for special and compensatory education programs. In addition to those moneys distributed through the State School Fund, the Department of Education shall provide from state funds appropriated therefor, grants in aid or support for special and compensatory education programs including:

(1) Special schools for children who are deaf or blind as defined in ORS 346.010.

(2) Medicaid match for administration efforts to secure Medicaid funds for services provided to children with disabilities.

(3) Hospital programs for education services to children who are hospitalized for extended periods of time or who require hospitalization due to severe disability as described in ORS 343.261.

(4) Private agency programs for education services to children who are placed by the state in long term care or treatment facilities as described in ORS 343.961.

(5) Regional services provided to children with low-incidence disabling conditions as described in ORS 343.236.

(6) Early childhood special education provided to preschool children with disabilities from age three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(7) Early intervention services for preschool children from birth until age three as described in ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

(8) Evaluation services for children with disabilities to determine program eligibility and needs as described in ORS 343.146.

(9) Education services to children residing at state hospitals.

(10) Disadvantaged children program under ORS 343.680.


(12) Child development specialist under ORS 329.255.

(13) Youth care centers under ORS 420.885.

(14) Staff development and mentoring.

(15) Professional technical education grants.

(16) Special science education programs.

(17) Talented and Gifted children program under ORS 343.391 to 343.413. [1991 c.780 §5; 1993 c.45 §292; 1999 c.989 §33; 2001 c.900 §240]

327.024 [1957 c.612 §9 (enacted in lieu of 327.020); 1959 c.388 §3; 1965 c.100 §20; renumbered 327.063]

327.025  [Repealed by 1957 c.612 §3 (327.028 enacted in lieu of 327.025)]

327.026 State School Fund grant for programs; calculation; adjustment; rules. (1) In order to accomplish the purpose described in ORS 326.700, the State Board of Education shall adopt by rule definitions and
procedures to be applied to the computation of the State School Fund allocations where necessary to make students enrolled in the Youth Corrections Education Program, as defined in ORS 326.695, and the Juvenile Detention Education Program, as defined in ORS 326.695, equivalent to students enrolled in common and union high school districts for purposes of distribution of the fund.

(2) The Youth Corrections Education Program shall be entitled to receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Youth Corrections Education Program ADM multiplied by 2.0 multiplied by the additional per student weight, as defined in ORS 327.013 (7)(a)(A), multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant.

(3) The Juvenile Detention Education Program shall be entitled to receive from the State School Fund for each school year a special State School Fund grant, consisting of a general purpose grant that is equal to the Juvenile Detention Education Program ADM multiplied by 1.5 multiplied by Funding Percentage and further multiplied by Statewide Target per ADMw Grant.

(4) Funds allocated to the Youth Corrections Education Program and the Juvenile Detention Education Program from the State School Fund shall remain with the Department of Education and shall be adjusted in the year following the distribution to reflect the actual ADMw of students in the Youth Corrections Education Program and the Juvenile Detention Education Program in the same manner as for the school districts under ORS 327.101. [1995 c.649 §7; 1997 c.821 §17; 2001 c.681 §5]

327.028 [Amended by 1957 c.612 §4 (enacted in lieu of 327.025); 1957 c.706 §5; 1959 c.388 §4; 1965 c.100 §22; renumbered 327.075]
327.030 [Repealed by 1957 c.612 §18]
327.032 [Formerly 327.070; 1965 c.100 §28; renumbered 327.103]

327.033 Approved transportation costs. (1) Approved transportation costs shall be estimated for the year of distribution.

(2) Approved transportation costs shall include depreciation of original cost to the district of district-owned buses, not in excess of 10 percent per year.

(3) Districts are required to account separately for those funds received from the State School Fund attributable to the costs included under subsection (2) of this section, and expenditure of those funds shall be limited to the acquisition of new buses or transportation equipment. [1991 c.780 §7a]

327.035 [Amended by 1953 c.108 §3; 1957 c.612 §10; 1959 c.388 §5; 1963 c.142 §2; 1965 c.110 §17; 1965 c.323 §1; 1971 c.107 §1; repealed by 1991 c.780 §30]
327.038 [1957 s.s.c.2 §3; repealed by 1959 c.388 §15]
327.040 [Repealed by 1957 c.612 §18]
327.042 [1957 c.706 §2; 3; 1959 c.388 §6; 1963 c.570 §14; 1965 c.100 §18; 1969 c.625 §2; 1971 c.21 §1; 1971 c.107 §2; 1973 c.750 §4; 1977 c.640 §2; repealed by 1991 c.780 §30]

327.043 When district required to provide transportation; waiver. (1) A school district is required to provide transportation for elementary students who reside more than one mile from school and for secondary school students who reside more than 1.5 miles from school. A district is also required to provide transportation for any student identified in a supplemental plan approved by the State Board of Education.

(2) Notwithstanding subsection (1) of this section, the State Board of Education may waive the requirement to provide transportation for secondary school students who reside more than 1.5 miles from school. A district must present to the board a plan providing or identifying suitable and sufficient alternate modes of transporting secondary school students. [1991 c.780 §7]

327.045 [Repealed by 1957 c.626 §1]
327.046 [1961 c.502 §10; repealed by 1963 c.570 §33]
327.047 [1997 c.821 §9; repealed by 2003 c.715 §41]
327.048 [1961 c.502 §6; repealed by 1963 c.570 §33]
327.049 [1985 c.555 §9; repealed by 1991 c.780 §30]
327.050 [Amended by 1957 c.612 §11; repealed by 1963 c.570 §33]
327.051 [1997 c.821 §8; repealed by 2003 c.715 §41]
327.052 [1961 c.408 §1; repealed by 1963 c.570 §33]
327.053 [1965 c.100 §18a; 1973 c.750 §5; 1977 c.840 §3; 1981 c.899 §1; 1985 c.555 §10; 1989 c.216 §2; repealed by 1991 c.780 §30]
327.055 [Repealed by 1963 c.570 §33]
327.056 [1977 c.840 §4; repealed by 1989 c.216 §1]
327.057 [1957 c.556 §11; repealed by 1963 c.570 §33]
327.058 [1959 c.528 §4, 11; 1961 c.500 §1; repealed by 1963 c.570 §33]
327.059 [Formerly 327.018; 1969 c.625 §3; 1971 c.21 §2; 1973 c.750 §6; 1977 c.840 §5; 1981 c.899 §2; repealed by 1991 c.780 §30]
327.060 [Amended by 1955 c.766 §1; repealed by 1963 c.570 §33]

327.061 Computation of number of students in average daily membership. (1) Numbers of students in average daily membership used in the distribution formula as specified in ORS 327.013 (7), shall be projections of the average daily membership in the district for the school year ending on June 30 of the distribution year. The Department of Education shall verify all projections used for purposes of the distribution formula.

(2) The department shall use information from the Department of Revenue under ORS
311.175 as the basis for determining projected district property taxes. The department shall request relevant information from the school districts to enable the department to estimate the amount each school district shall receive from the State School Fund. The department shall provide this estimate no later than the first Monday in March of each year for the distribution for the following fiscal year.

(3) A school district may appeal to the department any projection verified by the department under subsection (1) of this section. The department shall rule on the appeal in a timely manner and if necessary issue a revised estimate of the amount each school district shall receive from the State School Fund no later than the last Friday in March.

(4) Notwithstanding subsection (3) of this section, no school district may appeal any projection verified under subsection (1) of this section if the district failed to provide information requested by the department under subsection (2) of this section. [1991 c.780 §1; 1993 c.18 §88]

327.062 [1955 c.103 §2; repealed by 1963 c.570 §33]

327.063 [Formerly 327.024; 1969 c.270 §1; 1969 c.625 §4; 1971 c.107 §3; 1973 c.750 §7; 1977 c.840 §6; 1979 c.259 §2; 1981 c.804 §96; repealed by 1991 c.780 §30]

327.065 [Amended by 1953 c.444 §11; 1953 c.711 §4; 1955 c.766 §2; 1957 c.328 §1; 1959 c.397 §1; 1961 c.537 §1; repealed by 1963 c.570 §33]

327.067 [1957 c.219 §3; 1961 c.537 §2; repealed by 1963 c.570 §33]

327.068 [1957 c.642 §§4, 7; 1959 c.388 §7; repealed by 1963 c.570 §33]

327.069 [1957 c.620 §1; 1959 c.388 §8; 1961 c.625 §1; part renumbered 330.630; repealed by 1963 c.570 §33]

327.070 [Amended by 1957 c.658 §3; renumbered 327.032 and then 327.103]

327.071 [1977 c.840 §7a; repealed by 1983 c.610 §8]

327.072 [Amended by 1957 c.612 §12; 1963 c.570 §4; 1965 c.100 §21; 1969 c.625 §5; 1973 c.750 §8; repealed by 1991 c.780 §30]

327.074 [Amended by 1965 c.100 §26; renumbered 327.097]

327.075 [Formerly 327.028; 1969 c.625 §6; 1977 c.840 §7; 1979 c.277 §7; 1991 c.780 §14; 1993 c.61 §6; repealed by 1993 c.690 §6]

327.076 [Repealed by 1965 c.100 §456]

327.077 Remote small elementary school and small high school determination; effect; waiver. (1) A school may qualify as a remote small elementary school if the average daily membership in grades one through eight for an elementary school teaching:

(a) Eight grades is below 224.
(b) Seven grades is below 196.
(c) Six grades is below 168.
(d) Five grades is below 140.
(e) Four grades is below 112.
(f) Three grades is below 84.

(g) Two grades is below 56.
(h) One grade is below 28.

(2) A school may qualify as a small high school if:

(a) The school is in a school district that has an ADMw of less than 8,500; and
(b) The average daily membership in grades 9 through 12 for a high school teaching:

(A) Four grades is below 350.
(B) Three grades is below 267.

(3) No elementary school shall qualify as a remote small elementary school under this section if it is within eight miles by the nearest traveled road from another elementary school unless there are physiographic conditions that make transportation to another school not feasible.

(4)(a) If an elementary school in a school district qualifies as a remote small elementary school, the district shall have an additional amount added to the district’s ADMw.

(b) The additional amount = \((224 - (\text{ADMa} \div (\text{number of grades in the school + eight})) \times 0.0045 \times \text{ADMa} \times \text{distance adjustment})\)

5(a) If a high school in a district qualifies as a small high school, the district shall have an additional amount added to the district’s ADMw.

(b) The additional amount = \((350 - (\text{ADMa} \div (\text{number of grades in the school + four})) \times 0.0029 \times \text{ADMa})\)

(6) The distance adjustment for an elementary school = 0.025 for each 10th of a mile more than eight miles that a school is away from the nearest elementary school measured by the nearest traveled road or 1.0, whichever is less.

(7)(a) A school may qualify as a remote small elementary school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a remote small school on July 18, 1995.

(b) A school may qualify as a small high school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a small high school on October 23, 1999.

(c) A public charter school as defined in ORS 338.005 may qualify as a remote small elementary school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a nonchartered public remote small school on July 18, 1995.

(d) A public charter school as defined in ORS 338.005 may qualify as a small high
school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a non-chartered public remote small school on July 18, 1995.

(e) The Superintendent of Public Instruction may waive the requirements of paragraph (a), (b), (c) or (d) of this subsection if the superintendent determines that exceptional circumstances exist.

(f) An alternative education program as defined in ORS 336.615 may not qualify as a small high school under this section.

(8) The opening of a public charter school shall not disqualify a school as a remote small elementary school under subsection (3) of this section or change the distance adjustment for a school under subsection (6) of this section.

(9)(a) Notwithstanding subsections (2), (5) and (7)(b) and (d) of this section, if two high schools merge and prior to the merger at least one of the high schools qualified as a small high school under this section, the Department of Education shall continue to add an additional amount pursuant to subsection (5) of this section to the ADMw of the school district in which the new merged high school is located that is equal to the higher of:

(A) The additional amount the school district of each of the former small high schools would have received under this section based on the ADMa of each of the high schools prior to the merger; or

(B) In the case of a high school that remains qualified as a small high school under subsection (2) of this section after a merger, the ADMa of the merged small high school.

(b) The department shall add the additional amount under this subsection only for the first four fiscal years after the merger of the two high schools is final. If the merger of the two high schools becomes final on or before September 1, for purposes of this paragraph the merger shall be considered final in the prior fiscal year.

(10) For purposes of this section:

(a) The “adjusted average daily membership” or “ADMa” for an elementary school shall be the average daily membership for the school, but no less than 25.

(b) The “adjusted average daily membership” or “ADMa” for a high school shall be the average daily membership for the school, but no less than 60. [1989 c.649 §2; 1998 c.200 §27, 1999 c.1066 §22; 2003 c.715 §32]

Note: Section 12, chapter 61, Oregon Laws 1993, provides:

Sec. 12. Effect of reopening remote small elementary school. The reopening of an existing school structure for use as a school in an adjoining school district does not prevent an elementary school from qualifying as a remote small elementary school if the elementary school otherwise meets the requirements set forth in ORS 327.075 (1993 Edition). [1993 c.61 §12; 1999 c.1066 §24]

327.080 [Amended by 1957 c.612 §13; 1963 c.570 §5; repealed by 1965 c.100 §456]

327.081 [1993 c.61 §14; 1995 c.649 §5; repealed by 2001 c.695 §38]

327.082 Kindergarten apportionment. (1) School districts which operate kindergartens that conform to the standards and rules adopted by the State Board of Education shall be eligible for apportionments from the State School Fund on the basis of resident average daily membership in the kindergartens.

(2) The apportionments shall be paid in the same manner as other apportionments from the State School Fund are paid. Computation of the amounts due each district operating a kindergarten shall be made by the Superintendent of Public Instruction pursuant to rules of the State Board of Education. The rules shall establish a method of computation that is consistent with the method of computation of other apportionments from the State School Fund. [1973 c.707 §6]

327.085 [Repealed by 1957 c.612 §6 (327.018 enacted in lieu of 327.085)]

327.090 [Amended by 1959 c.388 §10; 1963 c.570 §6; 1965 c.100 §27; repealed by 1991 c.780 §30]

327.091 [1957 c.626 §8; repealed by 1963 c.570 §33]

327.092 [1957 c.626 §9; repealed by 1963 c.570 §33]

327.093 [1957 c.626 §10; repealed by 1963 c.570 §33]

327.094 [Subsections (1) and (2) enacted as 1957 c.626 §13; subsection (3) of 1957 Replacement Part enacted as 1957 s.s. c.2 §4 (3); 1959 c.388 §11; 1963 c.570 §7; 1965 c.100 §25; subsection (4) enacted as 1971 c.22 §3; 1989 c.456 §1; repealed by 1991 c.780 §30]

327.095 Percentages and time of payment of apportionments to school districts. (1) Funds due school districts under ORS 327.008 and 327.013 shall be paid approximately 16-2/3 percent on July 15, approximately eight and one-third percent on August, September, October, November, December, January, February, March and April and the balance on May 15. An equitable apportionment based on the most recent data available shall be made on the installment dates prior to May 15. If such payments are too high or too low, appropriate adjustments shall be made in the May 15 payments. However, if the reports required by ORS 327.133 have not been received from any district when due, no further apportionments shall be made to such district until such reports are filed.

(2) If the combined estimated level of ADMw under ORS 327.013 (7) of all school districts is less than the statewide projected
level of ADMw, the Department of Education may:

(a) Adjust the distributions to school districts on the installment dates to reflect the difference; and

(b) Set aside an amount of the funds appropriated to the State School Fund for the fiscal year until the May 15 distribution.

2002 s.s.1 c.4 §1; 2002 s.s.4 c.1 §1

30 to the ADM for the quarter ending December shall be used by the department for apportionment under subsection (1) of this section for any penalties, forfeitures or additional receipts of State School Fund moneys; except when expressly directed by law.

327.097 Apportionment where district changed. Where any territorial or organizational change in a school district has occurred between the date of the report and the apportionment, the Superintendent of Public Instruction shall make the payment on an equitable basis to the districts the territory or organization of which has been changed. [Formerly 327.074]

327.099 Adjustment of distribution within fiscal year. (1) The Department of Education shall adjust the distribution to a school district to reflect the difference between the estimated level of local revenues to the district under ORS 327.013 and the projected level of those same local revenues used to calculate the State School Fund apportionment to the district. The adjustment shall be incorporated in the May 15 apportionment to the district in the distribution year.

(2) The department shall adjust the May 15 apportionment to a school district in the distribution year to reflect an ADMw of the district equal to the higher of the ADMw of the prior year or the adjusted ADMw for the December quarter. Adjusted ADMw for the December quarter shall equal:

(a) ADMw as determined by the department from information provided in the December quarterly report for the current distribution year filed with the department under ORS 327.133;

(b) Multiplied by the lesser of 1.0 or the average of the ratios for the preceding two years of the ADM for the year ending June 30 to the ADM for the quarter ending December 31 for the same school year as filed under ORS 327.133.

(3) The sum equal to the sum of all negative adjustments made to the May 15 apportionment under subsection (1) of this section shall be used by the department for purposes of funding positive adjustments required under subsection (1) of this section and adjustments required under subsection (2) of this section.

(4) The department shall also set aside an amount of the funds appropriated to the State School Fund for the fiscal year to fund any positive adjustments required under subsection (1) of this section and adjustments required under subsection (2) of this section for any penalties, forfeitures or additional receipts of State School Fund moneys, except when expressly directed by law.

(5) If the amounts available under subsections (3) and (4) of this section are either not sufficient to fund the positive adjustments or exceed the positive adjustments to districts required under subsections (1) and (2) of this section and the adjustments required under subsection (2) of this section, the Superintendent of Public Instruction shall recalculate the funding percentage in ORS 327.013 (2) to distribute as nearly as practicable the total sum available for distribution. [1991 c.780 §12; 1993 c.61 §7; 2003 c.715 §24; 2005 c.755 §19]

327.100 [Repealed by 1963 c.570 §33]

327.101 Adjustment of distribution between fiscal years. (1) Each fiscal year, the distribution to a school district under ORS 327.008 and 327.013 shall be adjusted to fully reflect the difference between the apportionment due to the district for the prior fiscal year under ORS 327.008 and 327.013, and the amounts actually distributed to the district in the prior fiscal year under ORS 327.008, 327.013 and 327.099. The adjustment shall be made to the May 15 apportionment to the district.

(2) No consideration shall be made in the adjustment made under subsection (1) of this section for any penalties, forfeitures or additional receipts of State School Fund moneys, except when expressly directed by law.

(3) An amount of funds equal to the sum of all negative adjustments made to the May 15 apportionment under subsection (1) of this section shall be used by the Department of Education for purposes of funding positive adjustments required under subsection (1) of this section in the same fiscal year.

(4) If the amounts available under subsection (3) of this section are either not sufficient or exceed the adjustments to districts required under subsection (1) of this section, the Superintendent of Public Instruction shall recalculate the funding percentage in ORS 327.013 (2) to distribute as nearly as practicable the total sum available for distribution. [1991 c.780 §13; 1993 c.61 §8; 2005 c.209 §4; 2005 c.755 §20]

327.103 Standard school presumed; effect of finding of deficiency; rules. (1) All school districts are presumed to maintain a standard school district until the school district has been found to be deficient by the Superintendent of Public Instruction, pursuant to standards and rules of the State Board of Education.
(2) If any deficiencies are not corrected before the beginning of the school year next following the date of the finding of deficiency and if an extension has not been granted under subsection (3) of this section, the Superintendent of Public Instruction may withhold portions of State School Fund moneys otherwise allocated to the school district for operating expenses until such deficiencies are corrected unless the withholding would create an undue hardship, as determined pursuant to rules of the State Board of Education.

(3)(a) Within 90 days of the finding of deficiency, a school district found not to be in compliance shall submit a plan, acceptable to the Superintendent of Public Instruction, for meeting standardization requirements. A team of Department of Education staff shall contact the school district and offer technical assistance. When an acceptable plan for meeting standardization requirements has been submitted, the Superintendent of Public Instruction may allow an extension of time, not to exceed 12 months, if the superintendent determines that such deficiencies cannot be corrected or removed before the beginning of the next school year.

(b) Notwithstanding paragraph (a) of this subsection, if the superintendent determines that the reason for the deficiencies is primarily the lack of adequate funds, the superintendent may allow an extension of time that exceeds 12 months based on criteria adopted by the State Board of Education. Based on the rules of the State Board of Education, the superintendent shall provide oversight to a school district that is granted an extension of time under this paragraph.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, the superintendent may not grant an extension of time if it is possible for a district to correct the deficiency through merger.

(d) For the period of the extension of time under this subsection, the school district shall be considered a conditionally standard school district.

(e) The State Board of Education shall adopt by rule:

(A) Criteria for determining when to grant an extension of time under paragraph (b) of this subsection; and

(B) The method of oversight to be provided by the superintendent over a school district that is granted an extension of time under paragraph (b) of this subsection.

(4) Any school district failing to submit a plan for meeting standardization requirements within the time specified shall receive no further State School Fund moneys until a plan acceptable to the Superintendent of Public Instruction is submitted irrespective of the district’s being granted an extension of time in which to comply.

Note: The amendments to 327.103 by section 3, chapter 390, Oregon Laws 2003, became operative July 1, 2007, See section 4, chapter 390, Oregon Laws 2003. The text that is operative on and after July 1, 2007, is set forth for the user’s convenience.

327.103. (1) All school districts are presumed to maintain a standard school district until the school district has been found to be deficient by the Superintendent of Public Instruction, pursuant to standards and rules of the State Board of Education.

(2) If any deficiencies are not corrected before the beginning of the school year next following the date of the finding of deficiency and if an extension has not been granted under subsection (3) of this section, the Superintendent of Public Instruction may withhold portions of State School Fund moneys otherwise allocated to the school district for operating expenses until such deficiencies are corrected unless the withholding would create an undue hardship, as determined pursuant to rules of the State Board of Education.

(3)(a) Within 90 days of the finding of deficiency, a school district found not to be in compliance shall submit a plan, acceptable to the Superintendent of Public Instruction, for meeting standardization requirements. A team of Department of Education staff shall contact the school district and offer technical assistance. When an acceptable plan for meeting standardization requirements has been submitted, the Superintendent of Public Instruction may allow an extension of time, not to exceed 12 months, if the superintendent determines that such deficiencies cannot be corrected or removed before the beginning of the next school year.

(b) Notwithstanding paragraph (a) of this subsection, if the superintendent determines that the reason for the deficiencies is primarily the lack of adequate funds, the superintendent may allow an extension of time that exceeds 12 months based on criteria adopted by the State Board of Education. Based on the rules of the State Board of Education, the superintendent shall provide oversight to a school district that is granted an extension of time under this paragraph.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, the superintendent may not grant an extension of time if it is possible for a district to correct the deficiency through merger.

(d) For the period of the extension of time under this subsection, the school district shall be considered a conditionally standard school district.

(e) The State Board of Education shall adopt by rule:

(A) Criteria for determining when to grant an extension of time under paragraph (b) of this subsection; and

(B) The method of oversight to be provided by the superintendent over a school district that is granted an extension of time under paragraph (b) of this subsection.

(4) Any school district failing to submit a plan for meeting standardization requirements within the time specified shall receive no further State School Fund moneys until a plan acceptable to the Superintendent of Public Instruction is submitted irrespective of the district’s being granted an extension of time in which to comply.

Note: Section 5, chapter 390, Oregon Laws 2003, provides:

Sec. 5. The Superintendent of Public Instruction may not grant an extension of time under ORS 327.103 (3)(b) that allows a school district to be deficient on or after July 1, 2007.  [2003 c.390 §5]

327.105 [Repealed by 1993 c.570 §33]

327.106 School districts required to offer kindergarten through grade 12; exceptions. (1) Any school district that does not offer education programs in kindergarten through grade 12 on and after July 1, 1997, shall be considered nonstandard under ORS 327.103.

(2) This section shall not apply to any school district not required to merge under section 2 (3) or (4), chapter 393, Oregon Laws 1991.
327.109 Procedure if school district or charter school alleged to be involved in religious activity; complaint, investigation, finding; effect. (1) Upon receipt from a citizen of Oregon of a complaint that on its face is colorable that a school district or public charter school sponsors, financially supports or is actively involved with religious activity, the Superintendent of Public Instruction or the superintendent’s designated representative shall undertake promptly a preliminary investigation of the facts alleged in the complaint.

(2) If, after the preliminary investigation, the superintendent finds that there is a substantial basis to believe that the school district or public charter school sponsors, financially supports or is actively involved with religious activity, the Superintendent shall notify the complainant and the school district or public charter school of that finding and shall not schedule a hearing or withhold funds for the public charter school that, pursuant to ORS 338.155, are due under ORS 327.095 to the school district in which the public charter school is located. The superintendent shall also order the school district in which the public charter school is located not to withhold funds due the public charter school under ORS 338.155.

(3) During the preliminary investigation, the school district or public charter school shall cooperate to a reasonable degree with the superintendent and provide any evidence that the superintendent considers necessary for the investigation. If the school district or public charter school fails or refuses to cooperate to a reasonable degree with the superintendent during the investigation, the superintendent shall presume that there is a substantial basis to believe that the school district or public charter school sponsors, financially supports or is actively involved with religious activity and shall proceed as provided in subsection (2) of this section.

(4) If the superintendent makes a finding under subsection (2) or (4) of this section, the school district or public charter school shall receive no funds under ORS 327.095 or 338.155 from the date of the superintendent’s finding until the superintendent finds that the school district or public charter school is no longer sponsoring, financially supporting or actively involved with religious activity.

(5) The funds withheld under this section shall be held in an escrow account and shall
be removed from that account only as follows:

(a) If the superintendent determines, after a contested case hearing, or a court on appeal rules, that the school district or public charter school never sponsored, financially supported or was actively involved with religious activity, the entire amount, including interest thereon, in the escrow account shall be released to the school district or public charter school.

(b) If the superintendent determines, after a contested case hearing, or a court on appeal rules, that the school district or public charter school sponsored, financially supported or was actively involved with religious activity in the past but has ceased to do so, that portion of the amount, including interest thereon, in the escrow account that accrued to the school district or public charter school after the school district or public charter school ceased the proscribed conduct shall be paid to the school district or public charter school. Any amount, including interest thereon, permanently withheld from the school district or public charter school shall revert to the State School Fund or to the General Fund, if the biennium has ended.

(c) If the school district or public charter school does not cease the proscribed conduct by the beginning of the next school year, the superintendent shall notify the State Treasurer who shall cause the amount in the escrow account, including interest thereon, to revert to the State School Fund or to the General Fund, if the biennium has ended.

(7) If the superintendent schedules a contested case hearing, as provided in subsection (2) of this section, the superintendent may conduct such further investigation of the facts relevant to the complaint as the superintendent considers necessary. In conducting the investigation, the superintendent shall have the power of subpoena to compel production of documents and attendance of witnesses at depositions and may do all things necessary to secure a full and thorough investigation.

(8) If a person or school district or public charter school fails to comply with any subpoena issued under subsection (7) of this section, a judge of the circuit court of any county, on application of the superintendent, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from circuit court. [1985 c.584 §2; 1999 c.200 §29; 2005 c.209 §17]

327.120 Correction of errors in apportionments. The Superintendent of Public Instruction may correct, in a succeeding year, any errors in apportionment by the withholding of the amount of an overapportionment or by the payment of an underapportionment from funds to be apportioned.

327.125 Superintendent to administer ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731; board rules. The Superintendent of Public Instruction shall administer the provisions of ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731. The State Board of Education shall adopt all necessary rules not inconsistent with ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731 to carry into effect the provisions of those statutes. [Amended by 1963 c.570 §8; 1965 c.100 §29; 1989 c.491 §6; 1991 c.780 §17]

327.130 [Repealed by 1965 c.100 §456]

327.133 Reports by districts. (1) Each school district, other than an education service district, shall file with the Superintendent of Public Instruction:

(a) By July 15 of each year, an annual report covering the school year ending on the preceding June 30; and

(b) By January 15, of each year, a December quarterly report covering the quarter of the current school year commencing October 1 and ending December 31.

(2) Each such report shall show the average daily membership of resident pupils of the district for the period covered and shall also contain such other information as the Superintendent of Public Instruction may require. [Formerly 327.200; 1973 c.750 §9]

327.135 [Amended by 1955 c.660 §27; 1957 c.612 §15; repealed by 1963 c.570 §33]

327.137 Audit statements filed with department; effect of failure to file or insufficiency of statement. Every common or union high school district shall file a copy of its audit statement with the Department of Education within six months of the end of the fiscal year for which the audit is required. If the audit report, as submitted to the district, fails to provide the detail necessary for the computation required in the administration of ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360, 327.731, 328.542 and 530.115 and this section, the district shall submit the necessary information on forms provided by the department within the time prescribed for filing the audit in this section. Any district failing to file a copy of its report under this section or ORS 327.133 shall not receive any payments from the State School Fund until such reports are filed. [1965 c.199 §1; 1977 c.840 §9; 1989 c.491 §7; 1991 c.780 §18; 2005 c.209 §6]
327.140 [Amended by 1955 c.314 §1; 1957 c.612 §17; repealed by 1963 c.570 §33]

327.145 [Amended by 1957 c.626 §4; repealed by 1963 c.570 §33]

327.147 Increased allocation when union high school district becomes common school district. (1) When a union high school district becomes a common school district, as described in ORS 335.505, the common school district shall be entitled to an increased allocation, based on the total average daily membership, as defined in ORS 327.006, of the new common school district as follows:

(a) An additional 15 percent in the first year of operation as a common school district;

(b) An additional 10 percent in the second year of operation as a common school district; and

(c) An additional five percent in the third year of operation as a common school district.

(2) The amounts authorized by this section shall be computed based on the computation of the affected district’s allocation of moneys from the State School Fund but shall be payable from funds specifically appropriated for the purposes of this section. [1989 c.969 §1]

327.150 [Amended by 1955 c.314 §2; repealed by 1963 c.570 §33]

327.152 Increased allocation when certain merger occurs. (1) If a school district responsible for education in kindergarten through grade 12, that does not operate a high school, merges with a district providing education in kindergarten through grade 12, the district providing the education shall be entitled to an increased allocation, based on the average daily membership of the former district, as follows:

(a) An additional 15 percent in the first year of operation of the merged district;

(b) An additional 10 percent in the second year of operation of the merged district; and

(c) An additional five percent in the third year of operation of the merged district.

(2) The amounts authorized by this section shall be computed based on the computation of the affected district’s allocation of moneys from the State School Fund but shall be payable from funds specifically appropriated for the purposes of this section. [1989 c.969 §1]

327.155 [Repealed by 1955 c.314 §3]

327.157 Minimum apportionment to school districts affected or not affected by ORS 327.147 and 327.152. (1) Subject to the limits of funds appropriated for the implementation of ORS 327.147 and 327.152, a school district shall not be apportioned less for its average daily membership for any year subsequent to the 1989-1990 fiscal year than was estimated for the 1989-1990 fiscal year.

(2) If the funds appropriated for the implementation of ORS 327.147 and 327.152 are insufficient to meet the obligations incurred under ORS 327.147 and 327.152, each district eligible to receive funds under ORS 327.147 or 327.152 shall receive its pro rata share of the funds available for the implementation of ORS 327.147 and 327.152. [1989 c.969 §4]

327.160 [Repealed by 1963 c.570 §33]

327.165 [1957 c.612 §17; 1965 c.100 §23; renumbered 327.133]

327.170 [1957 c.612 §16; 1959 c.388 §14; 1965 c.100 §23; renumbered 327.133]

327.175 [1957 c.612 §16; 1959 c.388 §14; 1965 c.100 §23; renumbered 327.133]

327.200 [1957 c.612 §16; 1959 c.388 §14; 1965 c.100 §23; renumbered 327.133]

327.205 [Repealed by 1991 c.459 §448]

327.206 [Repealed by 1991 c.459 §448]

327.207 [Repealed by 1991 c.459 §448]

327.210 [Repealed by 1991 c.459 §448]

327.212 [1989 c.971 §3; repealed by 1991 c.459 §448]

327.215 [Repealed by 1991 c.459 §448]

327.217 [1989 c.971 §4; repealed by 1991 c.459 §448]

327.220 [Repealed by 1991 c.459 §448]

327.225 [Repealed by 1991 c.459 §448]

327.230 [Repealed by 1991 c.459 §448]

327.235 [Repealed by 1991 c.459 §448]

327.240 [Repealed by 1991 c.459 §448]

327.245 [Repealed by 1991 c.459 §448]

327.250 [Repealed by 1991 c.459 §448]

327.255 [Repealed by 1991 c.459 §448]

327.260 [Repealed by 1991 c.459 §448]

327.265 [Repealed by 1991 c.459 §448]

327.270 [Repealed by 1991 c.459 §448]

327.275 [Repealed by 1991 c.459 §448]

327.280 [Repealed by 1991 c.459 §448]

327.285 [Repealed by 1991 c.459 §448]

GRANTS TO SCHOOL DISTRICTS AND PROGRAMS

(School Improvement Grants)

327.290 Legislative findings relating to student achievement. The Legislative Assembly finds that:

(1) The state has an interest in ensuring that public resources for primary and secondary schools are used to achieve the outcomes established under the Oregon Educational Act for the 21st Century in ORS chapter 329.

(2) To achieve that purpose, the School Improvement Fund is established so the state may support activities directly related to increases in student achievement while still allowing school districts flexibility in determining the specific activities necessary to support students.

(3) It is the intent of the state in establishing the School Improvement Fund to link these activities to the recommendations of the Quality Education Commission established under Executive Order 99-16 and the recommendations of the Quality Education...


Commission established under ORS 327.500.  [2001 c.794 §1; 2001 c.794 §1a]

327.294 School Improvement Fund. (1) There is established the School Improvement Fund, separate and distinct from the General Fund. Interest earned by the School Improvement Fund shall be credited to the fund. Any moneys in the fund that are not distributed by the Department of Education in any fiscal year shall be retained in the fund and may be distributed in the next fiscal year.

(2) The moneys in the fund are continuously appropriated to the Department of Education for purposes of the grant program created by ORS 327.297.  [2001 c.794 §2]

327.297 Grants for activities related to student achievement; evaluation of recipient progress; rules. (1) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants to school districts, the Youth Corrections Education Program and the Juvenile Detention Education Program for activities that relate to increases in student achievement, including:

(a) Class size reduction;
(b) Increases in instructional time;
(c) Professional development;
(d) Remediation and alternative learning;
(e) Early childhood support;
(f) Services to at-risk youth;
(g) Additional instructional materials;
(h) Curriculum and instructional support;
(i) Services for English as a second language students; and
(j) Other activities approved by the State Board of Education that are shown to have a relationship to increasing student achievement.

(2) Each school district, the Youth Corrections Education Program and the Juvenile Detention Education Program may apply to the Department of Education for a grant. The Department of Education shall review and approve applications based on criteria established by the State Board of Education. In establishing the criteria, the State Board of Education shall consider the recommendations of the Quality Education Commission established under Executive Order 99-16 and the recommendations of the Quality Education Commission established under ORS 327.500. The applications shall include the activities to be funded and the goals of the school district or program for increases in student performance. The applications shall become part of the local district improvement plan described in ORS 329.095.

(3) The Department of Education shall evaluate the annual progress of each recipient of grant funds under this section toward the performance targets established by the Quality Education Commissions that have been funded by the Legislative Assembly. The evaluation shall become part of the requirements of the department for assessing the effectiveness of the district under ORS 329.085, 329.095 and 329.105. The department shall ensure school district and program accountability by providing appropriate assistance, intervening and establishing consequences in order to support progress toward the performance targets.

(4) Each biennium the Department of Education shall report to the Legislative Assembly on the grant program and the results of the grant program.

(5)(a) Notwithstanding ORS 338.155 (9), the Department of Education may not award a grant under this section directly to a public charter school.

(b) A school district that receives a grant under this section may transfer a portion of the grant to a public charter school based on the charter of the school or any other agreement between the school district and the public charter school.

(c) A public charter school that receives grant funds under this subsection shall use those funds for the activities specified in subsection (1) of this section.

(6)(a) The amount of each grant = the program’s or school district’s ADMW × (the total amount available for the grants in each distribution year ÷ the total statewide ADMW).

(b) As used in this subsection:
(A) “ADMW” means:
(i) For a school district, the extended weighted average daily membership as calculated under ORS 327.013, 338.155 (1) and 338.165 (2);
(ii) For the Youth Corrections Education Program, the average daily membership as defined in ORS 327.006 multiplied by 2.0; and
(iii) For the Juvenile Detention Education Program, the average daily membership as defined in ORS 327.006 multiplied by 1.5.

(B) “Total statewide ADMW” means the total extended ADMW of all school districts plus the ADMW of the Youth Corrections Education Program plus the ADMW of the Juvenile Detention Education Program.

(7) Each school district or program shall deposit the grant amounts it receives under this section in a separate account, and shall apply amounts in that account to pay for activities described in the district’s or program’s application.

31
The State Board of Education may adopt any rules necessary for the administration of the grant program. [2001 c.794 §3; 2001 c.794 §3c; 2005 c.22 §231]

(Construction and Maintenance of Public School Facilities Grant)

327.300 Definitions for ORS 327.300 to 327.320. As used in ORS 327.300 to 327.320:

(1) “Construction” includes land acquisition, planning, design, construction, remodeling, altering, furnishing and equipping public school facilities.

(2) “Maintenance” includes repairing, replacement and other capital maintenance but does not include cleaning.

(3) “Public school facility” includes facilities used for classroom instruction, multipurpose activities, libraries or any other use associated with public education in preschool through grade 12, and includes facilities that may be used by more than one school district.

(4) “School district” means a common or union high school district, an education service district or any combination thereof. [1993 c.765 §120]

327.310 Legislative findings. The Legislative Assembly finds that:

(1) The construction and maintenance of public school facilities accomplish the purpose of creating jobs and furthering economic development in Oregon by, among other advantages:

(a) Furnishing an important element of the public school system that provides the basic framework for continuing and expanding economic activity in the state;

(b) Alleviating the congestion and crowding associated with, and reducing the burdens of expansion and maintenance of, existing public school facilities, as well as reducing energy consumption; and

(c) Creating employment opportunities through the funding of projects for the development and construction of public school facilities.

(2) Based on the legislative findings described in this section, the use of a portion of the net proceeds from the operation of the state lottery funds under section 4 (3), Article XV of the Oregon Constitution and ORS 461.510 creates jobs and furthers economic development. [1993 c.765 §121]

327.320 School Facility Improvement Fund. There is hereby created the School Facility Improvement Fund, separate and distinct from the General Fund. The fund shall be an investment fund for purposes of ORS 293.701 to 293.820. Moneys in the fund are appropriated continuously for the purpose of carrying out ORS 327.330. Interest earned by the fund shall be credited to the fund. [1993 c.765 §122]

327.330 Grants to school districts for construction and maintenance of public school facilities; rules. (1) Subject to the rules of the State Board of Education, the Superintendent of Public Instruction shall make grants to school districts that apply therefor for the purpose of construction and maintenance of public school facilities.

(2) Grants shall not exceed $500,000 in any biennium to any school district. In addition, a combination of districts may submit a joint grant application in an amount not to exceed $500,000. However, a district or combination thereof may apply in subsequent bienniums for additional grants for the same facility. Grants must be matched at least one local dollar for four state dollars by the district or combination thereof.

(3) The state board by rule shall establish criteria for grant approval. Such criteria shall include but not be limited to:

(a) The age of public school facilities, the degree of overcrowding and the absence of facilities that are considered necessary to accomplish the educational goals of the district and this state; and

(b) Maintenance and reconstruction needs related to the deterioration of existing public school facilities, which deterioration has the potential of affecting the health and safety of students. [1993 c.765 §123]

(Local Option Equalization Grants)

327.333 Policy on provision of grants to school districts. The Legislative Assembly declares that it is the policy of this state to provide substantial equity in opportunity among school districts in which electors support local option taxes for primary and secondary education. This policy will be accomplished by providing grant supplements to those districts that enact local option taxes and that have lower property wealth per student. [2001 c.896 §1]

327.336 Qualifications; amount. (1) As used in this section:

(a) “Extended ADMw” means the district extended weighted average daily membership computed under ORS 327.013 (6).

(b) “Local option tax rate” means the amount of local option taxes imposed by the school district for the current fiscal year, after compression under ORS 310.150 and after subtraction of the amount of school district local option taxes that are distributed to an urban renewal agency pursuant to ORS 457.440, divided by the assessed value of the school district.
(c) “School district” means a common or union high school district.

(d) “Target district” means the school district that, for the fiscal year prior to the year for which grants are being determined, had a total assessed value of taxable property per district extended ADMw that was greater than all but 25 percent of the school districts in this state for that prior fiscal year. The Department of Education shall determine which school district is the target district for a fiscal year, based on the total assessed values of school districts reported to the Department of Education by the Department of Revenue for the fiscal year prior to the year for which grants are being determined under this section.

(2) A school district shall receive a local option equalization grant for a fiscal year:

(a) In which the school district imposes local option taxes pursuant to ORS 280.040 to 280.145; and

(b) For which the total assessed value of taxable property per extended ADMw of the school district for the prior fiscal year does not exceed the total assessed value of taxable property per extended ADMw of the target district for the prior fiscal year.

(3) The amount of the local option equalization grant shall equal the lesser of:

(a) The product of the local option tax rate of the school district for the current fiscal year × (total assessed value per extended ADMw of the target district for the prior fiscal year − total assessed value per extended ADMw of the school district for the prior fiscal year) × the extended ADMw of the school district for the prior fiscal year; or

(b) The amount obtained by subtracting the local option tax imposed by the school district for the current fiscal year, after compression under ORS 310.150, from the lesser of:

(A) Fifteen percent of the combined total for the school district of the general purpose grant, the transportation grant, the facility grant and the high cost disabilities grant of the school district for the current fiscal year; or

(B) $750 multiplied by the extended ADMw of the school district for the current fiscal year.

(4) If the amount computed under subsection (3)(b) of this section is zero or less, a local option equalization grant may not be made to the school district for the fiscal year.

(5) As soon as is practicable after school districts have certified property taxes to the assessor under ORS 310.060, the Department of Revenue shall report to the Department of Education a list of school districts certifying local option taxes for the current fiscal year and the local option tax rates for those districts. The amount of each local option equalization grant shall be calculated by the Department of Education.

(6) If the election authorizing the imposition of a local option tax is held after the start of a biennium in which the local option tax is to be imposed, the local option equalization grant for a fiscal year of that biennium shall be determined as otherwise prescribed in this section, but may not be paid to the school district until the first fiscal year of the next succeeding biennium.

[2001 c.896 §2; 2003 c.715 §§21,22; 2005 c.832 §9]

327.339 Local Option Equalization Grants Account; grant payments. (1) The Local Option Equalization Grants Account is created in the General Fund.

(2) From the biennial legislative appropriation to the Local Option Equalization Grants Account to fund the local option equalization grant program described in ORS 327.336, amounts necessary to make the grant payments are continuously appropriated to the Department of Education for the purpose of making these payments.

(3) The department shall make estimated local option equalization grant payments to school districts entitled to such payments under ORS 327.336 on or before March 31 of each fiscal year.

(4) If the estimated local option equalization grant payment does not equal the actual local option equalization grant to which a school district is entitled under ORS 327.336, the department shall determine the increase or decrease needed to correct the amount of the grant and may incorporate the correction into a state school fund grant made to the district. The correction may be made in any state school fund grant made during the fiscal year in which the estimated grant payment was made or in the next succeeding fiscal year.

(5) If the amount of moneys available in the Local Option Equalization Grants Account is insufficient to make the payments required under ORS 327.336 and this section, the payments shall be proportionally reduced so that the state does not accrue a debt in making these payments. [2001 c.896 §3]

(English as Second Language Teacher Training Grants)
and enrolled in an English as a second language program under ORS 336.079.

(2) In addition to distributing moneys through the State School Fund, the Department of Education may award grants to school districts for the costs of training English as a second language teachers.

(3) The grants shall be available to any school district:
   (a) In which three percent or more of the students enrolled are ESL students;
   (b) That serves ESL students or bilingual students within a large geographic area in the district;
   (c) That has a high growth, as defined by rule of the State Board of Education, of ESL students or bilingual students in any school year; or
   (d) That can demonstrate extraordinary need, as defined by rule of the board, for English as a second language teachers.

(4) A school district that receives a grant under this section may use the grant to reimburse teachers for tuition costs associated with completing an English as a second language or a bilingual teaching program.

(5) The department may seek and accept gifts, grants and donations from any source and federal funds for the purpose of carrying out the grant program under this section.

(6) The board may adopt any rules necessary for the administration of the grant program. The rules adopted by the board shall include a method for determining the grant amount that a qualified school district may receive under this section.

(High Cost Disabilities Grants)

327.348 High Cost Disabilities Account; grants; approved costs; rules. (1) There is established within the State School Fund a High Cost Disabilities Account.

(2) Each fiscal year, the Department of Education shall distribute moneys from the account to school districts as high cost disabilities grants. A school district may receive moneys from the account if the school district has a resident pupil with disabilities for whom the approved costs to the school district of providing special education and related services to the pupil minus $30,000.

(4) The department shall determine the approved costs incurred by a school district in providing special education and related services to a pupil with disabilities. The approved costs incurred by a school district may include costs incurred by an education service district of providing special education and related services to the school district through the resolution process described in ORS 334.175. In determining the approved costs for which a school district may receive moneys under this section, the department shall consider:
   (a) How efficiently the special education and related services are provided by the school district; and
   (b) The use of available resources by the school district.

(5) If the total approved costs for which school districts are seeking moneys from the account exceed the amount in the account in any fiscal year, the department shall prorate the amount of moneys available for distribution in the account among those school districts that are eligible for moneys from the account.

(6) The department shall distribute any moneys in the account that are not distributed under this section in any fiscal year to school districts based on ORS 327.008 and 327.013.

(7) The State Board of Education may adopt any rules necessary for the administration of this section.

(Small School District Grants)

327.357 Small school district grants; rules. (1) In addition to those moneys distributed through the State School Fund, the Department of Education shall award grants to small school districts with one or more small high schools from moneys appropriated
to the department from the Small School District Supplement Fund.

(2) The amount of each grant = the small high school’s ADM × (the total amount available for the grants in each fiscal year ÷ the total ADM of all small high schools).

(3) A small school district shall receive a grant under this section for each small high school operated by the school district.

(4) The State Board of Education shall adopt any rules necessary for the administration of this section. [2005 c.803 §5]

327.360 Small School District Supplement Fund. (1) There is established the Small School District Supplement Fund, separate and distinct from the General Fund.

(2) The moneys in the Small School District Supplement Fund are appropriated continuously to the Department of Education for purposes of the grant program created by ORS 327.357. [2005 c.803 §3]

(Defibrillator Grants)

327.365 Automated external defibrillator grants; rules. (1) As used in this section, “public school facility” means a building or premanufactured structure used by a school district or public charter school to provide educational services to children.

(2) In addition to those moneys distributed through the State School Fund, the Department of Education may award grants to school districts and public charter schools to provide automated external defibrillators in public school facilities.

(3) The goal of the grant program is to provide automated external defibrillators in at least two public school facilities in each school district.

(4) Each school district and public charter school may apply for a grant under this section. The amount of any grant received by a school district or public charter school under this section may not exceed 60 percent of the actual costs for which grant funds may be used under subsection (5) of this section.

(5) Any school district or public charter school that receives grant funds under this section shall use the funds for:

(a) Purchasing or leasing automated external defibrillators to be placed in public school facilities;

(b) Providing training to school district and public charter school employees and volunteers on the use of automated external defibrillators; and

(c) Any other expense related to providing automated external defibrillators in public school facilities if the expense is approved by the Department of Education.

(6) The State Board of Education may adopt rules:

(a) To establish criteria for awarding grants based on the goal set forth in subsection (3) of this section;

(b) To determine the amount of each grant pursuant to subsection (4) of this section; and

(c) That are necessary for the administration of this section.

(7) The Department of Education shall seek federal grant funds for the purposes of the grant program.

(8) For purposes of the grant program, the Department of Education may accept contributions of funds and assistance from the United States Government and its agencies or from any other source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of the grant program.

(9) All funds received by the Department of Education under this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the grant program. [2005 c.551 §4]

COMMON SCHOOL FUND

327.403 Definition for ORS 327.405 to 327.480. As used in ORS 327.405 to 327.480, unless the context requires otherwise, “administrative office for the county” means the administrative office of the education service district or of any common school district that includes an entire county. [1965 c.100 §30; 1991 c.167 §2; 2003 c.226 §4]

327.405 Common School Fund; composition and use. The Common School Fund shall be composed of the proceeds from the sales of the 16th and 36th sections of every township or of any lands selected in lieu thereof, all the moneys and clear proceeds of all property that may accrue to the state by escheat or forfeiture, the proceeds of all gifts, devises and bequests made by any person to the state for common school purposes, the proceeds of all property granted to the state when the purpose of such grant is not stated, all proceeds of the sale of submerged and submersible lands as described in ORS 274.005, all proceeds of the sale of the South Slough National Estuarine Research Reserve as described in ORS 273.553 in the event such property is sold, and all proceeds of the sale of the 500,000 acres of land to which this state is entitled by an Act of Congress approved September 4, 1841, and of all lands selected for capitol building purposes under Act of Congress approved February 14, 1859.
All such proceeds shall become a part of the Common School Fund. Except as otherwise provided by law, the income from the Common School Fund shall be applied exclusively to the support and maintenance of common schools in each school district. All lawful claims for repayment of moneys under the provisions of ORS 98.302 to 98.436 and 98.992, or out of escheated estates and for attorney fees and all other expenses in any suit or proceeding relating to escheated estates shall be audited by the Department of State Lands and paid from the Common School Fund Account. [Amended by 1957 c.670 §31; 1965 c.100 §31; 1969 c.338 §3; 1987 c.760 §4; 1997 c.321 §2; 2003 c.14 §147]

327.410 Apportionment of Distributable Income Account of Common School Fund among counties; distribution to school districts. The Department of State Lands shall transfer the balance of the Distributable Income Account of the Common School Fund established under ORS 273.105, after deductions authorized by law, to the Superintendent of Public Instruction semiannually, or more frequently if the State Land Board so orders. The superintendent shall immediately apportion the amount transferred among the counties in proportion to the number of children resident in each county between the ages of 4 and 20 as determined pursuant to ORS 190.510 to 190.610. The superintendent shall distribute to each school district within a county a share of the county’s apportionment that is based on the district’s average daily membership that resides within the county. [Amended by 1965 c.100 §32; 1967 c.421 §200; 1971 c.294 §2; 1982 s.s.2 c.1 §5; 2005 c.412 §1]

327.415 [Amended by 1963 c.326 §2; 1965 c.100 §33; 1971 c.294 §1; repealed by 2005 c.412 §3]

327.420 Basis of apportionment. (1) The basis of all apportionments of the Common School Fund shall be the reports of the resident average daily membership for the preceding fiscal year as reported by the school district to the Department of Education.

(2) In the case of a joint school district, the resident average daily membership reported to the department shall be prorated between the districts as the resident enrollment of the district is prorated between the counties. [Amended by 1965 c.100 §34; 1971 c.294 §5; 2005 c.412 §2]

327.425 Loans and investment of funds; determination of interest rate. (1) All moneys belonging to the Common School Fund and not required to meet current expenses shall be loaned by the Department of State Lands at a rate of interest fixed by the department except as otherwise provided in ORS 348.050 (3). The department may consult with and obtain the recommendation of the Oregon Investment Council in fixing the interest rate.

(2) Common School Fund moneys may be loaned in accordance with the repayment plan contained in ORS 327.440 and in ORS 348.050 (4), except that loans on property within the corporate limits of towns or cities shall be payable in not more than 15 years on the amortization plan.

(3) If at any time there is a Common School Fund surplus over and above all loans applied for, such portion of the surplus as the department deems proper may be invested as provided in ORS 293.701 to 293.820. The department may require the State Treasurer to deposit any such surplus, until it is able to loan same, in qualified state depositories, upon the same terms and conditions as other public funds are deposited therein, in which event any interest received from any such state depository shall be credited to the fund on which such interest was earned.

(4) Except as provided in ORS 348.050 (3), the department may reduce the rate of interest to be paid upon outstanding loans from the Common School Fund and any trust fund placed in its charge, to correspond with the rate of interest to be paid upon new loans, but no reduction in rate of interest shall be made upon any of the loans until interest at the old rate has been paid in full to date of receipt of remittance at the office of the department. [Amended by 1963 c.326 §2; 1965 c.100 §35; 1965 c.532 §5; 1967 c.335 §38; 1969 c.413 §1; 1983 c.740 §99]

327.430 Security for loans. (1) The principal and interest of all loans shall be paid in lawful money of the United States.

(2) Except for loans to students authorized by ORS 348.050, loans shall be secured by note specifying the fund from which the loan is made and mortgage to the Department of State Lands on improved land within this state, or upon range or grazing land therein. Except as provided in ORS 273.815, the security for a secured loan shall be not less than twice the value of the amount loaned, and, except as otherwise provided in subsection (3) of this section, shall be of unexceptional title and free from all encumbrances. A secured loan may be secured by a deposit of obligations of the United States or of bonds or warrants of this state of a face value of not less than 25 percent in excess of such loans.

(3) The department is not prohibited by subsection (2) of this section from making a secured loan merely because the land securing the loan is:

(a) Situated in an irrigation district, taking into consideration the amount of bonded indebtedness of the district as compared with the valuation of the real property of the district.
327.440 Loan repayment. Secured loans authorized by ORS 327.430 shall be repaid in semiannual, quarterly or monthly installments, as may mutually be agreed upon between the borrower and the Department of State Lands, and the installments shall aggregate each year an amount equal to one year’s interest on the original principal of the loan plus an additional two percent of the original principal sum, except as provided in ORS 327.425. Of the installment so paid each year, the amount at the specified interest rate on the principal remaining unpaid shall be credited as interest and the balance credited to reduction of the loan principal. Borrowers from the fund shall have the right to make payments in excess of the amounts of such installments, and the further right at any time to pay off such loans in part or full with interest to payment dates. [Amended by 1965 c.229 §2]

327.445 Custody of securities for loan; collection of interest. The Department of State Lands shall have custody of all notes, bonds and other securities covering secured loans made by it from any fund. The department shall take proper measures for the prompt collection of interest due on all loans from any such fund and place it to the credit of the fund from which the loan was made, to be paid out as provided by law. [Amended by 1965 c.532 §7]

327.450 Foreclosure of mortgages given to secure loans. (1) The Department of State Lands shall foreclose all mortgages taken to evidence loans from the Common School Fund or other funds whenever more than one year’s interest on the loan is due and unpaid or whenever any mortgage becomes inadequate security for the money loaned. The department may foreclose its mortgage in the event of waste or any other impairment of the property upon which the loan was made. It may also foreclose for delinquency in payment of principal or interest installments or in payment of taxes on such property.

(2) The department may bid in the land in the name of the state at a price not to exceed the total amount of the state’s claim or they may accept a deed or a release of the equity of redemption. Should it appear to the satisfaction of the department that the mortgagee cannot make the payment of interest and that foreclosure would work an injustice and that foreclosure is not then necessary to secure the fund from loss, the department may extend the time for paying such interest not exceeding two years. [Amended by 1965 c.100 §36]

327.455 Record of purchases by Department of State Lands on foreclosures; resale or lease of land; disposition of proceeds. The Director of the Department of State Lands shall keep a correct record of all purchases on foreclosures under ORS 327.450 with a description of the lands so purchased or acquired, and a statement of the fund to which they belong. Such lands shall be placed in the hands of the director and sold or leased under the direction of the department on the best terms obtainable, and the proceeds, to the amount of the principal of the loans, shall be paid into the fund from which the loans were made, and the excess paid to the interest account of that fund.

327.465 Cancellation of unpaid taxes after deed to state in liquidation of loan. Whenever the Department of State Lands receives a deed to the State of Oregon of lands covered by a mortgage given to secure a loan from the Common School Fund in liquidation of the debt represented by the loan, the department shall send a written notice of the transaction to the county court of the county in which such deeded lands are situated. Upon the receipt of such notice, the county court shall cancel on the county tax records unpaid taxes levied and assessed against such property in that county. This section does not apply to tax liens of irrigation or drainage districts organized prior to the effective date of the lien of the department.

327.470 Cancellation of taxes on land acquired through foreclosure proceedings; right of redemption. (1) Excepting tax liens of irrigation or drainage districts organized before the effective date of the Department of State Lands’ lien whenever the State of Oregon acquires property or lands through foreclosure of a mortgage given to secure a loan from the Common School Fund and the state has received the sheriff’s deed made as a result of such foreclosure proceedings and the period for redemption has expired, the county court,
or board of county commissioners, of the county in which such lands are situated shall cancel on the county tax records all the unpaid taxes levied and assessed against the property.

(2) At the time the sheriff issues a certificate of sale in the foreclosure proceedings of any department mortgage, the sheriff shall serve a copy of the certificate upon the county judge, or the chairperson of the board of county commissioners, of the county in which the foreclosure takes place. The county shall have a 60-day period from the date of the sheriff's certificate in which to redeem the land by paying the department the full amount of its investment in the land, including principal and interest, foreclosure charges, abstracting expense, and any other necessary expense incurred by the department in said foreclosure proceedings.

327.475 When county court may acquire mortgaged lands deeded to state. Whenever the Department of State Lands receives a deed as described in ORS 327.465, the county court of the county in which the lands are situated may, within one year from the recorded date of such deed, acquire from the state the property so conveyed by paying to the state the total amount of the state's investment in the property.

327.480 Use of Common School Fund moneys to comply with judgment canceling fraudulent deed. (1) Where the judgment in a suit instituted by the State of Oregon to cancel and set aside any deed of lands from the State of Oregon alleged to have been procured by fraud and in violation of law grants relief to the State of Oregon which is conditioned on the payment of money, the Department of State Lands may pay from the Common School Fund the sum necessary to comply with the conditions of the judgment.

(2) This section shall not be considered as a legislative interpretation relieving the defendants in such suit from applying to the legislature for repayment of the purchase price of such land, or that the State of Oregon is not entitled to an accounting from the purchaser, the assignee, or successor in interest, for school or other lands obtained in violation of law, or that the State of Oregon must repay the purchase price of such lands, with or without interest as a condition of obtaining relief. This section is intended to prevent the loss to the State of Oregon of lands obtained in violation of law, where the court imposes as a condition for granting relief the payment of money. [Amended by 1965 c.100 §37; 2003 c.576 §433]

327.482 Appropriation to reimburse fund for any loss. Out of the moneys in the General Fund, there is continuously appropriated such sums as are necessary but not to exceed $100,000 in total to reimburse the Common School Fund for any loss which may result from the failure of any student to repay the amounts loaned to the student under ORS 348.050, and for any amount which may result from the failure of loans to earn at least four percent interest. The computation required to determine the interest earned on the loans shall be made annually and the amount required to reimburse the fund shall be paid annually. [1965 c.532 §9; 1967 c.477 §1]

327.483 [1963 c.570 §32a; repealed by 1965 c.100 §456]

327.484 Reimbursement for loss or failure to earn four percent interest. Moneys may be withdrawn periodically from the General Fund by order of the Department of State Lands to be credited to the Common School Fund to reimburse the Common School Fund for any loss which may result from the failure of any student to repay the amounts loaned to the student under ORS 348.050 and annually on July 1 to pay to the Common School Fund any amount resulting from the failure of the total student loans to earn at least four percent interest in the preceding fiscal year. [1965 c.532 §11; 1967 c.335 §39; 1967 c.477 §2]

EDUCATION CASH ACCOUNT

327.485 Education Cash Account; composition; accounting. (1) The Education Cash Account of the General Fund consists of all moneys made available to the Department of Education by:

(a) Charitable and philanthropic foundations, organizations and agencies if the moneys have not been dedicated for specific use by requirements of other sections of Oregon Revised Statutes;

(b) Miscellaneous receipts;

(c) Collection of fees from sale of supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups;

(d) Funds received as gifts, contributions and bequests for professional technical education and moneys received as reimbursements for funds theretofore expended;

(e) Moneys received through charges to grants, contracts and other funds for indirect costs; and

(f) Any other nondedicated moneys received by the Department of Education for which the Legislative Assembly has established an administrative funds limitation.
(2) The provisions of this section do not relieve the department of its responsibilities to separately account for moneys received as trust funds.

(3) Disbursements from the Education Cash Account shall be made as directed by the Department of Education. The department shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [1961 c.588 §1; 1965 c.100 §38; 1979 c.570 §3; 1993 c.45 §302; 2005 c.209 §7]

327.490 Projects contracted to districts and institutions of higher learning. The State Board of Education may contract with school districts, community college districts and any institutions of higher learning in this state for the purpose of carrying out any phase of a project for which funds granted under ORS 327.485 are available and may reimburse such districts and institutions from such funds. The board may make advance payments to the contracting districts or institutions based on the estimated cost of any service to be provided. Any payment to a district shall not be subject to the provisions of ORS 294.305 to 294.565. [1961 c.588 §5; 1989 c.491 §8]

327.495 Appropriation of funds received for certain purposes. All moneys received by the State Board of Education for distribution to school districts, community college districts and any institutions of higher education in this state for the purpose of carrying out experimental and demonstration programs to improve teaching and teacher education in this state are hereby continuously appropriated for such purpose. [1961 c.588 §6; 1989 c.100 §39; 1993 c.491 §9]

QUALITY EDUCATION COMMISSION

327.497 Legislative findings. The Legislative Assembly finds that:

(1) Within the Oregon Educational Act for the 21st Century in ORS chapter 329 there are established goals for high academic excellence, the application of knowledge and skills to demonstrate achievement and the development of lifelong learning skills to prepare students for the ever-changing world.

(2) Education is increasingly linked to economic and social issues.

(3) The people of Oregon, through section 8, Article VIII of the Oregon Constitution, have established that the Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state’s system of public education meets the quality goals established by law. Furthermore, the people of Oregon require that the Legislative Assembly publish a report that either demonstrates that the appropriation is sufficient or identifies the reasons for the insufficiency, its extent and its impact on the ability of the state’s system of public education to meet those goals.

(4) The Quality Education Commission should be established to define the costs sufficient to meet the established quality goals for kindergarten through grade 12 public education. [2001 c.895 §1]

327.500 Establishment; membership; staff. (1) There is established a Quality Education Commission consisting of 11 members appointed by the Governor. The Governor may not appoint more than five members of the commission who are employed by a school district at the time of appointment.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on August 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the remainder of the unexpired term.

(3) The appointment of members of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(4) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

(5) The Department of Education shall provide staff to the commission. [2001 c.895 §2; 2005 c.209 §8]

327.502 Officers; quorum; meetings. (1) The Governor shall select one of the members of the Quality Education Commission as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of those offices as the Governor determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at times and places specified by the call of the chairperson or of a majority of the members of the commission. [2001 c.895 §4]

327.505 [Repealed by 1965 c.100 §456]

327.506 Quality education goals; duties; report. (1) The quality goals for the state’s system of kindergarten through grade 12 public education include those established
(2) Each biennium the Quality Education Commission shall determine the amount of moneys sufficient to ensure that the state’s system of kindergarten through grade 12 public education meets the quality goals.

(3) In determining the amount of moneys sufficient to meet the quality goals, the commission shall identify best practices that lead to high student performance and the costs of implementing those best practices in the state’s kindergarten through grade 12 public schools. Those best practices shall be based on research, data, professional judgment and public values.

(4) Prior to August 1 of each even-numbered year, the commission shall issue a report to the Governor and the Legislative Assembly that identifies:

(a) Current practices in the state’s system of kindergarten through grade 12 public education, the costs of continuing those practices and the expected student performance under those practices; and

(b) The best practices for meeting the quality goals, the costs of implementing the best practices and the expected student performance under the best practices.

(5) In addition, the commission shall provide in the report issued under subsection (4) of this section at least two alternatives for meeting the quality goals. The alternatives may use different approaches for meeting the quality goals or use a phased implementation of best practices for meeting the quality goals. [2001 c.895 §5; 2003 c.303 §14]

327.511 Uniform budget and accounting system.

(1) The State Board of Education shall adopt by rule a uniform budget and accounting system for school districts and education service districts.

(2) The uniform budget and accounting system shall include uniform definitions for a chart of accounts that shall allow for valid comparisons of expenditures among schools and among districts. The uniform definitions for the chart of accounts shall be developed by the Department of Education in consultation with the Legislative Revenue Officer, the Legislative Fiscal Officer, the Oregon Department of Administrative Services and appropriate organizations that represent kindergarten through grade 12 educational interests.

(3) The uniform budget and accounting system shall allow for the gathering of data on separate functions and programs, including but not limited to:

(a) Individual school;
(b) Grade level;
(c) Curriculum area;
(d) Class size; and
(e) Extracurricular activities.

(4) The Department of Education shall place data gathered from the uniform budget and accounting system in a database that includes information that is accessible by the public through the Internet, a personal computer or other similar technology. [1997 c.616 §1]

327.515 [Repealed by 1965 c.100 §456]

327.520 Acceptance and distribution of donated commodities to schools. The Department of Education may accept and distribute donated commodities available for either public or private nonprofit educational institutions, subject to state or federal law or regulation relating to such acceptance and distribution. The department shall make a charge sufficient to cover but not exceed all costs of distribution to the individual schools. The charge may include administrative expenses, freight, warehousing, storing, processing and transshipment to the end that all participating schools shall receive such donated commodities at the same unit cost irrespective of location of the school with respect to the original point of delivery within the state. [Amended by 1989 c.491 §10]

327.523 [1975 c.87 §1; repealed 1981 c.784 §38]

327.525 School Lunch Revolving Account. The School Lunch Revolving Account, separate and distinct from the General Fund, is continuously appropriated for the purposes of ORS 327.520. All money received under the provisions of ORS 327.520 shall be paid by the Department of Education to the State Treasurer for credit to the School Lunch Revolving Account. Interest earned by the account shall be credited to the account. [Amended by 1965 c.100 §40; 1975 c.87 §2; 1981 c.784 §21; 1989 c.491 §11; 1989 c.966 §26]

327.527 Summer lunch reimbursement; rules. (1) The Department of Education shall reimburse a school district, government agency or community group five cents for every lunch the district, agency or group serves during the summer as a part of:

(a) The United States Department of Agriculture’s Summer Food Service Program; or

(b) A summer meals program through an existing national school lunch program.
(2) The State Board of Education may adopt any rules necessary for the administration of this section. [2006 c.701 §1]

327.530 [Repealed by 1965 c.100 §456]

327.535 School breakfast program; waiver; district election based on federal funding. (1) Subject to subsections (2) and (3) of this section, any school district that provides lunch at any school site shall make breakfasts accessible if 25 percent or more of the students at the site are eligible for free or reduced price lunches under the United States Department of Agriculture’s current Income Eligibility Guidelines or the school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.

(2) The school district may apply to the State Board of Education for a waiver for all or for particular grade levels if it is financially unable to implement a breakfast program. The state board may grant a waiver to the school district for a period not to exceed two years, after which the school district must reestablish its claim of financial hardship if the waiver is to be extended.

(3) If the per meal federal reimbursement for the free and reduced price breakfast program falls below the 1991 reimbursement levels, a school district may elect to discontinue the program until federal funding is restored to those levels. No waiver is required for such election. [1991 c.500 §1]

327.555 [1953 c.273 §2; repealed by 1959 c.654 §3]
327.560 [1953 c.273 §§; repealed by 1959 c.654 §3]
327.565 [1953 c.273 §§; repealed by 1959 c.654 §3]
327.570 [1953 c.273 §§; repealed by 1959 c.654 §3]
327.575 [1953 c.273 §§; repealed by 1959 c.654 §3]
327.600 [Amended by 1959 c.654 §1; 1961 c.624 §5; repealed by 1965 c.100 §456]
327.610 [Repealed by 1965 c.100 §456]

(Federal Aid to Education)

327.615 State Treasurer as trustee of funds. The State Treasurer shall serve as trustee of any federal aid to education funds apportioned to the State of Oregon.

327.620 Review of accounts affecting federal funds. The Oregon Department of Administrative Services shall cause a review to be made of the accounts and financial affairs of the State Board of Education, the Superintendent of Public Instruction and the Department of Education affecting any funds acquired from the federal government to aid education, in the same manner and under the same conditions as provided by law for the review of state departments and institutions. [Amended by 1975 c.614 §10; 1989 c.491 §12]

327.625 [Repealed by 1965 c.100 §456]
327.630 [Amended by 1961 c.624 §6; repealed by 1965 c.100 §456]

327.635 Labor standards required on federally financed school construction. The Superintendent of Public Instruction shall provide, in the construction of school facilities financed in part through federal grants, for the enforcement of labor standards not less beneficial to employees on such projects than those required under sections 1 and 2 of the Act of Congress of August 30, 1935, as amended. [1965 c.100 §456]

(Financing of State and Federal Requirements)

327.645 Financing of programs mandated by state and federal programs. The Legislative Assembly recognizes that:

(1) Various programs adopted by the Legislative Assembly and by various state and federal agencies have fiscal and revenue impact on school districts.

(2) To the greatest extent possible, state government should pay an appropriate share of expenses incurred by the districts as the result of mandates from the Legislative Assembly and state agencies. [1989 c.970 §1]

327.650 [Amended by 1961 c.624 §7; repealed by 1965 c.100 §456]
327.655 [1963 c.570 §2; 1965 c.100 §41; 1983 c.740 §100; repealed by 1985 c.388 §3]

EDUCATION LOTTERY BOND PROGRAM

327.700 Definitions for ORS 327.700 to 327.711. As used in ORS 327.700 to 327.711, unless the context requires otherwise:

(1) “State education lottery bonds” means the bonds authorized to be issued under ORS 327.711 for the purpose of financing state education projects.

(2) “State education projects” means projects for instructional training and the acquisition, construction, improvement, remodeling, maintenance or repair of public school facilities in the State of Oregon, including but not limited to land, site preparation costs, permanent or portable buildings and equipment, telecommunications equipment, computers, software and related technology, textbooks, library books, furniture and furnishings, vehicles, costs of planning for bond issues and capital improvements, the payment of debt service on obligations, other than general obligation bonds, issued for such projects and holding in reserve for any of the purposes described in this subsection. [1997 c.612 §3; 1999 c.44 §10; 1999 c.1066 §13]

327.705 Purpose of ORS 327.700 to 327.711. The Legislative Assembly declares that the purpose of ORS 327.700 to 327.711 is to authorize lottery bonds for state education projects. The lottery bonds authorized by
ORS 327.700 to 327.711 shall be issued pursuant to ORS 286.560 to 286.580 and 348.716. The obligation of the State of Oregon with respect to the lottery bonds and with respect to any grant agreement or other commitment authorized by ORS 327.700 to 327.711, 327.731, 348.696 and 777.277 shall at all times be restricted to the availability of unobligated net lottery proceeds, proceeds of lottery bonds and any other amounts specifically committed by ORS 286.560 to 286.580 and 348.716. Neither the faith and credit of the State of Oregon nor any of its taxing power shall be pledged or committed to the payment of lottery bonds or any other commitment of the State of Oregon authorized by ORS 327.700 to 327.711. [1997 c.612 §1; 1999 c.44 §11]

327.708 Legislative findings. The Legislative Assembly finds that:

(1) The financing of the costs of state education projects accomplishes the purpose of financing public education in Oregon, as well as having the additional effect of creating jobs and furthering economic development in Oregon by:

(a) Maintaining and increasing the utility, effectiveness and capacity of public education facilities and public education technology and ensuring their availability to Oregon students; and

(b) Creating employment opportunities in this state through the funding of capital improvement and maintenance projects on which workers will be employed.

(2) Based on the findings made in this section, the use of the net proceeds from the operation of the Oregon State Lottery to fund state education projects and to pay state education lottery bonds is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.510. [1997 c.612 §2; 1999 c.44 §12]

327.711 Payment of debt service; issuance of bonds; School Capital Construction, Maintenance and Technology Fund. (1) The Legislative Assembly may pay state education lottery bond debt service after the 1997-1999 biennium from earnings on the Education Stability Fund. However, no lien or pledge of those earnings shall be made to secure the lottery bonds, and the State of Oregon shall have no legal obligation to pay the lottery bonds from the earnings on the Education Stability Fund. Any earnings from the Education Stability Fund that are provided by the Legislative Assembly and credited to the Lottery Bond Fund shall be credited against, and shall reduce, the unobligated net lottery proceeds that are required by ORS 286.576 (2)(a) and (b) subsequently to be credited to the Lottery Bond Fund in that fiscal year.

(2) State education lottery bonds shall be issued only at the request of the Superintendent of Public Instruction. State education lottery bonds may be issued in an amount sufficient to provide no more than $150 million of net proceeds to pay costs of state education projects, plus the amounts required for bond-related costs.

(3) The School Capital Construction, Maintenance and Technology Fund is established in the State Treasury, separate and distinct from the General Fund. The net proceeds from the sale of the state education lottery bonds that are available to pay costs of state education projects shall be credited to the School Capital Construction, Maintenance and Technology Fund. Investment earnings received on amounts in the School Capital Construction, Maintenance and Technology Fund shall be credited to the School Capital Construction, Maintenance and Technology Fund. All moneys from time to time credited to the School Capital Construction, Maintenance and Technology Fund, including any investment earnings, are appropriated continuously to the Department of Education only for distribution to school districts pursuant to ORS 327.731 and for payment of the bond-related costs that are allocable to state education lottery bonds. Amounts in the School Capital Construction, Maintenance and Technology Fund shall be disbursed upon the written request of the Superintendent of Public Instruction to school districts for state education projects pursuant to ORS 327.731, and upon the written request of the Director of the Oregon Department of Administrative Services to pay for bond-related costs that are allocable to state education lottery bonds. [1997 c.612 §4; 1999 c.44 §13; 2002 s.s.3 c.6 §15]

327.715 [1997 c.612 §5; repealed by 1999 c.44 §29]
327.718 [1997 c.612 §6; repealed by 1999 c.44 §29]
327.721 [1997 c.612 §7; repealed by 1999 c.44 §29]
327.724 [1997 c.612 §§8,8a; repealed by 1999 c.44 §29]
327.727 [1997 c.612 §8c; repealed by 1999 c.44 §29]

327.731 Education project grants; use; amount. (1) Subject to rules of the State Board of Education, the Superintendent of Public Instruction shall distribute a share of moneys in the School Capital Construction, Maintenance and Technology Fund to school districts as education project grants. The education project grants shall be distributed in one payment each distribution year. The education project grants shall be used for any state education project, as defined in ORS 327.700.

(2) Each school district’s education project grant = the district’s extended ADMw for the distribution year × (the total amount available for the grants in each distribution
year + the total statewide extended ADMw in the distribution year).

(3) Each school district shall deposit the amounts it receives as an education project grant in a separate account, and shall apply amounts in that account to pay for costs of state education projects or shall hold amounts in that account in reserve and apply them to pay costs of future state education projects.

(4) School districts receiving education project grants from the School Capital Construction, Maintenance and Technology Fund shall, if so directed by the Oregon Department of Administrative Services, take any action specified by the Oregon Department of Administrative Services that is necessary to maintain the excludability of lottery bond interest from gross income under the United States Internal Revenue Code. [1997 c.612 §14; 1999 c.1066 §14]

327.736 [1997 c.874 §1; repealed by 1999 c.44 §29]

327.990 [Amended by 1957 c.626 §5; repealed by 1965 c.100 §456]
Chapter 328
2005 EDITION
Local Financing of Education

GENERAL PROVISIONS
328.001 Definitions

COUNTY SCHOOL FUND
328.005 County school fund; uses
328.015 Apportionment to districts
328.030 Partial apportionments
328.045 Apportionment of excess amounts; application as tax offset

DOUGLAS COUNTY SCHOOL FUND
328.105 Sources; use of interest
328.110 Custodian of fund
328.115 Loan of fund and rental of lands; disbursement of interest and rents
328.120 Board of Douglas County School Fund commissioners
328.125 Law concerning Common School Fund to apply
328.130 Loans to be made in name of treasurer; collection of sums due
328.135 Services of county officers to be without charge; expense of making loan
328.140 Sale, rental or lease of property; disposition of proceeds

COMMON SCHOOL FUND FOR DISTRICT NO. 1, KLAMATH COUNTY
328.155 Sources; use of interest
328.160 Custodian of fund; bond
328.165 Investment and loan of fund and rental of lands; disbursement of interest and rents
328.170 Directors as fund commissioners
328.175 Laws governing loans of Common School Fund to apply
328.180 Loans to be made in name of clerk; collection of sums due
328.185 Services of clerk to be without charge; expense of making loan
328.190 Sale and conveyance of property; disposition of proceeds

BONDS
328.205 Power to contract bonded indebtedness; use of proceeds to pay expenses of issue
328.210 Bond elections
328.213 Issuance of negotiable interest-bearing warrants
328.230 Issue of bonds upon favorable vote
328.235 Interest rate; signature; signed interest coupons
328.240 Place of payment
328.245 Limitation on bonded debt of districts generally
328.250 Limitation on bonded indebtedness of enlarged or reorganized school districts
328.255 Registration of bonds and negotiable interest-bearing warrants; delivery; disposition of proceeds of sale of bonds; non-contestability
328.260 Tax levy to pay interest and principal of bonds; use of funds derived from tax
328.265 School district bond tax levied by county
328.270 Payment of principal and interest; collection commission prohibited
328.275 Redemption and payment of bonds
328.280 Funding or refunding district indebtedness
328.285 Sale of bonds and interest-bearing warrants
328.300 Marketing bonds jointly or through association
328.304 County education bond district; creation; powers; purpose
328.316 Impact aid revenue bonds; issuance; requirements
328.318 Funds required for impact aid revenue bonds

Note: Funds diversion agreement--2003 c.715 §§38,39
OREGON SCHOOL BOND GUARANTY ACT
328.321 Definitions for ORS 328.321 to 328.356
328.326 State guaranty of school bonds allowed
328.331 Certificate evidencing qualification for state guaranty; application; qualification standards
328.336 Determination of ineligibility
328.341 Transfer by school districts or State Treasurer of moneys to pay debt service on school bonds
328.346 Recovery from school districts of payments on school bonds by State Treasurer
328.351 Powers of State Treasurer when state funds are insufficient for payment of debt service
328.356 State Treasurer subject to provisions regarding issuance of general obligation bonds
328.361 Short title

DISBURSEMENTS; AUDITS
328.441 Custody and disbursement of school district funds
328.445 Disbursement of school funds by check or warrant
328.450 School warrant procedure
328.460 Cancellation of school warrants not presented for payment within seven years
328.465 Annual audit procedure
328.470 Purchase of automotive equipment; fund transfers

45
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>328.542</td>
<td>Preparation of district budget; certification of taxes</td>
</tr>
<tr>
<td>328.555</td>
<td>Property liable for district indebtedness; tax levy</td>
</tr>
<tr>
<td>328.565</td>
<td>Power to create indebtedness; zone academy bonds; tax credit bonds</td>
</tr>
<tr>
<td>328.570</td>
<td>Division of district into tax zones</td>
</tr>
<tr>
<td>328.573</td>
<td>Notice of public hearing on tax zones</td>
</tr>
<tr>
<td>328.576</td>
<td>Public hearing; resolution to establish tax zones</td>
</tr>
<tr>
<td>328.579</td>
<td>Determination of tax in zones; limitations</td>
</tr>
</tbody>
</table>
GENERAL PROVISIONS

328.001 Definitions. As used in this chapter, unless the context requires otherwise:

(1) “Administrative office for the county” means the administrative office of the education service district, or of any common school district that includes an entire county.

(2) “Impact aid revenues” means the revenues received by a school district from the federal government pursuant to 20 U.S.C. 7701 to 7714.

(3) “School district” includes common and union high school districts. [1965 c.100 §42; 1971 c.533 §60; 1991 c.167 §3; 2003 c.226 §5; 2003 c.343 §1]

COUNTY SCHOOL FUND

328.005 County school fund; uses. (1) The governing body of each county shall create a county school fund.

(2) When a county governing body transfers federal forest reserve receipts under ORS 294.060 (4) subject to a condition that such moneys be used only for a purpose described in ORS 328.205 (1)(a) or (c), a school district receiving a share of such moneys may not use the moneys for any other purpose. [Amended by 1965 c.100 §43; 1965 c.491 §1; 1967 c.107 §1; 1971 c.294 §4; 1989 c.579 §2; 1997 c.821 §19; 2003 c.226 §6]

328.010 [Amended by 1963 c.544 §17; 1965 c.100 §44; repealed by 1975 c.64 §1]

328.015 Apportionment to districts. On the first Monday in December the executive officer of the administrative office for the county shall apportion the county school fund among the several districts in the county, in proportion to the resident average daily membership for the preceding fiscal year in each district as reported by the district to the administrative office of the county. In the case of a joint school district, the resident average daily membership reported to the administrative office of the counties comprising the district shall be prorated between the counties. Any balance accruing to the fund after the December apportionment shall be apportioned in the same manner at such other times during the year as the executive officer of the administrative office may consider advisable. [Amended by 1965 c.100 §45; 1971 c.294 §5; 1975 c.770 §5]

328.020 [Amended by 1963 c.544 §18; 1965 c.100 §46; repealed by 1975 c.770 §49]

328.025 [Amended by 1965 c.100 §47; 1971 c.294 §6; repealed by 1975 c.770 §49]

328.030 Partial apportionments. The executive officer of the administrative office for the county, upon the written request of any district school board, may make a partial apportionment to any district of any money due it at the time of making a regular apportionment under ORS 328.015, and apportion the remainder at the next regular apportionment. The county treasurer shall pay any partial apportionment made under this section. [Amended by 1963 c.544 §19; 1965 c.100 §48]

328.035 [1971 c.449 §4; 1985 c.555 §15; repealed by 2001 c.36 §3]

328.045 Apportionment of excess amounts; application as tax offset. Any moneys in the county school fund in excess of the amount required by law may, by order of the county governing body, be apportioned under ORS 328.015 separately from remaining county school fund moneys. Amounts separately apportioned under this section to a school district shall not be considered a budget resource under the Local Budget Law but shall be used as an offset to the school district’s tax levy. [1979 c.551 §2]

DOUGLAS COUNTY SCHOOL FUND

328.105 Sources; use of interest. The proceeds of all gifts, devises and bequests made to Douglas County for common school purposes shall be set apart as a separate and irreducible school fund, to be called the Douglas County School Fund, the interest of which shall be applied to the support and maintenance of all common schools in said county.

328.110 Custodian of fund. The county treasurer shall be the custodian of the Douglas County School Fund. The bond as treasurer shall include the honest and faithful performance of the duties of the county treasurer as such custodian.

328.115 Loan of fund and rental of lands; disbursement of interest and rents. (1) The county treasurer shall loan the Douglas County School Fund in the manner provided by law at the best rate obtainable per annum and shall rent all lands owned by the county belonging to the fund.

(2) The county treasurer shall place the interest and rentals with other moneys the county receives for support of the common schools. The education service district board shall apportion and the county treasurer shall distribute the interest and rentals with and in the same manner as, such other monies. [Amended by 1963 c.544 §20]

328.120 Board of Douglas County School Fund commissioners. The chairperson of the board of county commissioners, clerk and treasurer of Douglas County are appointed as a board of Douglas County School Fund commissioners. They shall approve all applications for loans as to title
and value of security offered. The treasurer shall make no loan or lease any land until such board has given its approval. [Amended by 1963 c.386 §3]

328.125 Law concerning Common School Fund to apply. The laws governing the loaning of the Common School Fund of this state, so far as applicable and not in conflict with ORS 328.105 to 328.140 shall govern the loaning of the Douglas County School Fund.

328.130 Loans to be made in name of treasurer; collection of sums due. All loans shall be made in the name of the treasurer of Douglas County but for the benefit of the fund. The treasurer shall collect all sums due the fund in the manner provided by law.

328.135 Services of county officers to be without charge; expense of making loan. No officer of Douglas County shall charge or receive fees for any service performed in regard to the fund. All expenses of making a loan shall be paid for by the applicant.

328.140 Sale, rental or lease of property; disposition of proceeds. The board of Douglas County School Fund commissioners may sell and convey by deed, executed by all of said commissioners, any and all real property devised to Douglas County for common school purposes, whenever in the judgment of such board the interest of the school fund will be subserved by such sale, or may rent or lease the same when it deems best. The board may invest the proceeds of such sale as provided in ORS 328.115 to 328.135.

COMMON SCHOOL FUND FOR DISTRICT NO. 1, KLAMATH COUNTY

328.155 Sources; use of interest. The proceeds of all gifts, devises and bequests made to School District No. 1, Klamath County, for common school purposes, for the use and benefit of said district shall be set apart as a separate and irreducible school fund, to be called the Common School Fund for District No. 1, Klamath County. The interest from the fund shall be applied to the support and maintenance of the common schools of said school district.

328.160 Custodian of fund; bond. The clerk of Klamath County School District No. 1 shall be custodian of the Common School Fund for District No. 1, Klamath County. The bond of the clerk shall require the honest and faithful performance of the duties of the clerk as such custodian. [Amended 1989 c.171 §43]

328.165 Investment and loan of fund and rental of lands; disbursement of interest and rents. (1) The board of common school fund commissioners for Klamath County School District No. 1 may invest all or part of the fund in bonds of the United States of America. With regard to any funds not so invested, the district clerk shall loan the fund in the manner provided by law at no less than four percent per annum and rent all lands owned by the district belonging to the fund.

(2) The interest accruing from such investments and loans and the rent of said lands, shall be placed by the clerk with other school district moneys and be distributed by the clerk with such other moneys in the manner provided by law and the order of the directors or trustees of the district.

328.170 Directors as fund commissioners. The directors of School District No. 1 of Klamath County are appointed as a board of common school fund commissioners for the district to approve all applications for loans as to title and value of the security offered. The security shall be real property in Klamath County of at least double the value of the loan. The clerk of the district shall make no loan or release any security without prior board approval.

328.175 Laws governing loans of Common School Fund to apply. The laws governing loaning of the Common School Fund of this state, so far as applicable and not in conflict with ORS 328.155 to 328.190 shall govern the loaning of the Common School Fund for District No. 1, Klamath County.

328.180 Loans to be made in name of clerk; collection of sums due. All loans shall be made in the name of the clerk of School District No. 1 of Klamath County, but for the benefit of the fund. The clerk shall collect all sums due the fund in the manner provided by law. The principal shall be refinanced.

328.185 Services of clerk to be without charge; expense of making loan. The clerk of the district shall not charge or receive fees for any services performed in regard to the loan. All expenses of making a loan shall be paid for by the applicant.

328.190 Sale and conveyance of property; disposition of proceeds. The board of directors of School District No. 1, Klamath County, may sell and convey by deed, executed by all the members of said board of directors, any and all real property devised to the district for common school purposes, or any and all real property acquired by the district in connection with the administration of said fund, whenever in the board's judgment the interests of the school fund
will be subserved by such sale. The board shall pay over the proceeds of such sale to the clerk of the district to be invested the same as other moneys belonging to the fund.

**BONDS**

328.205 Power to contract bonded indebtedness; use of proceeds to pay expenses of issue. (1) Common and union high school districts may contract a bonded indebtedness for any one or more of the following purposes for the district:

(a) To acquire, construct, reconstruct, improve, repair, equip or furnish a school building or school buildings or additions thereto;

(b) To fund or refund the removal or containment of asbestos substances in school buildings and for repairs made necessary by such removal or containment;

(c) To acquire or to improve all property, real and personal, to be used for district purposes, including school buses;

(d) To fund or refund outstanding indebtedness; and

(e) To provide for the payment of the debt.

(2) However, when a common or union high school district is found under ORS 327.103 not to be a standard school or when a school district is operating a conditionally standard school under ORS 327.103 (3), the school district may contract a bonded indebtedness only for the purposes enumerated in subsection (1) of this section that are approved by the Superintendent of Public Instruction pursuant to rules of the State Board of Education.

(3) The school district may use the proceeds received from the sale of school district bonds to pay for any costs incurred by the school district in authorizing, issuing, carrying or repaying the bonds, including, but not limited to, attorney, consultant, paying agent, trustee or other professional fees and the cost of publishing notices of bond elections, printing such bonds and advertising such bonds for sale. [Amended by 1957 c.658 §1; 1959 c.447 §1; 1965 c.100 §49; 1971 c.513 §61; 1989 c.138 §1; 1989 c.491 §13; 2001 c.168 §4; 2003 c.195 §24]

328.210 Bond elections. (1) The board of directors of a common or union high school district shall call an election on a date specified in ORS 255.345 for the purpose of submitting to the electors of the district a question of contracting bonded indebtedness under ORS 328.205 when:

(a) A majority of the board of directors decides to call such an election; or

(b) A petition requesting such an election is filed with the board of directors as provided in this section.

(2) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205. The petition shall specify the proposed amount of bonded indebtedness. [Amended by 1957 c.658 §2; 1965 c.100 §50; 1971 c.513 §62; 1973 c.57 §1; 1973 c.796 §25; 1979 c.424 §1; 1983 c.83 §46; 1983 c.350 §138]

328.213 Issuance of negotiable interest-bearing warrants. (1) When authorized by a majority of the electors of the district, the board of a common or union high school district may contract a district debt for an amount which together with outstanding bonded indebtedness shall not exceed the bonding limit of the district as provided by ORS 328.245, for the purposes specified in ORS 328.205 and issue negotiable interest-bearing warrants of the district, evidencing such debt, and fix the time of payment of the warrants. Such warrants shall be considered a type of bond.

(2) The school district, not more often than once a year, may levy a tax on the taxable property of the district to pay the warrant interest or principal when due. The taxes shall be collected in the same manner as other school taxes. These warrants shall be sold, and the principal and interest provided for and paid when due in the manner provided by law for bonds issued under this chapter. [Formerly 328.285; 1971 c.513 §63; 1983 c.83 §47; 1991 c.67 §81]

328.215 [Amended by 1957 c.310 §3; 1965 c.100 §52; 1973 c.796 §26; repealed by 1983 c.350 §331a]

328.220 [Repealed by 1963 c.132 §1]

328.225 [Repealed by 1961 c.361 §4]

328.230 Issue of bonds upon favorable vote. If the electors of the district approve the contracting of bonded indebtedness, the board of directors, without further vote of the electors, shall issue negotiable coupon bonds of the district, at such time or times as the board directs. [Amended by 1965 c.100 §53; 1971 c.140 §1; 1983 c.350 §139]

328.235 Interest rate; signature; signed interest coupons. The bonds shall:

(1) Bear interest, not exceeding the rate established pursuant to ORS 288.515 to 288.600, payable semiannually.

(2) Be signed by the chairperson of the district school board and attested by the district clerk or deputy clerk. Bonds may be executed with the manual or facsimile signature of the chairperson of the district school board and attested by the manual or facsimile signature of the district clerk or deputy clerk, but at least one such signature shall be in manual form. However, all signatures
may be in facsimile form if the bonds are to be authenticated by at least one manual signature.

(3) Have annexed interest coupons bearing the original or facsimile signatures of the chairperson of the district school board and district clerk or deputy clerk. [Amended by 1971 c.140 §2; 1977 c.311 §1; 1981 c.94 §27; 1985 c.359 §10]

328.240 Place of payment. The principal and interest on district bonds are payable in lawful money of the United States of America at the office of the treasurer or fiscal officer of the county in which the major portion of the assessed valuation of the district is located at the time the bonds are issued. [Amended by 1965 c.100 §54; 1983 c.347 §22]

328.245 Limitation on bonded debt of districts generally. The aggregate amount of such district bonded indebtedness, including indebtedness authorized under ORS 328.213, shall not exceed the following percentages of real market value of all taxable property within the district, computed in accordance with ORS 308.207:

(1) For each grade from kindergarten to eighth for which the district operates schools, fifty-five one-hundredths of one percent (0.055%) of the real market value.

(2) For each grade from the 9th to 12th for which the district operates schools, seventy-five one-hundredths of one percent (0.075%) of the real market value. [Amended by 1953 c.236 §2; 1955 c.325 §1; 1959 c.641 §34; 1965 c.16 §10; 1963 c.9 §10; 1965 c.100 §57; 1971 c.513 §64; 1975 c.770 §5a; 1991 c.441 §1; 2003 c.226 §7]

328.250 Limitation on bonded indebtedness of enlarged or reorganized school districts. In any school district created by merger or reorganization, the amount of bonded indebtedness and negotiable interest-bearing warrant indebtedness which may be incurred under ORS 328.245 shall be reduced by the amount of premerger, prereorganization, bonded indebtedness and negotiable interest-bearing warrant indebtedness for which any school district included in an enlarged or reorganized school district remains liable. [Amended by 1965 c.100 §56]

328.255 Registration of bonds and negotiable interest-bearing warrants; delivery; disposition of proceeds of sale of bonds; noncontestability. (1) The county treasurer or county fiscal officer shall register each school district bond, including refunding bonds, and negotiable interest-bearing warrants in a book kept for that purpose, noting the school district, amount, date, time and place of payment, rate of interest and such other facts as may be deemed proper. The county treasurer or fiscal officer shall cause the bonds or warrants to be delivered promptly to the purchasers thereof upon payment therefor, and if the place of delivery is outside the city in which the county treasurer or county fiscal officer's office is situated the cost of delivery of the bonds or warrants shall be paid by the issuing school district.

(2) The county treasurer or county fiscal officer or a custodial officer as defined in ORS 294.004 may hold the proceeds of the sale of the bonds or warrants for all school districts subject to the order of the district school board to be used solely for the purpose for which the bonds or warrants were issued. If the treasurer or fiscal officer holds the proceeds initially, then the treasurer or fiscal officer, as soon as practicable, shall deliver the proceeds of the sale of the bonds and warrants to the person designated as custodian of the school district funds under ORS 328.441.

(3) When the bonds or warrants have been so executed, registered and delivered, their legality shall not be open to contest by the school district, or by any person for or on its behalf, for any reason whatever. [Amended by 1953 c.236 §2; 1965 c.312 §1; 1965 c.100 §57; 1981 c.441 §1; 2003 c.226 §7]

328.260 Tax levy to pay interest and principal of bonds; use of funds derived from tax. (1) The district school board shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all the taxable property in the school district, sufficient to pay the maturing interest and principal of all serial school district bonds promptly when and as such payments become due. The amount of the tax may be increased by an amount sufficient to retire any bonds that may be callable. The board shall in each year include the taxes in the school district budget for such year. The taxes shall in each year be certified, extended upon the tax rolls, levied, collected by the same officers in the same manner and at the same time as the taxes for general county purposes.

(2) The funds derived from the tax levies may be retained by the county treasurer or county fiscal officer without being paid to the school district or may be held in trust by an insured institution or trust company, as defined in ORS 706.008, designated by the district to hold the funds. The funds shall be kept in a separate fund to be known as and designated “School District No. _____ Bond Interest and Sinking Fund,” which shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the bonds when due, so long as any of the bonds or the coupons thereto appertaining remain outstanding and unpaid. The interest earnings of the fund shall be credited thereto and become a part thereof. For failure to retain and account for such
funds, as provided in this section, the county treasurer, county fiscal officer or insured institution or trust company designated by the district shall be liable upon the official bond of the treasurer, other officer or institution, respectively.

(3) The fund shall not be diverted or used for any other purpose; but if a surplus remains after all interest and principal have been paid on all serial school district bonds then outstanding and unpaid, the surplus may be transferred to such other fund as the district school board may direct. [Amended by 1965 c.467 §§1, 1965 c.100 §57a; 1981 c.441 §2; 1985 c.762 §194; 1997 c.631 §461]

### 328.265 School district bond tax levied by county.

(1) The district school board of each school district having an outstanding bond issue shall file annually with the county treasurer or county fiscal officer a copy of the school district budget and tax levy.

(2) (a) If the tax required by ORS 328.260 is not levied by the district school board, the county treasurer shall certify the amount necessary to the governing body of the county which shall then levy a tax on all taxable property in the appropriate school district sufficient to raise the required amount.

(b) If the school district has established tax zones pursuant to ORS 328.570 to 328.579, a levy imposed under this subsection shall be apportioned among the tax zones of the school district consistently, with the percentages set forth in the resolution adopted under ORS 328.576.

(3) The county assessor shall extend the tax so levied upon the county tax rolls for such school district. The tax collector shall collect the tax and pay the sums collected into the county treasury to the credit of the fund established by ORS 328.260. [Amended by 1965 c.100 §58; 1973 c.57 §2; 1983 c.347 §23]

### 328.270 Payment of principal and interest; collection commission prohibited.

(1) The county treasurer or county fiscal officer must cause to be paid out of any money in the hands of the county treasurer or county fiscal officer belonging to the school district, the interest on or principal of, as the case may be, any bond issued by the district promptly when and as the same becomes due at the place of payment designated in such coupons or bonds. All coupons or bonds so paid must be immediately reported to the district school board.

(2) No county treasurer, county fiscal officer or district school board shall pay to the purchaser of any bond issued by a school district, or to any agency representing such purchaser, any commission whatsoever for the collection of the interest on or principal of any such bond. The county treasurer or county fiscal officer shall not be required to remit to the purchaser of any bonds or coupons the amount necessary to redeem them until the day such bonds or coupons are due. [Amended by 1965 c.100 §58a]

### 328.275 Redemption and payment of bonds.

(1) Whenever the sinking fund mentioned in ORS 328.260 is sufficient to permit the redemption of any bond then subject to redemption at the option of the school district, the county treasurer or fiscal officer of the county having custody of such fund, when authorized by the district school board, shall call such bond for redemption in accordance with the terms of the bond. If any holder of such bond fails to present it at the time mentioned in the published notice of redemption, the interest thereon shall cease, and the treasurer shall thereafter pay only the amount of such bond and the interest accrued thereon up to the date of redemption.

(2) When any bonds are so redeemed, the county treasurer or county fiscal officer shall cause the same to be canceled and write across or stamp upon the face thereof "Re- deemed" and the date of redemption, and shall deliver them to the district school board of such school district and take its receipt therefor.

(3) Each county treasurer or county fiscal officer and the sureties on the official bond of the county treasurer or fiscal officer as such, shall be liable to any school district in the county for any funds placed in the hands of such treasurer or county fiscal officer in connection with the school district's bond issues. [Amended by 1965 c.100 §59; 1973 c.57 §2; 1983 c.347 §23]

### 328.280 Funding or refunding district indebtedness.

(1) Whenever any school district has any outstanding negotiable interest-bearing warrant indebtedness or bonded indebtedness incurred in building or furnishing any schoolhouse, or for the purchase of any schoolhouse site, or in refunding bonded indebtedness, or in funding warrant indebtedness, which is due or subject at the option of the school district to be paid or redeemed, the school district, by and through its district school board, may:

(a) Issue and exchange, for any such indebtedness, its bonds bearing interest at a rate determined by the district school board; or

(b) Issue and sell such bonds and apply the proceeds of such sale in payment of the indebtedness for the payment of which the refunding bonds are proposed to be issued.

(2) Refunding bonds issued under subsection (1) of this section shall in all respects...
conform to, and be governed, as to their issue, by the provisions of ORS 287.008, 328.210 and 328.230 to 328.250.

(3) The refunding of indebtedness and issuing of bonds for such purpose shall not require an election, but may be done by resolution of the district school board at any legally called board meeting. The debt limitations imposed by law shall not affect the right of any school district to issue refunding bonds under authority of this section. The validity of any bonds so issued, or of the indebtedness thereby refunded, shall not thereafter be open to contest by the school district or by any person for any reason whatever. [Amended by 1965 c.100 §60; 1965 c.315 §1; 1981 c.94 §28; 1983 c.347 §24]

328.295 [Amended by 1961 c.260 §1; 1965 c.100 §51; renumbered 328.213]

328.290 [Repealed by 1983 c.350 §331a]

328.295 Sale of bonds and interest-bearing warrants. All school bonds, including funding and refunding bonds, notes and negotiable interest-bearing warrants which have been specifically authorized by vote of the electors, shall be advertised for sale and sold in the manner prescribed in ORS 287.014 to 287.022. [Amended by 1965 c.100 §61; 1975 c.642 §21]

328.300 Marketing bonds jointly or through association. (1) Two or more school districts may join together to market the bond issues of the districts, subject to such terms and conditions as the districts may agree.

(2) School districts may market bonds through an association of which school boards are members, subject to such terms and conditions as the school districts and the association may agree. [1993 c.554 §1]

328.304 County education bond district; creation; powers; purpose. (1) A board of directors of an education service district may proceed under subsection (2) of this section to create a county education bond district if two-thirds of the component school districts that are part of the education service district and that have at least a majority of the pupils included in the average daily membership of the education service district, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the districts by resolution have approved of the creation of the county education bond district.

(2)(a) The board of directors of an education service district may, by resolution, classify and designate an area within the district as a county education bond district. The boundaries of the county education bond district shall be coterminous with the boundaries of the school districts that have administrative offices that lie within the boundaries of one county within the education service district.

(b) Once so classified and designated, the county education bond district is a body corporate of this state and may:

(A) Acquire by purchase, gift, devise, condemnation proceedings or any other means such real and personal property and rights of way, within the bond district, as in the judgment of the board are necessary or proper in the exercise of the powers of the education service district.

(B) Employ and pay necessary agents, employees and assistants.

(C) Engage in capital construction and capital improvement activities.

(D) Make and accept contracts, deeds, releases and documents that, in the judgment of the board, are necessary or proper in the exercise of the powers of the bond district.

(E) Perform any act necessary or proper to the complete exercise and effect of any of the powers of the county education bond district under ORS 328.205 to 328.304.

(F) Contract a bonded indebtedness and levy direct ad valorem taxes on all taxable property within the county education bond district in the manner that component school districts and education service districts are authorized to issue bonds and levy taxes under ORS 328.205 to 328.304 and other laws applicable to the issuance of bonds and levying of taxes by school districts.

(c) The board of directors of the education service district shall be the governing body of the county education bond district. The chairperson of the board of directors of the education service district shall be the chairperson of the county education bond district board. The county education bond district board is authorized to transact all business coming within the jurisdiction of the county education bond district and to sue and be sued.

(d) The county education bond district shall exist for one year from the date of the resolution creating the district or until any bonded indebtedness contracted by the county education bond district for which the district was created has been paid. The existence of a county education bond district may not extend beyond the time period necessary for payment of the bonded indebtedness for which the district was originally created. The board of directors of an education service district may designate an area as a county education bond district that was previously designated as such by proceeding under subsections (1) and (2) of this section.

(3) When authorized by a majority of the electors of the county education bond district
and subject to ORS 328.245, a county education bond district may contract a bonded indebtedness for any of the following purposes:

(a) To acquire, construct, reconstruct, improve, repair, equip or furnish a school building or school buildings or additions thereto;

(b) To fund or refund the removal or containment of asbestos substances in school buildings and to make repairs necessary because of such removal or containment;

(c) To acquire or to improve all property, real and personal, appurtenant thereto or connected therewith, including school buses;

(d) To fund or refund outstanding indebtedness; and

(e) To provide for the payment of the debt.

(4) The county education bond district board shall call an election on a date specified in ORS 255.345 for the purpose of submitting to the electors of the county education bond district a question of contracting bonded indebtedness referred to in subsection (3) of this section. The requirements for preparing, circulating and filing a petition under this subsection shall be as provided for an initiative petition in ORS 255.135 to 255.205. The petition shall specify the proposed amount of bonded indebtedness. If the electors of the county education bond district approve the contracting of bonded indebtedness, the county education bond district board, without further vote of the electors, shall issue negotiable coupon bonds of the county education bond district, at the time or times that the county education bond district board directs.

(5) As used in ORS 328.205 to 328.304, “school district” or “district” includes a county education bond district as described in this section. [1997 c.600 §2]

328.305 [Repealed by 1957 c.53 §3]

328.310 [Repealed by 1957 c.53 §3]

328.315 [Repealed by 1957 c.53 §3]

328.316 Impact aid revenue bonds; issuance; requirements. (1) Pursuant to an agreement between a school district board and the governing body of an Indian tribe whose reservation is located partly or wholly within the district, a school district board, by resolution, may issue negotiable impact aid revenue bonds pursuant to this section.

(2)(a) As used in paragraph (b) of this subsection, the average amount of impact aid revenues that a school district receives equals the total amount of impact aid revenues received by the school district for the five years immediately preceding the year the bonds are issued, divided by five.

(b) The aggregate principal sum of impact aid revenue bonds that may be issued by a school district board may not exceed five times the average amount of impact aid revenues that the school district receives annually from the federal government.

(3) A school district may use bond proceeds from impact aid revenue bonds to:

(a) Pay the cost of school capital construction projects on the Indian reservation where the students reside for which the school district received impact aid revenues;

(b) Pay the cost of bond-related expenses incurred by the school district; and

(c) Fund any reserves or sinking accounts established by the resolution that authorized the issuance of the bonds. [2003 c.343 §3]

328.318 Funds required for impact aid revenue bonds. If a school district board issues impact aid revenue bonds under ORS 328.316, the board shall establish:

(1) An impact aid revenue bond building fund consisting of the net proceeds received from the sale of the bonds. The fund shall be a continuing fund that is not subject to reversion to another fund. The board may use moneys in the fund only for the purposes specified in ORS 328.316 (3).

(2) An impact aid revenue bond debt service fund consisting of moneys received by the school district as impact aid revenues. The board may use moneys in the fund only for the payment of debt service on impact aid revenue bonds. If any surplus remains after all interest and principal have been paid on all impact aid revenue bonds issued by the board then outstanding and unpaid, the board may transfer the surplus to another fund. [2003 c.343 §4]

Note: Sections 37, 38 and 39, chapter 715, Oregon Laws 2003, provide:

Sec. 37. Section 38 of this 2003 Act is added to and made a part of ORS chapter 328. [2003 c.715 §37]

Sec. 38. Funds diversion agreement. (1) A school district may enter into a funds diversion agreement with the Department of Education for the purpose of making lease payments to an Indian tribe for the debt service costs of capital improvements of public school facilities on the reservation of the Indian tribe. A funds diversion agreement entered into under this section must contain all of the following provisions:

(a) Moneys payable to the school district by the department from the State School Fund will be paid directly to a debt service account in amounts equal to the debt service owed by the school district.

(b) The department must pay the amounts required under the funds diversion agreement to the debt service account agreed to by the Indian tribe and the school district.

(c) The department must pay the amounts required under the funds diversion agreement pursuant to the schedule specified in the agreement before paying any other amounts to the school district. The agreement
may provide an exception for amounts payable under a prior funds diversion agreement with the school district. 
(d) The agreement may not be revoked by the school district.
(e) The agreement will remain in effect until all payments under the lease have been made.
(2) If the department is not able to pay moneys to a debt service account as required by a funds diversion agreement, the department shall give notice to the school district within 30 days after becoming aware that the moneys will not be paid according to the agreement.
(3) Nothing in this section or in any funds diversion agreement entered into under this section obligates the state or the department to pay an amount to a school district that is more than amounts the district is otherwise entitled to receive under law. [2003 c.715 §38]
Sec. 39. Section 38 of this 2003 Act is repealed on June 30, 2029. [2003 c.715 §39]
ORS 328.320 [Repealed by 1957 c.53 §3]

OREGON SCHOOL BOND GUARANTY ACT

ORS 328.321 Definitions for ORS 328.321 to 328.356. As used in ORS 328.321 to 328.356:
(1) “Common School Fund” means the state school fund described in section 2, Article VIII, Oregon Constitution.
(2) “General obligation bond” has the meaning given that term in ORS 288.150.
(3) “Paying agent” means the corporate paying agent selected by the school district board for a school bond issue who is:
(a) Duly qualified; and
(b) Acceptable to the State Treasurer.
(4) “School bond” means any general obligation bond issued by a school district.
(5) “School district” means a common or union high school district, an education service district or a community college district.
(6) “State bonds” means those general obligation bonds issued by the State of Oregon to meet its obligations under the state guaranty as described in ORS 328.351.
(7) “State guaranty” means the pledge of the full faith and credit and taxing power of the State of Oregon to guarantee payment of eligible school bonds as set forth in ORS 328.321 to 328.356. [1997 c.614 §2; 1999 c.251 §2]
Note: See note under 328.321.
ORS 328.330 [Repealed by 1957 c.53 §3]

ORS 328.331 Certificate evidencing qualification for state guaranty; application; qualification standards. (1) Any school district may request that the State Treasurer issue a certificate evidencing qualification of its school bonds for the state guaranty.
(2) The State Treasurer may, in accordance with ORS chapter 183, adopt and enforce rules that prescribe procedures for school district applications to qualify for the certificate of qualification and state guaranty and rules that prescribe the standards a school district must meet to qualify and to maintain qualification. The State Treasurer, by rule, may establish, but shall not be limited to:
(a) A requirement that a school district pay a processing fee, sufficient to defray the State Treasurer’s costs in processing and verifying applications, for each application and each application for annual renewal of a certificate of qualification.
(b) Deadlines or application periods in which school districts must submit applications.
(c) The character, quality and currency of the information on the financial affairs and condition of a school district that must
be submitted for a school district’s application to be considered.

(d) The form and character of any certifications or affidavits required of officials of the applying school districts concerning the accuracy and completeness of the information provided in conjunction with the district’s application.

(e) Any other matters necessary to making reliable assessments of the fiscal and financial affairs and condition of applying school districts.

(f) The manner of designating the particular school bonds to which the State Treasurer’s certificate of qualification and the state guaranty applies.

(g) Subject to Article XI-K of the Oregon Constitution, reasonable limitations on:
   (A) The total aggregate outstanding amount of all school bonds the state may guarantee; and
   (B) The outstanding amount of the school bonds of any single school district the state may guarantee.

(h) The method of providing notice of denial of a certificate of qualification.

(i) The method of providing notice of disqualification to school districts that fail to qualify or for which changes in financial affairs or condition or failure to provide the State Treasurer current or updated information warrant disqualification of the school district.

(j) Requirements for promptly reporting to the State Treasurer any changes in condition or occurrences that may affect a school district’s eligibility to qualify or maintain its qualification to participate in the state guaranty program.

(3)(a) After reviewing the request, if the State Treasurer determines that the school district is eligible, the State Treasurer shall promptly issue the certificate of qualification and provide it to the requesting school district.

(b)(A) Unless the certificate of qualification is revoked by the State Treasurer, and subject to the fulfillment of any conditions or requirements imposed by the State Treasurer, the school district receiving the certificate and all other persons may rely on the certificate as evidencing eligibility for the state guaranty for one year from and after the date of the certificate.

(B) No revocation of a certificate of qualification shall affect the state guaranty of any outstanding school bonds previously issued under a valid certificate.

(4) Any qualified school district that chooses to forgo the benefits of the state guaranty for a particular issue of school bonds may do so by not referring to ORS 328.321 to 328.356 on the face of its school bonds.

(5) No school district that has school bonds, the principal of or interest on which has been paid in whole or in part by the state under ORS 328.341, may be eligible to issue any additional school bonds with the state guaranty until:

(a) All payment obligations of the school district to the state under ORS 328.346 are satisfied; and

(b) The State Treasurer certifies in a writing, to be kept on file by the State Treasurer, that the school district is fiscally solvent. [1997 c.614 §4; 1999 c.251 §3]

Note: See note under 328.321.

328.335 [Repealed by 1957 c.53 §3]

328.336 Determination of ineligibility.
(1)(a) If the State Treasurer determines that the state should not guarantee the school bonds of a school district, the State Treasurer shall:

(A) Prepare a determination of ineligibility; and

(B) Keep the determination on file in the office of the State Treasurer.

(b) The State Treasurer may remove a school district from the status of ineligibility and may issue a certificate of qualification for that school district when a subsequent application of the school district evidences that it is no longer imprudent for the state to guarantee the school bonds of that school district.

(2) Nothing in this section affects the state guaranty of school bonds of a school district issued:

(a) Before determination of ineligibility or before revocation of a certification of qualification;

(b) After the eligibility of the school district is restored; or

(c) Under a certificate of qualification issued under ORS 328.331. [1997 c.614 §5; 1999 c.251 §4]

Note: See note under 328.321.

328.340 [Repealed by 1957 c.53 §3]

328.341 Transfer by school districts or State Treasurer of moneys to pay debt service on school bonds.
(1)(a) Each school district with outstanding, unpaid school bonds issued with the state guaranty shall transfer moneys sufficient for the scheduled debt service payment to its paying agent at least 15 days before any principal or interest payment date for the school bonds.

(b) The paying agent may, if instructed to do so by the school district, invest the
moneys for the benefit of the school district until the payment date.

(c) A school district that is unable to transfer the scheduled debt service payment to the paying agent 15 days before the payment date shall immediately notify the paying agent and the State Treasurer by:

(A) Telephone;

(B) A writing sent by facsimile transmission; and

(C) A writing sent by first class mail.

(2) If sufficient funds are not transferred to the paying agent as required by subsection (1) of this section, the paying agent shall notify the State Treasurer of that failure at least 10 days before the scheduled debt service payment date by:

(a) Telephone;

(b) A writing sent by facsimile transmission; and

(c) A writing sent by first class mail.

(3)(a) If sufficient moneys to pay the scheduled debt service payment have not been transferred to the paying agent, the State Treasurer shall, on or before the scheduled payment date, transfer sufficient moneys to the paying agent to make the scheduled debt service payment.

(b) The payment by the State Treasurer:

(A) Discharges the obligation of the issuing school district to its bondholders for the payment; and

(B) Transfers the rights represented by the general obligation of the school district from the bondholders to the state.

(c) The school district shall pay to the State Treasurer all amounts paid by the treasurer to the paying agent, as well as interest, penalties and any additional costs incurred by the treasurer, as provided in ORS 328.346.

[1997 c.614 §6; 1999 c.251 §5]

Note: See note under 328.321.

328.345 [Repealed by 1957 c.53 §3]

328.346 Recovery from school districts of payments on school bonds by State Treasurer. (1)(a) If one or more payments on school bonds are made by the State Treasurer as provided in ORS 328.341, the State Treasurer shall pursue recovery from the school district of all moneys necessary to reimburse the state for all amounts paid by the treasurer to the paying agent, as well as interest, penalties and any additional costs incurred by the treasurer as described in this section. In seeking recovery, the State Treasurer may:

(A) Intercept any payments from the General Fund, the State School Fund, the income of the Common School Fund and any other source of operating moneys provided by the state to the school district that issued the school bonds that would otherwise be paid to the school district by the state; and

(B) Apply any intercepted payments to reimburse the state for payments made pursuant to the state guaranty until all obligations of the school district to the state arising from those payments, including interest and penalties, and any additional costs incurred by the treasurer as described in this section are paid in full.

(b) The state has no obligation to the school district or to any person or entity to replace any moneys intercepted under authority of this section.

(2) The school district that issued school bonds for which the state has made all or part of a debt service payment shall:

(a) Reimburse all moneys drawn or paid by the State Treasurer on its behalf;

(b) Pay interest to the state on all moneys paid by the state from the date the moneys were drawn to the date they are repaid at a rate to be determined by the State Treasurer, in the State Treasurer's discretion, to be sufficient to cover the costs to the state plus the costs of administration of the state guaranty obligation and of collection of reimbursement; and

(c) Pay any applicable penalties as described in subsection (3) of this section.

(3)(a) The State Treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the school district on the state, market interest and penalty rates and the cost of funds, if any, that were required to be used or borrowed by the state to make payment on the school bonds. The State Treasurer shall have authority to establish, by negotiations with the school district or otherwise, any plan of reimbursement by the school district that will result in full and complete reimbursement to the state. Subject to the requirement for full and complete reimbursement, the State Treasurer may consider incorporating into the reimbursement plan the means and methods to allow the school district to continue its operations during the time the reimbursement plan is in effect.

(b) The State Treasurer may, after considering the circumstances giving rise to the failure of the school district to make payment on its school bonds in a timely manner, impose on the school district a penalty of not more than five percent of the amount paid by the state pursuant to the state guaranty for each instance in which a payment by the state is made.

(4)(a) If the State Treasurer determines that amounts obtained under this section will
not reimburse the state in full within the time determined by the State Treasurer or incorporated in the reimbursement plan from the state’s payment of a school district’s debt service payment, the State Treasurer shall pursue any legal action, including but not limited to mandamus, against the school district or school district board to compel the school district to:

(A) Levy and provide property tax revenues to pay debt service on its school bonds and other obligations when due; and

(B) Meet its repayment obligations to the state.

(b) With respect to any school bonds for which the State Treasurer has made payment under the state guaranty, and in addition to any other rights or remedies available at law or in equity, the state shall have the same substantive and procedural rights as would a holder of the school bonds of a school district.

(c) The Attorney General shall assist the State Treasurer in the discharge of the duties under this section.

(d) The school district shall pay the attorney fees, expenses and costs of the State Treasurer and the Attorney General.

(5)(a) Except as provided in paragraph (c) of this subsection, any school district whose funds were intercepted under this section may replace those funds from other school district moneys or from ad valorem property taxes, subject to the limitations provided in this subsection.

(b) A school district may use ad valorem property taxes or other moneys to replace intercepted funds only if the ad valorem property taxes or other moneys were derived from:

(A) Taxes originally levied to make the payment, but which were not timely received by the school district;

(B) Taxes from a special levy imposed to make up the missed payment or to replace the intercepted moneys;

(C) Moneys transferred from any lawfully available funds of the school district or the undistributed reserves, if any, of the school district; or

(D) Any other source of moneys on hand and legally available.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, a school district may not replace operating funds intercepted by the state with moneys collected and held to make payments on school bonds if that replacement would divert moneys from the payment of future debt service on the school bonds and increase the risk that the state guaranty would be called upon a second time. [1997 c.614 §7; 1999 c.251 §6]

Note: See note under 328.321.

328.350 [Repealed by 1957 c.53 §3]

328.351 Powers of State Treasurer when state funds are insufficient for payment of debt service. (1) If, at the time the state is required to make a debt service payment under the state guaranty on behalf of a school district, sufficient moneys of the state are not on hand and available for that purpose, the State Treasurer may, singly or in any combination:

(a) Obtain from the Common School Fund or from any other state funds that qualify to make a loan under ORS 293.205 to 293.225, if the loan would satisfy the requirements of ORS 293.205 to 293.225, a loan sufficient to make the required payment.

(b) Borrow money, if economical and convenient, as authorized by ORS 288.165.

(c) Issue state bonds as provided in subsection (2) of this section.

(d) With the approval of the Legislative Assembly, or the Emergency Board if emergency funds are lawfully available for making the required payment in the interim between sessions of the Legislative Assembly, pay moneys from the General Fund or any other funds lawfully available for the purpose or from emergency funds amounts sufficient to make the required payment.

(2) The State Treasurer may issue state bonds to meet the state guaranty obligations under ORS 328.321 to 328.356, pursuant to Article XI-K of the Oregon Constitution. The issuance of such state bonds shall be at the determination of the State Treasurer and is exempt from ORS 286.505 to 286.545.

(3) Before issuing or selling any state bonds, the State Treasurer shall prepare a written plan of financing that shall provide for:

(a) The terms and conditions under which the state bonds will be issued, sold and delivered, in accordance with any applicable provisions of ORS chapters 286 and 288;

(b) The taxes or revenues to be anticipated;

(c) The maximum amount of such state bonds that may be outstanding at any one time under the plan of financing;

(d) The sources of payment of the state bonds;

(e) The rate or rates of interest, if any, on the state bonds or a method, formula or index under which the interest rate or rates on the state bonds may be determined during the time the state bonds are outstanding; and
(f) Any other details relating to the issuance, sale and delivery of the state bonds, as may be required by the applicable provisions of ORS chapters 286 and 288. For purposes of ORS chapters 286 and 288, the office of the State Treasurer shall be deemed the relevant state agency authorizing the issuance of bonds and for whose benefit the bonds are issued.

(4) In identifying the taxes or revenues to be anticipated and the sources of payment of the state bonds in the financing plan, the State Treasurer may include:

(a) The intercepted revenues authorized by ORS 328.346; or

(b) Any other source of repayment or lawfully available funds and any combination of this paragraph and paragraph (a) of this subsection.

(5) The State Treasurer may include in the plan of financing the terms and conditions of arrangements entered into by the State Treasurer on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements and remarketing, indexing and tender agent agreements to secure the state bonds, including payment from any legally available source of fees, charges or other amounts coming due under the agreements entered into by the State Treasurer.

(6)(a) When issuing the state bonds, the State Treasurer shall establish the interest, form, manner of execution, payment, manner of sale, prices at, above or below the face value and all details of issuance of the state bonds in accordance with any applicable provisions of ORS chapters 286 and 288.

(b) Each state bond shall recite that it is a valid obligation of the state and that the full faith, credit and resources of the state are pledged for the payment of the principal and interest on the state bond from the taxes or revenues identified in accordance with its terms and the Oregon Constitution and other laws of this state.

(7) Upon the completion of any sale of the state bonds, the State Treasurer shall credit the proceeds of the sale, other than accrued interest and amounts required to pay costs of issuance of the state bonds, to the fund or account established by the State Treasurer to be applied to the purpose for which the state bonds were issued. [1997 c.614 §8; 1999 c.251 §7]

Note: See note under 328.321.

328.356 [Repealed by 1957 c.53 §3]

328.356 State Treasurer subject to provisions regarding issuance of general obligation bonds. If the State Treasurer issues state bonds, the treasurer shall be subject to the provisions of ORS 291.445 as an agency that is authorized to issue general obligation bonds that are ordinarily to be repaid from General Fund appropriations. [1997 c.614 §9; 1999 c.251 §8]

Note: See note under 328.321.
Disbursement of school funds by check or warrant. (1) When funds are available for payment, school district obligations shall be paid by check bearing the original signature of the custodian of the district school funds; or if authorized by the district school board, the custodian’s facsimile signature.

(2) Where a statute specifies a warrant as the means by which school district obligations shall be paid, warrant means “check” if funds are available for payment. [Amended by 1965 c.100 §67; 1971 c.98 §1]

School warrant procedure. (1) As used in this section, “school district obligation” includes salaries of district employees and other regularly contracted services.

(2) Except as provided in ORS 328.445 (2), warrants in payment of school district obligations shall be issued only when there are insufficient funds to pay the warrant and shall be indorsed “not paid for want of funds”. Warrants may be issued at the end of each school month, if necessary. School warrants shall not be issued without a vote of the district school board. They must be signed by the chairperson of the board and countersigned by the district clerk. If the chairperson is absent or unable to execute the warrants, the board may authorize any member of the board to act as chairperson in executing the warrants.

(3) Unless the district school board has designated a lower rate of interest, which rate must appear on the face of the warrants, warrants indorsed “not paid for want of funds” shall draw the legal rate of interest from date of indorsement until paid.

(4) Funds becoming available for payment of warrants indorsed “not paid for want of funds” shall be applied in payment in the order in which the warrants were so indorsed. [Amended by 1965 c.100 §68] 328.450

Cancellation of school warrants not presented for payment within seven years. (1) At the last regular district school board meeting preceding July 1 in each year, the district clerk shall certify to the board a list of all school district warrants which were called for payment more than seven years prior to July 1 next following the meeting, and which have not been paid. The certification shall state the amount of each of such warrants, to whom issued, and date of issuance. The district school board shall cause notice to be published. Publication shall be in some newspaper published in the district and having a general circulation therein, or if no newspaper is published in the district, then in some paper published in the county in which the school district is located having a general circulation in the district. The notice shall contain a statement that if such warrants are not presented for payment within 60 days from July 1, they will be canceled, and payment thereof will be refused.

(2) At the first regular meeting of the district school board in each school district in each year, the board shall make an order that all such warrants which have not been so presented for payment, describing them, shall be canceled. The board shall cancel all such warrants which were called for payment more than seven years prior to July 1 of that year.

(3) This section shall not prohibit the district school board, in its discretion, from paying, upon any claim arising from the canceling of any such warrant, the principal of the warrant when presented without interest if not indorsed for want of funds and, if indorsed for want of funds, with interest to the date such warrant was called. [Amended by 1965 c.100 §69]

Annual audit procedure. (1) All common and union high school districts shall cause to have prepared an annual audit of the books and accounts of the district in the manner set forth in subsection (2) or (3) of this section. The audit statements must be filed with the administrative office for the county on or before November 1 of the year in which the audit is conducted.

(2) The district school board may contract for its audit with the administrative office for the county in which the administrative office of the school district is located. The administrative office for the county shall secure the services of accountants who shall audit the books and accounts of the districts and file with the administrative office for the county a statement setting forth the financial condition of each district. A copy of the audit report of the district shall be sent to the appropriate district board. Each district, upon receipt of billing from the administrative office for the county, shall pay its share of the audit costs.

(3) The district board may employ accountants to audit the books and accounts of the district.

(4) Accountants employed under subsection (2) or (3) of this section must be selected from the roster of authorized municipal accountants maintained by the Oregon Board of Accountancy under ORS 297.670.

(5) The audit required by this section shall include an audit of those factors that are used to compute the State School Fund distribution under ORS 327.013. [1965 c.100 §64; 1975 c.770 §7; 1997 c.821 §22; 2003 c.226 §9]
328.470 Purchase of automotive equipment; fund transfers. Notwithstanding ORS 293.340 to 293.443 and any other provision of law, any school district board by resolution may provide for the replacement or acquisition of automotive equipment by making transfers from the district’s general fund to a fund established for that purpose. Transfers to the fund shall be included in the school district budget prepared and published in accordance with ORS 294.305 to 294.565. If at any time conditions arise which dispense with the necessity for further transfers to or expenditures from a fund established pursuant to this section, the district school board shall so declare by resolution. The resolution shall order the balance remaining in such fund to be transferred to the general fund of the district and shall declare the fund closed. [1969 c.375 §2]

328.505 [Amended by 1953 c.146 §1; repealed by 1959 c.262 §4]
328.510 [Repealed by 1953 c.146 §2]
328.515 [Amended by 1957 c.310 §4; repealed by 1959 c.262 §4]
328.520 [Amended by 1955 c.486 §1; repealed by 1965 c.100 §456]
328.525 [Repealed by 1963 c.544 §52]
328.530 [Repealed by 1965 c.100 §456]
328.535 [Repealed by 1965 c.100 §456]
328.540 [Repealed by 1965 c.100 §456]

**TAXES AND INDEBTEDNESS**

328.542 Preparation of district budget; certification of taxes. Subject to the Local Budget Law (ORS 294.305 to 294.565) and to sections 11 and 11b, Article XI, Oregon Constitution, each school district board shall prepare annually the budget of the school district and shall certify ad valorem property taxes to the assessor as provided by law. [1977 c.540 §16; 1979 c.241 §57; 1987 c.16 §7; 1993 c.45 §34; 1997 c.541 §70; 2001 c.695 §34]

328.545 [Repealed by 1963 c.544 §52]
328.550 [Amended by 1965 c.100 §70; 1967 c.605 §1; 1975 c.770 §8; repealed by 1981 c.834 §1]

328.555 Property liable for district indebtedness; tax levy. (1) All taxable property in a school district at the time any indebtedness is incurred by such district and all taxable property subsequently located in the area comprising such district shall be liable to taxation for the payment of such indebtedness until paid.

(2) No taxable property in territory included in a school district whose boundaries change as a result of creation, annexation, abolition and other alteration of the school district shall be relieved from liability for any indebtedness incurred prior to a boundary change. The district school board of the district in which are located the school facilities for which the indebtedness was incurred shall levy an annual tax on all taxable property in such territory sufficient to meet the interest payments and retire the indebtedness, but no tax levy shall be necessary as long as other provisions are made for the payment of the indebtedness. [1953 c.286 §2; 1957 c.310 §5; 1957 c.426 §2; repealed by 1965 c.100 §456]

328.565 Power to create indebtedness; zone academy bonds; tax credit bonds. (1) As used in this section, “qualified zone academy bond” has the meaning given the term in 26 U.S.C. 1397E, as amended and in effect on January 1, 2002.

(2) A district school board may contract indebtedness as provided under ORS 288.165.

(3) A district school board may issue qualified zone academy bonds or similar tax credit bonds authorized by resolution of the district school board. Unless the bond issue has been approved by electors under ORS 328.205 to 328.304, the district school board must issue the bonds as limited tax bonds under ORS 288.155 or as revenue bonds under ORS 288.805 to 288.945. [Formerly 328.085 and then 322.125; 1983 c.124 §9; 1985 c.356 §4; 1993 c.97 §25; 2001 c.537 §§5]

328.570 Division of district into tax zones. (1) The district board of a school district may divide the district into tax zones for the purpose of imposing and levying ad valorem property taxes at different rates and amounts on the assessed value of all taxable property in each zone if the school district:

(a) Supplies a portion of kindergarten through grade 12 education in certain areas of the school district; and

(b) Supplies all of kindergarten through grade 12 education in the remainder of the school district.

(2) The establishment and boundaries of tax zones within a district must be based upon and reflect qualitative differences in the levels of service provided by the district.

(3) When a district board decides to divide the district into zones under subsection (1) of this section, the board shall conduct a public hearing on the formation of the proposed zones. The hearing shall be held after notice to the public is published as provided in ORS 328.573. [2001 c.246 §2]

328.573 Notice of public hearing on tax zones. (1) The district board of a school district seeking to establish tax zones under ORS 328.570 to 328.579 shall cause a notice of a public hearing relating to the formation of the tax zones to be published once a week for two successive weeks in the newspaper in general circulation in the district that, in the judgment of the district board, will afford the best notice to the residents of the district.
(2) The notice published under this section shall set forth:

(a) The resolve of the district board to divide the district into zones.
(b) The boundaries of the proposed zones.
(c) The estimated percentage of the total amount of ad valorem taxes of the district that will be imposed in each zone.
(d) The date, hour and place of the hearing.
(e) That all interested persons may attend and shall be given a reasonable opportunity to be heard. [2001 c.246 §3]

328.576 Public hearing; resolution to establish tax zones. (1) Following the notice required under ORS 328.573, the district board of a school district seeking to establish tax zones shall conduct a public hearing at which district residents and property owners may testify about the proposed zones.

(2) Following the hearing, if the district board decides to proceed, the district board shall adopt a resolution establishing the zones, zone percentages and zone boundaries. [2001 c.246 §4]

328.579 Determination of tax in zones; limitations. (1) If a school district is divided into tax zones under ORS 328.570 to 328.579, the district board shall determine, make and declare each item of ad valorem property tax, as set forth in ORS 310.060 (2), for each zone established in the district when the district board adopts its budget for any fiscal year.

(2) The operating tax rate for each tax zone of the district may not exceed the lesser of the statutory or permanent rate limit for operating taxes of the district established under ORS 310.200 to 310.242 or section 11 (3), Article XI of the Oregon Constitution. [2001 c.246 §5]
Chapter 329
2005 EDITION

Oregon Educational Act for the 21st Century;
Educational Improvement and Reform

OREGON EDUCATIONAL ACT
FOR THE 21st CENTURY
(Generally)

329.005 Oregon Educational Act for the 21st Century; duties of department; evaluation by legislature
329.007 Definitions
329.015 Educational goals
329.025 Characteristics of school system
329.035 Findings; objectives
329.045 Revision of Common Curriculum Goals including Essential Learning Skills and academic content standards; instruction in academic content areas
329.05 Adequate funding required
329.075 Statewide implementation; rules; duties of department; pilot programs; assessments defined
Note Implementation of extended school year--1995 c.660 §7
329.077 Waiver or extension of timelines; requirements; process; rules
(Assessing Effectiveness)
329.085 Assessment required; report to school district; standards
329.095 School district self-evaluations; local district improvement plans; department’s technical assistance
329.105 School district and school performance reports; criteria for grading schools; included data
329.115 Oregon Report Card
(Parental and Community Participation)
329.125 Policy on parental and community participation
(Services for Children and Families)
329.145 Definitions for ORS 329.150 and 329.155
329.150 Services for children and families at school site; policy
329.153 Policy on prevention and cost-effective programs and strategies
329.155 Standards for education programs and programs providing services for children and families; interagency coordination
(Community Learning Centers)
329.156 Creation; requirements; technical assistance
329.157 Identification and coordination of existing resources
329.159 Evaluation; reporting
(Early Childhood Education)
329.160 Policy on early childhood and parenting education; funding goals
329.165 Development of long-range plan for serving children and families
329.170 Definitions for ORS 329.170 to 329.200
329.175 Department to administer prekindergarten program; grants; eligibility; coordination with other programs
329.183 Prekindergarten Program Trust Fund
329.185 Expansion of Oregon prekindergarten program
329.190 Advisory committee
329.195 Rules; grant applications
329.200 Report on program by state superintendent; department to assess program effectiveness
(Child Development and Student-Parent Programs)
329.215 Definitions for ORS 329.215 to 329.235
329.225 Operating guides for programs; approval of programs; program requirements
329.228 Early Childhood Education Trust Fund
329.235 Provision of early childhood education
329.237 Administration; program design; components
329.245 Rules; applications
(Diplomas; Certificates of Mastery)
329.255 Child development specialists; services provided
329.265 State reimbursement for costs
329.275 State board guidelines; qualifications for child development specialists
329.385 Child development programs; student-parent programs; grants
329.395 Definitions for ORS 329.395 to 329.425
329.405 Study of existing program
329.415 Operating guides and grant procedures for ORS 329.395 to 329.425
329.425 Grants under ORS 329.395 to 329.425
(Diplomas; Certificates of Mastery)
329.445 Recognition of needs of middle educational levels
329.447 Diploma; certificates; career endorsements; subject area endorsements
329.451 Requirements for diploma
329.465 Certificate of Initial Mastery; subject area endorsements
329.467 Submission of Certificate of Initial Mastery materials
329.475 Certificate of Advanced Mastery with career endorsements
Note Certificate of Advanced Mastery implementation by school districts; incentive programs--1995 c.660 §27
329.485 Statewide assessment system; types of assessments; subjects; additional services or alternative educational options
EDUCATION AND CULTURE

329.489 American Sign Language; proficiency; curricula development; teachers
329.492 Oregon Studies; academic content standards

OREGON 21st CENTURY SCHOOLS PROGRAM

329.537 Funding for Oregon 21st Century Schools Program and School Improvement and Professional Development program
329.545 Policy for program
329.555 Oregon 21st Century Schools Program established; purposes
329.565 District eligibility for program
329.570 Application; district planning committee; eligibility
329.575 Application content
329.585 District proposals
329.595 Rules on applications; review of applications; recommendations to state board
329.600 District annual report; proposed plan amendment
329.605 Department oversight function

SCHOOL IMPROVEMENT AND PROFESSIONAL DEVELOPMENT PROGRAM

(Generally)

329.675 Definitions for ORS 329.675 to 329.745 and 329.790 to 329.820
329.685 Policy on school goals

(School Improvement and Professional Development)

329.690 School Improvement and Professional Development program established
329.695 Grant applications; evaluation; duration of grant; representation in selection
329.700 Oregon 21st Century Schools Advisory Committee; membership; application deadlines for grants; amount; distribution
329.704 Local 21st Century Schools Councils; duties; composition; selection; district site committees
329.709 Rules for grant applications
329.715 Application content
329.735 Evaluation of district programs
329.745 Dedication of available funds for professional development centers

(Teacher Corps)

329.757 Oregon Teacher Corps
329.765 Administration of corps
329.775 Loans; amounts; interest; repayment; waiver of repayment
329.780 Oregon Teacher Corps Account; use

329.790 Findings on teacher and administrator programs
329.795 Beginning teacher and administrator program established; district participation; use of grants
329.800 Application; content
329.805 Grants-in-aid; amount; distribution; rules
329.810 Workshops for mentors and beginning teachers and administrators
329.815 Mentor teachers and administrators; selection; stipend
329.820 Evaluation of programs

(Successful Schools Program)

329.825 Policy on successful and innovative schools
329.830 Establishment; application; incentive rewards

(First Success Reading Initiative)

329.832 Legislative findings
329.834 Creation; components; reading sites
329.837 Report

OREGON VIRTUAL SCHOOL DISTRICT

329.840 Creation; purpose; online course standards; rules
329.842 Oregon Virtual School District Fund

MISCELLANEOUS

329.850 Duties of Education and Workforce Policy Advisor under chapter
329.855 Education and training programs for endorsements and degrees; career related studies
329.860 Alternative learning options; Learning Centers; scope of services; outreach
329.875 District eligibility to receive funds under chapter
329.885 School-to-work transitions and work experience programs; funding; eligibility for grants

LITERACY, EDUCATION AND PROFESSIONAL TECHNICAL JOB TRAINING

329.905 Economic development policy to support literacy, education and professional technical job training; goals
329.915 Objectives of ORS 329.905 to 329.975
329.920 Duties of Education and Workforce Policy Advisor and regional committees
329.925 Workplace training for key industries
329.930 Business, industry and education partnerships; Industrial Extension Service; Oregon Advanced Technology Center
329.950 Statewide literacy hotline
329.975 Matching literacy hotline grant funds; application
OREGON EDUCATIONAL ACT
FOR THE 21st CENTURY
(Generally)

329.005 Oregon Educational Act for the 21st Century; duties of department; evaluation by legislature. (1) This chapter shall be known as the Oregon Educational Act for the 21st Century.

(2) The Department of Education shall be the coordinating agency for furthering implementation of this chapter. This chapter shall be subject to review by the Legislative Assembly.

(3) The appropriate legislative interim committee shall:

(a) Develop the form and content expected of the ongoing review described in this section;

(b) Notify the appropriate agencies of expectations; and

(c) Receive and evaluate regular reports from the Department of Education and other public agencies.

(4) This review outline may be changed as needed in succeeding years. [Subsections (3) and (4) enacted as 1991 c.693 §1a; 1993 c.45 §22; subsections (1) and (2) formerly 326.705; 2003 c.303 §1]

329.007 Definitions. As used in this chapter, unless the context requires otherwise:

(1) “Academic content standards” or “academic standards” means expectations of student knowledge and skills adopted by the State Board of Education under ORS 329.045.

(2) “Administrator” includes all persons whose duties require an administrative license.

(3) “Board” or “state board” means the State Board of Education.

(4) “Community learning center” means a school-based or school-linked program providing informal meeting places and coordination for community activities, adult education, child care, information and referral and other services as described in ORS 329.157. “Community learning center” includes, but is not limited to, a community school program as defined in ORS 336.505, family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st century community learning centers.

(5) “Department” means the Department of Education.

(6) “District planning committee” means a committee composed of teachers, administrators, school board members and public members established for the purposes of ORS 329.537 to 329.605.

(7) “English” includes, but is not limited to, reading and writing.

(8) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

(9) “Oregon Studies” means history, geography, economics and civics specific to the State of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal and state government, as well as the electoral and legislative processes.

(10) “Parents” means parents or guardians of students who are covered by this chapter.

(11) “Public charter school” has the meaning given that term in ORS 338.005.

(12) “School district” means a school district as defined in ORS 332.002, an education service district, a state-operated school or any legally constituted combination of such entities.

(13) “School Improvement and Professional Development program” means a formal plan submitted by a school district and approved by the Department of Education according to criteria specified in ORS 329.675 to 329.745 and 329.790 to 329.820.

(14) “Second languages” means any foreign language or American Sign Language.

(15) “Teacher” means any licensed employee of a school district who has direct responsibility for instruction, coordination of educational programs or supervision of students and who is compensated for such services from public funds. “Teacher” does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license.

(16) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

(17) “21st Century Schools Council” means a council established pursuant to ORS 329.704.

(18) “Work-related learning experiences” means opportunities in which all students may participate in high quality programs that provide industry related and subject matter related learning experiences that prepare students for further education, future employment and lifelong learning. [1995 c.660 §2; 1999 c.1023 §4; 1999 c.1029 §1; 2001 c.759 §1; 2003 c.303 §2]

Note: 329.007 was added to and made a part of ORS chapter 329 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

329.010 [Repealed by 1957 c.678 §1]
329.015 Educational goals. (1) The Legislative Assembly believes that education is a major civilizing influence on the development of a humane, responsible and informed citizenry, able to adjust to and grow in a rapidly changing world. Students must be encouraged to learn of their heritage and their place in the global society. The Legislative Assembly concludes that these goals are not inconsistent with the goals to be implemented under this chapter.

(2) The Legislative Assembly believes that the goals of kindergarten through grade 12 education are:

(a) To demand academic excellence through a rigorous academic program that equips students with the information and skills necessary to pursue the future of their choice;

(b) To provide an environment that motivates students to pursue serious scholarship and to have experience in applying knowledge and skills and demonstrating achievement; and

(c) To provide students with lifelong academic skills that will prepare them for the ever-changing world. [Formerly 326.710; 1995 c.660 §3]

329.020 [Repealed by 1957 c.678 §1]

329.025 Characteristics of school system. It is the intent of the Legislative Assembly to maintain a system of public elementary and secondary schools that allows students, parents, teachers, administrators, school district boards and the State Board of Education to be accountable for the development and improvement of the public school system. The public school system shall have the following characteristics:

(1) Provides equal and open access and educational opportunities for all students in the state regardless of their linguistic background, culture, race, gender, capability or geographic location;

(2) Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;

(3) Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;

(4) Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;

(5) Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;

(6) Provides for rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages;

(7) Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;

(8) Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;

(9) Provides students with the knowledge, skills and positive attitude that lead to an active, healthy lifestyle;

(10) Provides students with the knowledge and skills to take responsibility for their decisions and choices;

(11) Provides opportunities for students to learn through a variety of teaching strategies;

(12) Emphasizes involvement of parents and the community in the total education of students;

(13) Transports children safely to and from school;

(14) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;

(15) Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities; and

(16) Provides for a safe, educational environment. [Formerly 326.715; 1995 c.660 §4; 1999 c.1029 §2; 2003 c.303 §3]

329.030 [Repealed by 1957 c.678 §1]

329.035 Findings; objectives. The Legislative Assembly declares that:

(1) The State of Oregon believes that all students can learn and should be held to rigorous academic content standards and expected to succeed.

(2) Access to a quality education must be provided for all of Oregon’s youth regardless of linguistic background, culture, race, gender, capability or geographic location.

(3) A restructured educational system is necessary to achieve the state’s goals of the best educated citizens in the nation and the world.

(4) The specific objectives of this chapter and ORS 329.905 to 329.975 are:

(a) To achieve the highest standards of academic content and performance;

(b) In addition to a diploma, to establish the Certificates of Initial Mastery and Ad-
vanced Mastery as evidence of new high academic standards of performance for all students;

(c) To establish alternative learning environments and services for students who experience difficulties in achieving state or local academic standards;

(d) To establish early childhood programs and academic professional technical programs as part of a comprehensive educational system; and

(e) To establish partnerships among business, labor and the educational community in the development of standards for academic professional technical endorsements and provide work-related learning experiences necessary to achieve those standards. [Formerly ORS 326.725; 1995 c.660 §6; 1999 c.200 §29; 1999 c.1029 §§3; 2003 c.203 §5]

329.040 [Repealed by 1963 c.544 §52]

329.045 Revision of Common Curriculum Goals including Essential Learning Skills and academic content standards; instruction in academic content areas. (1) In order to achieve the goals contained in ORS 329.025 and 329.035, the State Board of Education shall regularly and periodically review and revise its Common Curriculum Goals. This includes Essential Learning Skills and rigorous academic content standards in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages. School districts and public charter schools shall maintain control over course content, format, materials and teaching methods. The rigorous academic content standards shall reflect the knowledge and skills necessary for achieving the Certificate of Initial Mastery, the Certificate of Initial Mastery subject area endorsements, the Certificate of Advanced Mastery and diplomas pursuant to ORS 329.025 and as described in ORS 329.447. The regular review shall involve teachers and other educators, parents of students and other citizens and shall provide ample opportunity for public comment.

(2) The State Board of Education shall continually review all adopted academic content standards and shall raise the standards for mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages to the highest levels possible.

(3) School districts and public charter schools shall offer students instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages that meets the academic content standards adopted by the State Board of Education and meets the requirements adopted by the State Board of Education and the board of the school district or public charter school. [Formerly 326.725; 1995 c.660 §6; 1999 c.200 §29; 1999 c.1029 §§3; 2003 c.203 §5]

329.050 [Repealed by 1963 c.544 §52]

329.055 [Formerly 326.735; repealed by 1995 c.660 §50]

329.060 [Repealed by 1963 c.544 §52]

329.065 Adequate funding required. Nothing in this chapter is intended to be mandated without adequate funding support. Therefore, those features of this chapter which require significant additional funds shall not be implemented statewide until funding is available. [Formerly 326.740]

329.070 [Repealed by 1963 c.544 §52]

329.075 Statewide implementation; rules; duties of department; pilot programs; assessments defined. (1) The State Board of Education shall adopt rules, in accordance with ORS 183.750 and ORS chapter 183, as necessary for the statewide implementation of this chapter. The rules shall be prepared in consultation with appropriate representatives from the educational and business and labor communities.

(2) The Department of Education shall be responsible for coordinating research, planning and public discussion so that activities necessary to the implementation of this chapter can be achieved. Actions by the department to fulfill this responsibility and to increase student achievement may include, but are not limited to:

(a) Updating Common Curriculum Goals to meet rigorous academic content standards;

(b) Developing criterion-referenced assessments including performance-based, content-based and other assessment mechanisms to test knowledge and skills;

(c) Establishing criteria for Certificates of Initial Mastery and Advanced Mastery;

(d) Establishing criteria for early childhood improvement programs;

(e) Amending the application process for school improvement grants;

(f) Researching and developing public school choice plans;

(g) Working with the Education and Workforce Policy Advisor and the Department of Community Colleges and Workforce Development to develop no fewer than six broad career endorsement areas of study; and

(h) Establishing criteria for learning options that may include alternative learning centers.

(3) The State Board of Education shall create, by rule, a process for school districts to initiate and propose pilot programs. The rules shall include a process for waivers of rules and regulations and a process for approval of the proposed pilot programs.
(4) The Department of Education shall make school districts and the public aware of public school choice options available within our current public education framework.

(5) The Department of Education shall:

(a) Evaluate pilot programs developed pursuant to ORS 329.690 using external evaluators to provide data that specify the educational effectiveness, implementation requirements and costs of the programs and to describe what training, funding and related factors are required to replicate pilot programs that are shown to be effective;

(b) Present to the State Board of Education and the appropriate legislative committee an annual evaluation of all pilot programs; and

(c) Include funding for the implementation and evaluation of pilot programs in the Department of Education budget.

(6) As used in this section:

(a) “Criterion-referenced assessment” means testing of the knowledge or ability of a student with respect to some standard.

(b) “Content-based assessment” means testing of the understanding of a student of a predetermined body of knowledge.

(c) “Performance-based assessment” means testing of the ability of a student to use knowledge and skills to create a complex or multifaceted product or complete a complex task. [Formerly 326.745; 1995 c.660 §8; 1997 c.652 §21; 1999 c.871 §1; 2003 c.303 §6]

Note: Section 7, chapter 660, Oregon Laws 1995, provides:

Sec. 7. Implementation of extended school year. Prior to implementation of an extended school year, the Department of Education shall study the fiscal, academic, societal and emotional impact of extended school year models being used in Oregon, the United States and other countries. The department shall report the findings of the study to the Legislative Assembly. [1995 c.660 §7]

329.077 Waiver or extension of timelines; requirements; process; rules.

(1) A school district may submit a request to the State Board of Education for a waiver or an extension of any timeline or timelines for program implementation in this chapter or chapter 693, Oregon Laws 1991. The request shall state the reasons the district needs the waiver or cannot meet the statutory timeline or timelines. The request must also include a written plan detailing the steps the district will take to achieve full implementation of the program or programs for which the waiver or extension is requested. The written plan shall be for a period of one to five years and shall include a method to measure the progress toward implementation of the program or programs for which a waiver or an extension is sought. The waiver or extension shall not exceed five school years.

(2) Upon receipt of a request for a waiver or an extension, the board shall grant the waiver or extension if it determines that the district has good cause to request a delay in the implementation of the program or programs and determines that the written plan is likely to achieve program implementation within the time requested for the waiver or extension.

(3) The board shall establish by rule the process for applying for and obtaining a waiver or an extension of a timeline, including the criteria for the approval of a written plan of implementation and the grounds constituting good cause for granting the delay in implementation of the program. [1995 c.660 §30; 2001 c.448 §1]

Note: 329.077 was added to and made a part of ORS chapter 329 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

329.080 [Repealed by 1963 c.544 §52]

(Assessing Effectiveness)

329.085 Assessment required; report to school district; standards. (1) To facilitate the attainment and successful implementation of educational standards under ORS 326.051 (1)(a), 329.025 and 329.035, the State Board of Education or its designee shall assess the effectiveness of each public school district. The findings of the assessment shall be reported to the school district within six months.

(2) The board shall establish the standards, including standards of accessibility to educational opportunities, upon which the assessment is based.

(3) On a periodic basis, the board shall review existing standards and, after public hearings and consultation with local school officials, shall adopt by rule a revised set of standards. [Formerly 326.755; 1995 c.660 §10a; 1997 c.17 §1]

329.090 [Repealed by 1963 c.544 §52]

329.095 School district self-evaluations; local district improvement plans; department’s technical assistance.

(1) The State Board of Education shall require school districts and schools to conduct self-evaluations and update their local district improvement plans on a biennial basis. The self-evaluation process shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district improvement plans to achieve the goals.
As part of setting local goals, school districts are encouraged to undertake a communications process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.

(3) At the request of the school district, Department of Education staff shall provide ongoing technical assistance in the development and implementation of the local district improvement plan.

(4) The local district improvement plan shall include district efforts to achieve local efficiencies and efforts to make better use of resources. Efficiencies may include, but are not limited to, use of magnet schools, energy programs, public and private partnerships, staffing and other economies.

(5) All school districts shall, as part of their local district improvement plan, develop programs and policies to achieve a safe, educational environment.

(6) Local district improvement plans shall include the district’s and school’s short-term and long-term plans for staff development.

(7) Local district and school goals and district and school improvement plans shall be made available to the public.

(8) The self-evaluations shall include a review of demographics, student performance, student access to and utilization of educational opportunities and staff characteristics. However, failure to complete the self-evaluation process shall not constitute grounds for withholding of state moneys.

[Formerly 326.760; 1995 c.660 §11]

329.100 [Repealed by 1963 c.544 §52]

329.105 School district and school performance reports; criteria for grading schools; included data. (1) The Superintendent of Public Instruction shall collect data and produce annual school district and school performance reports containing information on student performance, student behavior and school characteristics. The purpose of the performance reports is to provide information to parents and to improve schools through greater parental involvement.

(2)(a) In consultation with representatives of parents, teachers, school district boards and school administrators, the State Board of Education shall adopt, by rule, criteria for grading schools. Such criteria shall take into account student performance, improvement in student performance and the participation rate of students on the statewide assessments. The Superintendent of Public Instruction, based on the criteria adopted by the State Board of Education, shall assign a grade to each school for student performance, student behavior and school characteristics and also shall assign an overall grade to the school. The grades shall include classifications for exceptional performance, strong performance, satisfactory performance, low performance and unacceptable performance.

(b) The grades received by a school shall be included in the school district and school performance reports.

(c) If a school is within the low performance or unacceptable performance classification in any category, the school shall file a school improvement plan with the Superintendent of Public Instruction and with the school district board and the 21st Century Schools Council for the school.

(3) The Superintendent of Public Instruction shall include in the school performance reports data for the following areas, for each school, that are available to the Department of Education from the most recent school year:

(a) Enrollment in English as a second language courses under ORS 336.079;

(b) Attendance rates;

(c) School safety, such as expulsions involving weapons in the school;

(d) Students who met or exceeded standards leading to the Certificate of Initial Mastery;

(e) Dropout rates and the number of students who dropped out of school;

(f) Parent and community involvement such as volunteer hours;

(g) Classes taught by a teacher outside the teacher’s area of certification; and

(h) School staff, identified by category.

(4) The Superintendent of Public Instruction shall include in the school performance reports data for the following areas, for each school district, that are available to the Department of Education from the most recent school year:

(a) Resident students who attend a public school in another school district;

(b) Facilities used for distance learning;

(c) Election results of any bond levy proposed to the electors of the district;

(d) Expenditures;

(e) Level of support from the education service district;

(f) Administrators not assigned to a specific school;

(g) School district staff, identified by category; and

(h) Students who are eligible for special education.
(5) The Superintendent of Public Instruction shall notify the public and the media by January 30 of each year that school district and school performance reports are available at schools and school districts and at the Department of Education website and offices. The superintendent shall also include notice that copies of school and district improvement plans can be obtained from school and school district offices. Each school district shall send a copy of the school district and applicable school performance reports to each parent of a child enrolled in a public school in the school district. [Formerly 326.765; 1995 c.660 §12; 1999 c.938 §1; 2001 c.959 §2]

329.110 [Repealed by 1963 c.544 §52]

329.115 Oregon Report Card. (1) Prior to September 30 of each year, the Superintendent of Public Instruction shall issue an Oregon Report Card on the state of the public schools and progress toward achieving the goals contained in ORS 329.025 and 329.035.

(2) The purpose of the Oregon Report Card is to monitor trends among school districts and Oregon’s progress toward achieving the goals stated in this chapter. The report on the state of the public schools shall be designed to:

(a) Allow educators and local citizens to determine and share successful and unsuccessful school programs;

(b) Allow educators to sustain support for reforms demonstrated to be successful;

(c) Recognize schools for their progress and achievements; and

(d) Facilitate the use of educational resources and innovations in the most effective manner.

(3) The report shall contain, but need not be limited to:

(a) Demographic information on public school children in this state.

(b) Information pertaining to student achievement, including statewide assessment data, graduation rates and dropout rates, including progress toward achieving the education benchmarks established by the Oregon Progress Board, with arrangements by minority groupings where applicable.

(c) Information pertaining to special program offerings.

(d) Information pertaining to the characteristics of the school and school staff, including assignment of teachers, experience of staff and the proportion of minorities and women represented on the teaching and administrative staff.

(e) Budget information, including source and disposition of school district operating funds and salary data.

(f) Examples of exemplary programs, proven practices, programs designed to reduce costs or other innovations in education being developed by school districts in this state that show improved student learning.

(g) Such other information as the superintendent obtains under ORS 329.105.

(4) In the second and subsequent years that the report is issued, the report shall include a comparison between the current and previous data and an analysis of trends in public education. [Formerly 326.770; 1995 c.660 §13]

329.120 [Repealed by 1963 c.544 §52]

(Parental and Community Participation)

329.125 Policy on parental and community participation. The Legislative Assembly recognizes that students in public elementary and secondary schools can best reach the levels of performance expected under the provisions of this chapter with parental and community participation in the education process. It is, therefore, recommended but not required that:

(1) School districts provide opportunities for parents or guardians to be involved in establishing and implementing educational goals and to participate in decision-making at the school site;

(2) Employers recognize the need for parents or guardians and members of the community to participate in the education process not only for their own children but for the educational system;

(3) Employers be encouraged to extend appropriate leave to parents or guardians to allow greater participation in that process during school hours;

(4) School districts enter into partnerships with business, labor and other groups to provide workplace-based professional development opportunities for their educational staff; and

(5) School districts enter into partnerships with recreation groups, faith-based organizations, social service and health care agencies, businesses, child care providers and other groups that support children and families to create community learning centers for students, parents and members of the surrounding community. [Formerly 326.775; 1995 c.660 §14; 2001 c.759 §2]

329.130 [Repealed by 1963 c.544 §52]

(Services for Children and Families)

329.145 Definitions for ORS 329.150 and 329.155. As used in ORS 329.150 and 329.155:

(1) “Families” means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships
are similar to those found in such associations. The family’s purpose is the security, support, nurturance, love, transmission of values and facilitation of each member’s growth and development, and is the primary social unit affecting a child’s well-being.

(2) “Services” means education and all other programs and services addressing one or more of a child’s six basic needs as follows: stimulus, nutrition, health, safety, nurturance and shelter.

(3) “Young children” means children zero through eight years of age. [Formerly 326.785]

329.150 Services for children and families at school site; policy. A school district may provide services for children and families at the school site, which may include a community learning center. If the district chooses to provide services, the design of educational and other services to children and their families shall be the responsibility of the school district. School districts may coordinate services with programs provided through the local commissions on children and families to provide services to families. To ensure that all educational and other services for young children and their families offer the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children shall be observed to the maximum extent possible in all of its educational and other programs serving young children and their families, including those programs delivered through community learning centers:

(1) Services for young children and their families should be located as close to the child and the family’s community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, gender, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the welfare of the child and the family and be planned in consideration of the individual family’s values;

(4) Services should be designed to ensure continuity of care among caregivers in a given day and among service plans from year to year;

(5) Service systems should address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family. [Formerly 326.790; 1995 c.660 §15; 2001 c.789 §3]

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

(2) The Legislative Assembly finds that dollars invested in quality programs, such as the Head Start program after which the Oregon prekindergarten is modeled, return the costs thereof several times over in costs saved in the areas of remedial education, corrections and human services. [Formerly 336.005]

Note: 329.153 was added to and made a part of ORS chapter 329 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

329.155 Standards for education programs and programs providing services for children and families; interagency coordination. (1) State agencies that administer education programs and other programs that provide services for children and families shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025 and 417.305 in the earliest stages of the budget process, including components within programs as appropriate;

(b) Articulate ways in which the program is an effective component of agency and state priorities, goals and strategies, such as those developed by the Oregon Progress Board, or to relevant research and professional standards;

(c) Establish plans, interagency partnerships, implementation practices and interactions with local coordinated comprehensive plans;

(d) Utilize the information generated by applicable state advisory groups and by the local planning process administered by the State Commission on Children and Families in the program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and related recommendations, if any.

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination so as to serve to the greatest extent possible young children and their families in a comprehensive and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to sub-
sequent budget decisions by state and local agencies, the Oregon Department of Administrative Services and Legislative Assembly, and as a contribution to the planning and coordination tasks of the State Commission on Children and Families. [Formerly 326.795; 1999 c.59 §80; 1999 c.1053 §26]

(Community Learning Centers)

329.156 Creation; requirements; technical assistance. (1) The Department of Education, the Department of Human Services and the State Commission on Children and Families shall support the development and implementation of a network of community learning centers across the state.

(2) Within available funding, the state commission, in conjunction with local commissions on children and families or other organizations that provide training and technical assistance to schools or community programs, shall provide training and technical assistance to promote the development and implementation of community learning centers. To the extent possible, the state commission shall use voluntary organizations to provide the training and technical assistance.

(3) If a community learning center is created by a school district, the school district shall coordinate with the local commission on children and families to ensure that the community learning center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS 417.775.

(4) Community learning centers created pursuant to this section shall:

(a) Be located in or near a school or a cluster of schools;

(b) Involve parents in the care and education of their children;

(c) Involve the local community in developing and overseeing community learning center programs;

(d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

(e) In partnership with the local school district board, create or designate an advisory committee to offer guidance on program development and implementation, with membership that is representative of the diversity of community interests, including representatives of businesses, schools, faith-based organizations, social service and health care agencies, cultural groups, recreation groups, municipal governments, community colleges, libraries, child care providers, parents and youths;

(f) Conduct an assessment of strengths, needs and assets within the community to be served by the community learning center that identifies services being delivered in the community, defines and clarifies services that are missing or overlapping and builds on any existing community assessments; and

(g) Coordinate the community assessment with the local commission on children and families.

(5) The Department of Human Services and the Department of Education shall provide technical assistance to community learning centers to develop policies ensuring that confidential information is disclosed only in accordance with state and federal laws. [2001 c.759 §5; 2005 c.503 §16]

Note: 329.156 to 329.159 were added to and made a part of ORS chapter 329 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

329.157 Identification and coordination of existing resources. (1) Community learning centers shall promote identification and coordination of existing resources including, but not limited to, the following services and activities:

(a) Before-school and after-school enrichment activities linked with the school curriculum;

(b) Youth development and service learning activities;

(c) Child care programs;

(d) Mentoring and tutoring programs;

(e) Parent literacy and adult education programs;

(f) Prenatal and early childhood support programs;

(g) Parent education and support groups;

(h) Cultural activities and English as a second language programs;

(i) School-to-work and workforce development programs;

(j) Intergenerational activities connecting senior citizens with children;

(k) Referrals for health care and other social and educational services;

(L) Primary health care services, including immunizations, sports physicals and well-child checkups; and

(m) Counseling services.

(2) School districts that create community learning centers shall encourage existing family resource centers to become involved in the development and implementation of the community learning centers. An existing family resource center developed under ORS 417.725 may be designated as a community learning center if the family resource center meets the standards specified in this section and ORS 329.156.
(3) Community learning centers shall follow best practice standards to ensure their effectiveness. [2001 c.759 §6]

Note: See note under 329.156.

329.159 Evaluation; reporting. (1) Within available funding, the Department of Education shall, in conjunction with the Department of Human Services, the State Commission on Children and Families, representatives of local commissions on children and families, and the Juvenile Crime Prevention Advisory Committee, explore the feasibility of conducting a statewide evaluation of the effectiveness of community learning centers. The evaluation may consider the following outcomes:
   (a) Student attendance;
   (b) Test scores;
   (c) Parent involvement;
   (d) Family mobility;
   (e) Disciplinary referrals; and
   (f) Referrals to the juvenile justice system.

(2) The Department of Education, in consultation with the Department of Human Services, the State Commission on Children and Families, representatives of local commissions on children and families, and the Juvenile Crime Prevention Advisory Committee, shall create a form for reporting and monitoring information collected by community learning centers. The form shall be designed to collect the following data:
   (a) Unduplicated number of children and unduplicated number of adults served in community learning center programs;
   (b) Number of requests for information and other referrals;
   (c) Level of parent or customer satisfaction;
   (d) Increases in or reductions of collaboration among agencies and departments;
   (e) Increases in or reductions of the use of public facilities for community and family programs; and
   (f) Outcomes listed in subsection (1) of this section. [2001 c.759 §7]

Note: See note under 329.156.

(Early Childhood Education)

329.160 Policy on early childhood and parenting education; funding goals. It is the policy of this state to implement programs for early childhood education, for parenting education including instruction about prenatal care, for child-parent centers and for extended Oregon prekindergarten programs. By 1999, funding for programs shall be available for 50 percent of children eligible for Oregon prekindergarten programs, and, by 2004, full funding for programs shall be available for all eligible children. The Oregon prekindergarten program shall continue to be operated in coordination with the federal Head Start program in order to avoid duplication of services and so as to ensure maximum use of resources. The state shall continue funding Oregon prekindergarten programs with a goal to have full funding for all eligible children. [Formerly 326.810; 1995 c.660 §17]

329.165 Development of long-range plan for serving children and families. (1) In consultation with the advisory committee for the Oregon prekindergarten program, the Department of Education and the Department of Community Colleges and Workforce Development shall develop a long-range plan for serving eligible children and their families and shall report to each regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The department shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the prekindergarten program by 2004.

(2) The Department of Education and the Department of Community Colleges and Workforce Development shall include in their budget requests to the Governor funds sufficient to implement each two-year phase of the long-range plan.

(3) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs. [Formerly 326.813; 1995 c.660 §18]

329.170 Definitions for ORS 329.170 to 329.200. (1) As used in ORS 329.170 to 329.200:
   (a) “Advisory committee” means the advisory committee established specifically for the Oregon prekindergarten program established by ORS 329.170 to 329.200.

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

   (c) “Oregon prekindergarten program” means the statewide administrative activities carried on within the Department of Education to allocate, award and monitor state
funds appropriated to create or assist local Oregon prekindergartens.

(2) For purposes of ORS 329.175, “eligible child” means an at-risk child who is not a participant in a federal, state or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education. As used in this subsection, “at-risk child” means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start program. [Formerly 326.600; 2001 c.831 §15; 2005 c.209 §10]

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

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

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

(4) Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

(5) Oregon prekindergartens shall:

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law. [Formerly 326.605; 2001 c.831 §16]

329.180 [Formerly 326.610; repealed by 2001 c.831 §30]

329.183 Prekindergarten Program Trust Fund. (1) The Prekindergarten Program Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purpose of the trust fund is to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. For this purpose, the trust fund is continuously appropriated for and shall be expended only for the Oregon prekindergarten program described in ORS 329.170 to 329.200.

(2) The State Board of Education may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the State Board of Education. [1995 c.636 §4; 2001 c.831 §17]

329.185 Expansion of Oregon prekindergarten program. When the federal Head Start program provides funding for programs for eligible children at or greater than the 1990-1991 per child level, eligibility for the state funded Oregon prekindergarten program shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the State Board of Education may direct expenditure of any unexpended or unbudgeted funds
appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the State Board of Education shall include the cost of any added program for the children most in need in its biennial budget. [Formerly 326.815; 1995 c.660 §19; 2001 c.831 §18]

**Note:** 329.185 was added to and made a part of ORS chapter 329 by legislative action but was not added to 329.170 to 329.200. See Preface to Oregon Revised Statutes for further explanation.

### 329.190 Advisory committee. The Department of Education and the Department of Community Colleges and Workforce Development shall establish an advisory committee composed of interested parents and representatives from the State Commission on Children and Families, health care profession, early childhood education and development staff preparation programs, Oregon Head Start Association, school districts, community colleges, Early Intervention Council, child care and other organizations as considered necessary by the Department of Education and the Department of Community Colleges and Workforce Development to assist with the establishment of the Oregon prekindergarten program. [Formerly 326.615; 1999 c.39 §5; 2001 c.831 §19]

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

(2) In developing rules for the Oregon prekindergarten program, the board shall consult with the advisory committee and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Department of Education and the Department of Community Colleges and Workforce Development shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the State Board of Education shall distribute funds regionally based on percentages of unmet needs as identified in the voluntary local early childhood system plans that are part of the local coordinated comprehensive plans developed under ORS 417.775 for the county or region. [Formerly 326.620; 2001 c.831 §20]

### 329.200 Report on program by state superintendent; department to assess program effectiveness. (1) The Superintendent of Public Instruction shall report to the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten program or instituting other means of providing early childhood development assistance.

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

(a) The relationship of the state-funded Oregon prekindergarten program with the common school system;

(b) The types of children and their needs that the program should serve;

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

(d) The state administrative structure necessary to implement the program; and

(e) Licensing or endorsement of early childhood teachers.

(3) The Department of Education, in consultation with the Department of Community Colleges and Workforce Development, shall examine, monitor and assess the effectiveness of the Oregon prekindergarten program. The superintendent shall make biennial reports to the Legislative Assembly on the effectiveness of the program. [Formerly 326.625; 2001 c.831 §21; 2005 c.209 §11]

### 329.210 [Repealed by 1953 c.306 §18]

### (Early Childhood Improvement Program)

### 329.215 Definitions for ORS 329.215 to 329.235. As used in ORS 329.215 to 329.235:

1. “Approved program” means an early childhood education program approved by the Department of Education.

2. “At-risk children” means children who may have difficulty achieving in school and who meet criteria established by the State Board of Education by rule.

3. “Early childhood education” means educational programs that conform to the standards adopted by the State Board of Education by rule and that are designed for the education and training of children who are at least three years of age but have not passed their ninth birthday, and includes all special educational programs established and operated under this chapter.

4. “Early Childhood Improvement Program” means those programs meeting the...
criteria included in ORS 329.237 and complying with rules adopted by the State Board of Education.

(5) “Extended day services” means programs that serve young children and operate during hours beyond regular school time. [Formerly 343.415]

329.225 Operating guides for programs; approval of programs; program requirements. (1) The Department of Education shall prepare operating guides for early childhood education programs applicable to programs under ORS 329.215 to 329.235 that are consistent with requirements imposed by the State Board of Education by rule for kindergarten through grade three.

(2) The Department of Education shall review applications for approval of early childhood education programs and may approve those prekindergarten programs after considering:

(a) The educational adequacy and type of program.

(b) The number of children who will be served by the program.

(c) The availability of trained personnel and facilities.

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

(3) Providers of early childhood education programs shall:

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law. [Formerly 343.425; 2001 c.831 §22]

329.228 Early Childhood Education Trust Fund. (1) The Early Childhood Education Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purpose of the trust fund is to assist public school districts in providing programs designed to improve educational services for children enrolled in kindergarten through grade three. For this purpose, the trust fund is continuously appropriated to the Department of Education for programs described in ORS 329.215 to 329.235.

(2) The State Board of Education may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. The acceptance of federal grants for purposes of ORS 329.215 to 329.235 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the State Board of Education. [1981 c.636; 2005 c.209 §12]

329.235 Provision of early childhood education. Subject to the approval of the Superintendent of Public Instruction:

(1) The district school board of any school district in which there are resident children who are three years of age or older but who have not attained compulsory attendance age and who are not enrolled in a kindergarten of the district may:

(a) Provide early childhood education for such children as part of the district’s educational program; or

(b) When the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for instruction of such children in a school district operating an approved early childhood education program, subject to such reimbursement as the districts may agree.

(2) An education service district may operate an approved early childhood education program in the same manner as programs are provided under ORS 334.175 or 334.185. [Formerly 3 43.435]

329.237 Administration; program design; components. (1) The Department of Education shall administer the Early Childhood Improvement Program to assist public school districts in providing programs designed to improve educational services for children enrolled in kindergarten through grade three. Programs shall be based on research and proven successful practices.

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

(a) Targeted services for “at-risk” children that may be in cooperation with local commissions on children and families to provide services to families, which may include but are not limited to remedial and alternative academic programs, child care, parent participation and child development services.

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

(A) Are consistent with research findings on how children learn;
(B) Are sensitive to individual differences such as cultural background and learning styles; and

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

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

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

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

(3) In addition to the components listed in subsection (2) of this section, Early Childhood Improvement Programs may include but are not limited to the following components:

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

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

(4) The district application shall include:

(a) Plans developed by 21st Century Schools Councils at the school building level as described in ORS 329.704; and

(b) Demonstrated consistency with the local assessments and local coordinated comprehensive plans resulting from ORS 417.705 to 417.801.

(5) Funds shall be available to districts with approved applications on a per child basis for the district’s children enrolled in kindergarten through grade three. Funds not allocated shall be prorated to the districts with approved applications not later than the end of the fiscal year for which the allocation is made.

(6) If the district plan proposes use of innovative instructional materials, the State Board of Education, pursuant to ORS 337.050, may waive the use of such instructional materials as might otherwise have been required. [Formerly 336.435; 1995 c.680 §20; 1999 c.59 §81; 1999 c.1053 §27]

329.240 [Repealed by 1953 c.306 §18]

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

(2) The Department of Education shall review and approve applications by July 1 of each year. [Formerly 336.437]

329.250 [Repealed by 1953 c.306 §18]

(Child Development and Student-Parent Programs)

329.255 Child development specialists; services provided. (1) The district school board of every school district operating any elementary schools may make the services of a child development specialist available to the pupils enrolled in the elementary schools and their families.

(2) A child development specialist shall provide primary prevention services directly or in cooperation with others in settings in addition to the school setting:

(a) To pupils enrolled in the elementary school, with priority given at the primary level, including kindergarten, to assist them in developing positive attitudes toward themselves and others in relation to life career roles and to ensure that appropriate assessment and screening procedures that recognize academic and individual differences are provided for the early identification of talents and strengths on which to base a positive learning experience for each child.

(b) To the professional staff of the elementary school to assist them in early identification of pupils enrolled therein with learning or developmental problems.

(c) To parents of pupils enrolled in elementary schools to assist them in understanding their children’s unique aptitudes and needs and to aid in relating home, school and neighborhood experiences.

(d) To refer pupils enrolled in the elementary school and their families to appropriate state or local agencies for additional assistance as needed.

(e) To coordinate resources available through the community and the school.

(3) The district school board of every school district operating any elementary schools may make the services of a child development specialist, as described in subsection (2) of this section available to children four years of age or younger and their families residing in its district. If such children need assessment, the child development specialist shall ensure that appropriate assessment and screening procedures that recognize academic and individual differences are provided for early identification of barriers or needs that prevent successful transition to early education programs.

(4) School districts may provide the services authorized or required under this sec-
tion by contract with qualified state or local programs. [Formerly 343.125; 1995 c.660 §21; 1999 c.871 §§2,8]

329.260 [Repealed by 1953 c.306 §18]

329.265 State reimbursement for costs. (1) Following the close of each fiscal quarter for which reimbursement is claimed, any district making the services of a child development specialist available pursuant to ORS 329.255 in a state approved program shall file a verified claim with the Superintendent of Public Instruction for the reimbursement as designated in the notice of allotment for the costs incurred by the district in providing the services of the child development specialist.

(2) If the Superintendent of Public Instruction approves the application for reimbursement, the superintendent shall cause the district to be reimbursed in the amount claimed in accordance with the state approved program provided in subsection (1) of this section. In no case shall the state reimbursement from funds available for the child development specialist program exceed 75 percent of the approved annual cost of the program nor shall the state’s expenditure exceed the amount appropriated by the Legislative Assembly for this purpose. [Formerly 343.135]

329.275 State board guidelines; qualifications for child development specialists. (1) The State Board of Education by rule shall establish guidelines for implementation of ORS 329.255 and 329.265, including but not limited to qualifications for child development specialists and procedures for community coordination of efforts. Such qualifications and procedures shall not be limited to traditional treatment oriented disciplines or the various disciplines requiring certification.

(2) Exceptions to the qualifications established by the state board may be made if the state board determines after a hearing that an individual is capable of performing the required functions. [Formerly 343.145; 1999 c.871 §§4,5]

329.280 [Repealed by 1953 c.306 §18]

329.290 [Repealed by 1953 c.306 §18]

329.300 [Repealed by 1953 c.306 §18]

329.310 [Repealed by 1953 c.306 §18]

329.320 [Repealed by 1953 c.306 §18]

329.330 [Repealed by 1953 c.306 §18]

329.340 [Repealed by 1953 c.306 §18]

329.350 [Repealed by 1953 c.306 §18]

329.360 [Repealed by 1953 c.306 §18]

329.385 Child development programs; student-parent programs; grants. (1) The Department of Education shall prepare operating guides for child development programs and for student-parent programs applicable to programs under this section that are consistent with requirements imposed by the State Board of Education.

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

(a) The educational adequacy and type of programs.

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

(c) The availability of trained personnel and facilities.

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

(3) In approving applications for child development programs, the department shall require that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for child development curriculum and in the formulation and initiation of on-site child development centers. Each center must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for student-parent programs, the department shall require that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for appropriate education for student-parents leading to graduation and in the formulation and development of appropriate on-site child care facilities. Each facility must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to the needs of the student-parents.

(5) As used in this section:

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

(b) “Student-parent program” means an educational program that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent’s child. [Formerly 336.850; 1995 c.278 §38; 2005 c.94 §113]

329.390 [Repealed by 1953 c.306 §18]

329.395 Definitions for ORS 329.395 to 329.425. As used in ORS 329.395 to 329.425:

(1) “Child development program” means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of an education component and a child care component.
(2) “Teenage parent program” means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent’s child. [Formerly 336.870; 1995 c.278 §39]

329.400 [Repealed by 1953 c.306 §18]

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

329.415 Operating guides and grant procedures for ORS 329.395 to 329.425. (1) The Department of Education shall prepare operating guides for child development programs and for teenage parent programs applicable to programs under ORS 329.395 to 329.425 that are consistent with requirements imposed by the State Board of Education.

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

(a) The educational adequacy and type of programs.

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

(c) The availability of trained personnel and facilities.

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

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

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

(5) Results of the study required by ORS 329.405 shall be used as a basis for school district planning. [Formerly 336.880]

329.420 [Repealed by 1953 c.306 §18]

329.425 Grants under ORS 329.395 to 329.425. (1) An approved school district child development program shall be entitled to receive a grant not to exceed $50,000.

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

(3) A district may receive grants under both subsections (1) and (2) of this section but no district is entitled to receive more than $75,000 for the grant period. [Formerly 336.885]

329.430 [Repealed by 1953 c.306 §18]

329.440 [Repealed by 1953 c.306 §18]

(Diplomas; Certificates of Mastery)

329.445 Recognition of needs of middle educational levels. The Department of Education shall review district improvement plans to ensure that the school restructuring efforts framed in this chapter address the unique learning and developmental needs of the middle educational levels between the early childhood education and Certificate of Initial Mastery levels detailed in this chapter. [Formerly 326.730; 1995 c.660 §22]

329.447 Diploma; certificates; career endorsements; subject area endorsements. (1) School districts shall continue to issue diplomas to students as evidence that students have completed their public school education. At or before grade 12, a diploma shall be conferred upon all students completing the requirements established by the State Board of Education and the school districts. In addition to the diploma, school districts shall make the following available:

(a) A certificate, to be conferred upon students who with additional services and accommodations do not meet the standards for the Certificate of Initial Mastery.

(b) Certificate of Initial Mastery, to be conferred upon all students meeting state and local standards and requirements for the Certificate of Initial Mastery in particular subjects pursuant to ORS 329.465.

(c) Certificate of Advanced Mastery, to be conferred upon all students meeting state and local standards and requirements for the Certificate of Advanced Mastery in one of the areas pursuant to ORS 329.475.

(d) Career endorsements, which are focus areas that identify a high quality career related course of study which informs students about future choices and simultaneously prepares them for further education, lifelong learning and employment.

(2) In addition to the diploma, certificates and career endorsements required by subsection (1) of this section, school districts may offer Certificate of Initial Mastery subject
area endorsements, to be conferred upon all students meeting state and local standards and requirements for a subject area endorsement pursuant to ORS 329.465. [1995 c.660 §25; 2003 c.503 §7]

329.450 [Repealed by 1953 c.306 §18]

329.451 Requirements for diploma. (1) In order to receive a high school diploma from a school district, a student must meet the requirements established by the State Board of Education and, while in grades 9 through 12, must complete:

(a) At least 24 credit hours, as defined by rule of the board;

(b) Three years of mathematics; and

(c) Four years of English.

(2) Notwithstanding subsection (1) of this section, a school district may award a diploma to a student who does not meet the requirements of subsection (1)(b) or (c) of this section if the student:

(a) Has met or exceeded the academic content standards for mathematics or English established by the board; or

(b) Displays proficiency in mathematics or English at a level established by the board. [2005 c.827 §1]

Note: Section 3, chapter 827, Oregon Laws 2005, provides:
Sec. 3. The requirements of section 1 of this 2005 Act [329.451] apply to students who receive a high school diploma from a school district on or after July 1, 2009. [2005 c.827 §3]

Note: 329.451 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.455 [Formerly 335.125; repealed by 1995 c.660 §50]

329.460 [Repealed by 1953 c.306 §18]

329.465 Certificate of Initial Mastery; subject area endorsements. (1) The State Board of Education shall adopt academic content standards and requirements for the Certificate of Initial Mastery and for Certificate of Initial Mastery subject area endorsements.

(2) The State Board of Education shall prescribe the academic content standards, pursuant to ORS 329.025 and 329.035, that a student must meet in order to obtain the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area endorsement. The Certificate of Initial Mastery and the Certificate of Initial Mastery subject area endorsements shall be based on a series of performance-based assessments and content assessments benchmarked to mastery levels. The assessment methods shall include work samples and tests. The state board shall establish a certificate for students who, with additional services and accommodations, do not meet the standards for the Certificate of Initial Mastery. Students shall be allowed to collect credentials over a period of years, culminating in a project or exhibition that demonstrates attainment of the required knowledge and skills that have been measured by a variety of valid assessment methods.

(3) Requirements for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area endorsement shall:

(a) Ensure that students have the necessary knowledge and demonstrate the skills to read, write, problem solve, reason and communicate;

(b) Ensure that students have the opportunity to demonstrate the ability to learn, think, retrieve information and use technology;

(c) Ensure that students have the opportunity to demonstrate that they can work effectively as individuals and as an individual in group settings; and

(d) Ensure that student assessment is based on academic content standards.

(4)(a) The state board shall establish the minimum number of work samples that a student must complete in each subject to receive the Certificate of Initial Mastery or to receive a Certificate of Initial Mastery subject area endorsement.

(b) If a school district receives the approval of the Department of Education, the school district may require a student, as part of the requirements for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area endorsement, to complete a greater number of work samples for a particular subject than the minimum number established by the state board.

(5) The state board shall adopt requirements for the Certificate of Initial Mastery in mathematics, science and English. Each school district shall implement the Certificate of Initial Mastery in mathematics, science and English.

(6) In addition, the state board shall adopt requirements for Certificate of Initial Mastery subject area endorsements in history, geography, economics, civics, physical education, health, the arts and second languages. A school district may offer to the students of the school district a Certificate of Initial Mastery subject area endorsement in any of the following:

(a) History, geography, economics and civics.

(b) Physical education.

(c) Health.

(d) The arts.
(e) Second languages.

(7) A student may receive a Certificate of Initial Mastery subject area endorsement only if the student has received the Certificate of Initial Mastery.

(8) The state board or a school district may not make the creation of a student portfolio a requirement for the Certificate of Initial Mastery or a Certificate of Initial Mastery subject area endorsement.

(9) The provisions of this section may be applied individually as appropriate to students enrolled in special education programs under ORS chapter 343.

(10) The Department of Education shall develop procedures to accommodate out-of-state students, students taught by a parent, legal guardian or private teacher as described in ORS 339.030, private school students transferring into public schools and migrant children from other states and countries.

(11) Nothing in this section is intended to apply the Certificates of Mastery programs or standards to private school students or students taught by a parent, legal guardian or private teacher as described in ORS 339.030. [Formerly 335.140; 1995 c.660 §23; 1999 c.717 §3; 1999 c.1029 §4; 2003 c.303 §8]

329.467 Submission of Certificate of Initial Mastery materials. The State Board of Education shall submit Certificate of Initial Mastery standards, requirements and plans for implementation to the legislative interim committees on education for input and direction before administrative rules for the Certificate of Initial Mastery are adopted. [1995 c.660 §24a]

329.470 [Repealed by 1953 c.306 §18]

329.475 Certificate of Advanced Mastery with career endorsements. (1) After the State Board of Education adopts standards and rules for the Certificate of Advanced Mastery, each school district shall institute programs that allow students to qualify for a Certificate of Advanced Mastery with career endorsements that prepare students for post-secondary academic pursuits and professional technical careers.

(2) School districts may implement the programs in a public education institution such as a public school, education service district, community college, public professional technical school or institution of higher education, or any combination thereof, that enrolls the student and meets the requirements of the State Board of Education.

(3) The programs must provide a combination of work-related learning experiences and study in accordance with ORS 329.855.

The program shall include a comprehensive educational component that meets rigorous academic standards.

(4) All courses necessary for a Certificate of Advanced Mastery shall be available to all students.

(5) The State Board of Education shall adopt a framework for the Certificate of Advanced Mastery programs and timelines for implementation of the programs for the school districts to follow as resources become available to the school districts. The Department of Education may provide technical assistance to assist school districts in the implementation of the Certificate of Advanced Mastery programs.

(6) In establishing the requirements for Certificates of Advanced Mastery with career endorsements, the State Board of Education shall adopt rules that facilitate movement among the endorsements and shall encourage public school choice and mobility so as to enhance a student’s opportunities for a full range of educational experiences.

(7) The public education institution shall be reimbursed for the student’s tuition by the district in which the student resides pursuant to ORS 339.115 and rules of the State Board of Education, in an amount not to exceed the student’s tuition or the amount the district receives for the student from state funds, whichever is less. A school district shall not receive state funds for the student in an amount that exceeds the student’s tuition. Any adult who wishes to pursue an endorsement, or any student having earned the Certificate of Advanced Mastery or a diploma or who has attained 19 years of age and who wishes to continue a program, may do so by paying tuition. As used in this section, “public education institution” does not include a public school to which a student has transferred under ORS 329.485.

(8) Programs developed under this section shall meet the highest academic standards possible and provide students with opportunities for a broad range of quality work-related learning experiences.

(9) A high school diploma issued by a private or out-of-state secondary school as signifying successful completion of grade 12 shall be considered equivalent to a high school diploma issued by an Oregon public school. [Formerly 335.150; 1995 c.660 §28; 1995 c.769 §1; 1997 c.353 §1; 2003 c.303 §9]

Note: Section 27, chapter 660, Oregon Laws 1995, provides:

Sec. 27. Certificate of Advanced Mastery implementation by school districts; incentive programs. (1) Pursuant to the standards and rules adopted by the State Board of Education, each school district prior to September 1, 2008, shall institute programs that allow students to qualify for the Certificate of Advanced Mastery. However, a school district is not required to
329.485 Statewide assessment system; types of assessments; subjects; additional services or alternative educational options. (1)(a) The Department of Education shall implement statewide a valid and reliable assessment system for all students that meets technical adequacy standards. The assessment system shall include criterion-referenced assessments including performance-based assessments, content-based assessments, as those terms are defined inORS 329.075, and other valid methods to measure the academic content standards and to identify students who meet or exceed the standards for each mastery level leading to the Certificate of Initial Mastery, Certificate of Initial Mastery subject area endorsements and the Certificate of Advanced Mastery.

(b) The Department of Education shall develop the statewide assessment system in mathematics, science, English, history, geography, economics and civics.

(2) School districts and public charter schools shall implement the statewide assessment system in mathematics, science and English. In addition, school districts and public charter schools may implement the statewide assessment system in history, geography, economics and civics.

(3) Each year the resident district shall be accountable for determining the student’s progress toward achieving the academic content standards. Progress toward the academic content standards shall be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding the academic content standards. In addition, the district shall adopt a grading system based on the local school district board adopted course content of the district’s curriculum. The grading system shall clearly enable the student and parents to know how well the student is achieving course requirements.

(4) If a student has not met or has exceeded all of the academic content standards, the school district shall make additional services or alternative educational or public school options available to the student.

(5) If the student to whom additional services or alternative educational options have been made available does not meet or exceed the academic content standards within one year, the school district, with the consent of the parents, shall make an appropriate placement, which may include an alternative education program or the transfer of the student to another public school in the district or to a public school in another district that agrees to accept the student. The district that receives the student shall be entitled to payment. The payment shall consist of:

(a) An amount equal to the district expenses from its local revenues for each student in average daily membership, payable by the resident district in the same year; and

(b) Any state and federal funds the attending district is entitled to receive payable as provided inORS 339.133 (2). [Formerly 335.150; 1995 c.660 §29; 2003 c.303 §10; 2005 c.220 §1]

329.487 [1995 c.660 §26; 2001 c.443 §1; deferred by 2003 c.303 §17]

329.489 American Sign Language; proficiency; curricula development; teachers. (1) Within the State of Oregon’s kindergarten through grade 12 education system, proficiency for students in American Sign Language shall be in accordance with rules adopted by the State Board of Education pursuant toORS chapter 329 and any other applicable state or federal law.

(2) The State Board of Education is encouraged to continue to:

(a) Coordinate with the State Board of Higher Education and the Oregon State School for the Deaf to develop curricula for American Sign Language courses;

(b) Implement programs to locate and prepare qualified teachers and interpreters of American Sign Language; and

(c) Assist public high schools in identifying local and regional needs and resources available for American Sign Language courses. [1995 c.687 §1]

Note: 329.489 was enacted into law by the Legislative Assembly but was not added to or made a part ofORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

329.490 [Repealed by 1953 c.306 §18]

329.492 Oregon Studies; academic content standards. (1) The Department of Education shall develop academic content standards for Oregon Studies. The department shall consult with the Oregon Historical Society in the development of the
academic content standards in Oregon Studies and in the preparation of materials to support teacher training and classroom instruction in Oregon Studies. The materials shall include a balanced presentation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.

(2) The Oregon Historical Society may use any public funds allocated to the Oregon Historical Society for the purposes of this section. In addition, the Oregon Historical Society may raise additional funds from private sources for the purposes of this section.

OREGON 21st CENTURY SCHOOLS PROGRAM

329.537 Funding for Oregon 21st Century Schools Program and School Improvement and Professional Development program. (1) There is a high priority given to the Oregon 21st Century Schools Program under ORS 329.537 to 329.605 and the School Improvement and Professional Development program under ORS 329.675 to 329.745. Therefore, in addition to other funds available for the purposes of the Oregon 21st Century Schools Program and the School Improvement and Professional Development program, as funds become available, an additional amount may be allocated by the Legislative Assembly for the purposes of these programs. The amount shall be distributed to eligible school districts at the same time and in the same manner as the State School Fund is distributed. The amount distributed to any eligible school district depends on the amount approved in the school district’s application.

(2) The decision to distribute funds under this section shall be made by the State Board of Education on advice of the Oregon 21st Century Schools Advisory Committee.

329.545 Policy for program. The Legislative Assembly finds that:

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

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

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

(4) In exchange for such flexibility, teachers, administrators and the public should be held accountable to clear and measurable standards of student learning and other educational performance.
(b) To encourage educators, school districts and local citizens to establish measurable goals for educational attainment and increased expectations for student performance, including but not limited to improvement in such performance measures as:

(A) Student dropout rates;

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

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

(D) Student conduct and disciplinary actions;

(E) Student expectations and attitudes towards learning; and

(F) Student success in college, professional and other post-secondary programs. [Formerly 336.540; 1995 c.278 §40; 1995 c.343 §28; 1995 c.660 §31]

329.560 [Repealed by 1953 c.306 §18]

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

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

(a) An individual school building;

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

(c) All school buildings within a district; or

(d) A consortium consisting of two or more school districts. [Formerly 336.545]

329.570 Application; district planning committee; eligibility. (1) To the extent practicable, the development of the application and the administration of programs under ORS 329.537 to 329.605 shall be delegated by the state and school districts to the 21st Century Schools Councils.

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

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

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

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

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

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

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

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

(A) The major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 329.555 (2).

(B) The specified measures of student learning and achievement, including but not limited to those described in ORS 329.555 (2) for each building affected by the application.

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

(4) The local district school board shall be responsible for submitting the application and certifying that all appropriate requirements of ORS 329.537 to 329.605 have been met. [Formerly 336.550; 1995 c.660 §32]

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

(a) A letter of support from the school board and the exclusive representative of teachers in the buildings affected if waiver of a collective bargaining obligation over mandatory subjects of collective bargaining, a right or obligation under a collective bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608, 342.610, 342.613 or 342.650 is required.

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

(c) A description of the goals and major activities to be carried out as part of the project, including but not limited to the nature and extent of the restructuring of school operations and formal relationships as described in ORS 329.555 (2). The application shall also describe the process used to iden-
tify the goals and major activities of the project.

(d) A list of the major student learning and educational outcomes that are projected to occur as a result of the project, including but not limited to those outcomes described in ORS 329.555 (2).

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

(f) A description of all district rules and agreements that are to be modified or waived. All such provisions shall be approved by a majority vote of each 21st Century Schools Council, the affirmative vote of at least two-thirds of the licensed teachers in the affected school buildings and the approval of the local district school board and the exclusive representative of the teachers if waiver of a collective bargaining obligation over mandatory subjects of collective bargaining, a right or obligation under a collective bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608, 342.610, 342.613 or 342.650 is required.

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

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

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

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

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

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

(3) The application may also contain written statements of support from parents, citizens, local businesses and other interested individuals and organizations. [Formerly 336.555; 1997 c.660 §33; 1997 c.864 §21]

329.595 Rules on applications; review of applications; recommendations to state board. (1) The Oregon 21st Century Schools Advisory Committee, appointed by the State Board of Education under ORS 329.700, shall propose rules, for adoption by the state board, to govern the submission and approval of applications under ORS 329.537 to 329.605.

(2) The advisory committee shall review all applications submitted under ORS 329.537 to 329.605 and recommend applications for approval by the state board including but not limited to the following criteria:

(a) The existence of significant, measurable and achievable goals based on student performance;

(b) The extent to which the district has demonstrated the need for the requested modifications and waiver of specified statutes and rules and local policies and agreements;

(c) The extent to which the application proposes significant changes in the structure of school operations and the formal relationships between teachers, administrators, other school personnel and public citizens, as described in ORS 329.555;

(d) The clarity of purpose and values underlying the proposal;

(e) Evidence of thoroughness in identifying, developing and projecting implementation of the proposed activities;

(f) Evidence of potential transferability of the proposed activities and practices that are judged to be successful;
A determination that modification or waiver of statutes and rules and local policies and agreements will not be detrimental to the health, safety or constitutional rights of students, teachers, administrators, other school personnel or the public under state or federal law; and

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

The advisory committee may suggest modifications in submitted applications, subject to the approval of the school board, the exclusive representative of teachers if waiver of a collective bargaining obligation over mandatory subjects of collective bargaining, a right or obligation under a collective bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608, 342.610, 342.613 or 342.650 is required, and each 21st Century Schools Council involved in the project.

The state board shall consider the recommendations of the advisory committee and make the final decisions on approval of the applications, using the criteria contained in subsection (2) of this section. Before making these decisions, the state board shall allow opportunity for comment by persons submitting the applications and by the public. [Formerly 336.560; 1997 c.864 §22]

329.600 District annual report; proposed plan amendment. (1) Each district that receives approval for a project under the Oregon 21st Century Schools Program shall submit an annual report to the advisory committee appointed under ORS 329.700 and to the local community. The report shall include specific data that reflect the nature and extent of changes in student learning and other performance as described in its application.

(2) Along with its annual report, a district may submit proposed amendments to its approved program describing additional statutes, rules or local policies and agreements that it proposes to waive. Such amendments must be accompanied by a statement of support from the local school board, the exclusive representative of teachers if waiver of a collective bargaining obligation over mandatory subjects of collective bargaining, a right or obligation under a collective bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608, 342.610, 342.613 or 342.650 is required, and each 21st Century Schools Council involved in the project. The advisory committee may recommend approval of such amendments upon a finding of satisfactory progress by the district and a determination that all other provisions of ORS 329.537 to 329.605 have been met.

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

(4) If, after the probationary period described in subsection (3) of this section, the district’s progress is still unsatisfactory in the judgment of the advisory committee, the advisory committee may recommend that the state board terminate the project and implement its plan for returning to compliance with previously waived statutes, rules and local policies and agreements.

(5) A district may terminate its application by submitting to the board a request for termination that has been approved by the school board, the exclusive representative of teachers if waiver of a collective bargaining obligation over mandatory subjects of collective bargaining, a right or obligation under a collective bargaining contract or any right under ORS 243.650 to 243.782, 342.513, 342.545, 342.553, 342.608, 342.610, 342.613 or 342.650 is required, and the 21st Century Schools Council. [Formerly 336.565; 1997 c.864 §23]

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

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

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

(3) Regularly collect relevant information from participating educators, school building personnel and district personnel. [Formerly 336.570]

329.610 [Repealed by 1963 c.22 §2]
329.620 [Repealed by 1963 c.22 §2]
329.630 [Repealed by 1963 c.22 §2]
329.640 [Repealed by 1963 c.22 §2]
329.650 [Repealed by 1963 c.22 §2]
329.660 [Repealed by 1963 c.22 §2]
329.670 [Repealed by 1963 c.22 §2]
SCHOOL IMPROVEMENT AND PROFESSIONAL DEVELOPMENT PROGRAM

(Generally)

329.675 Definitions for ORS 329.675 to 329.745 and 329.790 to 329.820. As used in ORS 329.675 to 329.745 and 329.790 to 329.820:

(1) “Beginning administrator” means an administrator who:

(a) Is employed as an administrator by a school district; and

(b) Has been assigned for fewer than three successive school years as a licensed or acting administrator in any public, private or state-operated school.

(2) “Beginning teacher” means a teacher who:

(a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than three successive school years as a licensed probationary teacher in any public, private or state-operated school.

(3) “Mentor” means a teacher or administrator who:

(a) Possesses a teaching, personnel service or administrative license issued by the Teacher Standards and Practices Commission;

(b) Has successfully served for three or more years as a licensed teacher or administrator in any public school;

(c) Has been selected and trained as described in ORS 329.815; and

(d) Has demonstrated mastery of the appropriate subject matter knowledge and teaching and administrative skills.

(4) “Mentorship program” means a program provided by a mentor teacher or administrator to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning. [Formerly 336.705; 1995 c.660 §34; 1997 c.249 §85; 1997 c.383 §7; 2001 c.317 §1] 329.680 (Repealed by 1963 c.22 §2]

329.685 Policy on school goals. (1) Further initiatives to promote educational excellence in the public schools are of vital importance in increasing student learning and strengthening Oregon’s economy.

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

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

(4) The establishment of 21st Century Schools Councils for the school district and for individual schools is desirable to encourage new initiatives in school-based management and the assessment of educational progress, to provide new and expanded career opportunities for teachers and to facilitate efforts to restructure the school workplace to provide educators with greater responsibility while increasing their accountability. [Formerly 336.710]

(School Improvement and Professional Development)

329.690 School Improvement and Professional Development program established. (1) Oregon hereby establishes a School Improvement and Professional Development program to encourage the following:

(a) The development of educational goals for individual schools and school districts;

(b) The assessment of the educational progress of school programs and students;

(c) The expansion of professional growth and career opportunities for Oregon teachers;

(d) The restructuring of the school workplace to provide teachers with responsibilities and authority commensurate with their status as professionals;

(e) The development and coordination of pilot programs to evaluate the viability of proposed rules, policies or recommendations that affect professional practices associated with teaching methods, curricula, instructional materials, instructional format and organization, assessment and testing related to this chapter; and

(f) The identification of validated educational research used to substantiate the rationale for initiating pilot programs.
(2) All programs in ORS 329.675 to 329.745 and 329.790 to 329.820 are subject to the availability of funds appropriated therefor. [Formerly 336.715; 1995 c.660 §35]

### 329.695 Grant applications; evaluation; duration of grant; representation in selection.

1. The School Improvement and Professional Development program shall be administered by the Department of Education according to rules established pursuant to ORS 329.675 to 329.745 and 329.790 to 329.820 by the State Board of Education.

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

3. The Department of Education shall be responsible for evaluating district proposals according to rules and criteria established by the State Board of Education.

4. Grants under this program shall be effective for one or two calendar years and are renewable. A district may apply to continue its grant for one or two years but in no event is the district entitled to receive more than $1,000 for each teacher for whom a grant is received during the continuation period.

5. In awarding grants, the Department of Education shall work to insure a representation of school districts of different sizes and in different geographical locations. [Formerly 336.720]

### 329.700 Oregon 21st Century Schools Advisory Committee; membership; application deadlines for grants; amount; distribution.

1. The State Board of Education shall appoint an Oregon 21st Century Schools Advisory Committee to propose rules for the submission and approval of grants and programs, including but not limited to rules for the Oregon 21st Century Schools Program under ORS 329.537 to 329.605, the School Improvement and Professional Development program under ORS 329.675 to 329.745 and the beginning teacher and administrator mentorship program under ORS 329.790 to 329.820.

2. (a) The advisory committee shall include teachers, who shall constitute a majority of the 15 members, and one member from each of the following groups, at least one of whom must be a member of a minority:
   
   (A) School administrators;
   
   (B) School board members;
   
   (C) Education school faculty;
   
   (D) Classified district employees;
   
   (E) Parents of children currently in pre-kindergarten through grade 12 of the public school system; and
   
   (F) Members of the business and labor community.

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

3. The deadline for applications submitted by districts for the School Improvement and Professional Development program under ORS 329.675 to 329.745 and the mentorship program under ORS 329.790 to 329.820 shall be April 1 preceding the school year for which they are proposed. The Department of Education shall review all applications and shall approve or reject them no later than June 1 preceding the school year for which they are proposed.

4. Districts that qualify for 21st Century Schools grants under ORS 329.537 to 329.605, School Improvement and Professional Development program grants under ORS 329.675 to 329.745 and mentorship program grants under ORS 329.790 to 329.820 shall receive up to $3,000 per year for every full-time equivalent beginning teacher and administrator deemed eligible for this program.

5. Subject to ORS 291.230 to 291.260, the Superintendent of Public Instruction shall distribute grants-in-aid to eligible school districts so that at least three-quarters of the allocation due to each eligible district is received no later than February 1 of each fiscal year and the remainder when all required reports are filed with the Department of Education. If underpayments or overpayments result, adjustments shall be made in the following year. [Formerly 336.730; 1995 c.660 §36; 2001 c.317 §2]

### 329.704 Local 21st Century Schools Councils; duties; composition; selection; district site committees.

1. Nothing in this section shall interfere with the duties, responsibilities and rights of duly elected school district boards. There shall be established at each school a 21st Century Schools Council. The duties of a 21st Century Schools Council shall include but not be limited to:

   (a) The development of plans to improve the professional growth of the school’s staff;

   (b) The improvement of the school’s instructional program;

   (c) The development and coordination of plans for the implementation of programs under this chapter at the school;

   (d) The administration of grants-in-aid for the professional development of teachers and classified district employees; and

   (e) Advising the school district board in the development of a plan for school safety.
and student discipline under section 5, chapter 618, Oregon Laws 2001.

(2) A 21st Century Schools Council shall be composed of teachers, parents, classified employees and principals or the principal's designee, as follows:

(a) Not more than half of the members shall be teachers;
(b) Not more than half of the members shall be parents of students attending that school;
(c) At least one member shall be a classified employee; and
(d) One member shall be the principal of the building or the principal's designee.

(3) In addition, other members may be as the school district shall designate, including but not limited to local school committee members, business leaders, students and members of the community at large.

(4) Members of a 21st Century Schools Council shall be selected as follows:

(a) Teachers shall be licensed teachers elected by licensed teachers at the school site;
(b) Classified employees shall be elected by classified employees at the school site;
(c) Parents shall be selected by parents of students attending the school; and
(d) Other representatives shall be selected by the council.

(5) If a school district board determines that a school site is unable to fulfill the requirements of this section or if the needs of a school site require a different composition, the school district board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

(6) All 21st Century Schools Council meetings shall be subject to the open meetings law pursuant to ORS 192.610 to 192.690.

(7) A school district may establish a district site committee to assist in the administration of grants or in the district-wide coordination of programs.

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

(a) Except for state-operated schools, the school district in its application shall certify that its proposal has been approved by the school board and is consistent with existing district policies, rules and contracts bargained under ORS 243.650 to 243.782.
(b) The administration of grant programs under ORS 329.675 to 329.745 and 329.790 to 329.820 shall be consistent with existing district policies, rules and contracts bargained under ORS 243.650 to 243.782.

(2) Nothing in this section is intended to make grants under ORS 329.675 to 329.745 and 329.790 to 329.820 subject to collective bargaining.

329.715 Application content. To be eligible for funding, a district's application shall include the following:

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

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

(a) Class size and teaching loads;
(b) A profile of the teaching and administrative personnel, including such characteristics as years of experience, rate of turnover and absenteeism;
(c) The frequency and nature of teacher misassignments;
(d) The socioeconomic status of the community;
(e) The ability and willingness of a school district to provide financial support for the schools;
(f) Measures of student progress as measured on school district or state assessments, or both;
(g) Attendance and dropout rates;
(h) Student conduct and disciplinary actions;
(i) Measures of student success in professional, college and other post-secondary programs; and
(j) Student expectations and attitudes toward learning.

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

(4) Certification by the school district that none of the moneys received through ORS 329.675 to 329.745 and 329.790 to 329.820 shall be used to replace expenditures for ex-
isting programs for professional growth and career opportunities.

(5) A description of how the district will evaluate the effectiveness of its School Improvement and Professional Development grant, using educational goals and an index of teaching and learning conditions. [Formerly 336.765; 1995 c.344 §29]

329.730 [Amended by 1961 c.522 §2; 1963 c.544 §24; renumbered 330.085]

329.735 [Formerly 336.775; repealed by 2001 c.317 §11]

329.720 [Amended by 1961 c.522 §2; 1963 c.544 §24; renumbered 330.085]

329.725 [Formerly 336.775; repealed by 2001 c.317 §11]

329.730 [Amended by 1957 c.310 §6; 1959 c.518 §1; 1961 c.522 §3; repealed by 1963 c.282 §16]

329.735 Evaluation of district programs. (1) The Department of Education shall be responsible for conducting a comprehensive evaluation of all district programs under ORS 329.675 to 329.745 and 329.790 to 329.820 and reporting to the Legislative Assembly.

(2) The evaluations shall include an assessment of the performance of district programs as measured against those requirements outlined in ORS 329.715. [Formerly 336.780]

329.740 [Renumbered 330.115]

329.745 Dedication of available funds for professional development centers. To administer ORS 329.675 to 329.745, the Department of Education shall dedicate a portion of its funds, not to exceed 10 percent of the total appropriated for the purposes of ORS 329.675 to 329.745 and 329.790 to 329.820 and reporting to the Legislative Assembly.

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

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

(3) Carry out other purposes of ORS 329.675 to 329.745. [Formerly 336.780]

329.750 [Renumbered 330.125]

329.753 [Formerly 342.017; repealed by 1995 c.660 §50]

329.755 [1955 c.22 §1; 1957 c.89 §3; renumbered 330.135]

(Teacher Corps)

329.757 Oregon Teacher Corps. (1) There is hereby created an Oregon Teacher Corps program within the Oregon Student Assistance Commission to encourage the entry of certain qualified persons into the teaching profession through the use of forgivable student loans for those who complete three years of successful teaching in a public school in this state.

(2) All programs in ORS 329.757 to 329.780 are subject to the availability of funds appropriated therefor. [Formerly 348.120; 1989 c.704 §5]

329.760 [Amended by 1953 c.538 §2; renumbered 330.145]

329.765 Administration of corps. (1) The Oregon Student Assistance Commission shall administer the Oregon Teacher Corps program insofar as practicable in the same manner as the loan program under ORS 348.050 is administered and make rules for the selection of qualified applicants.

(2) Eligibility for the Oregon Teacher Corps is limited to those prospective teachers whom the Oregon Student Assistance Commission determines to have graduated, or currently rank, in the top 20 percent of their high school or college class. The commission shall assess each applicant’s potential for teaching through such means as essays written by the applicant, letters of recommendations from teachers and others, descriptions of relevant teaching experiences, and other appropriate measures. Allowance shall be given for those applicants whom the commission determines to be in at least one of the following categories:

(a) Minority individuals as defined in ORS 200.005;

(b) Prospective teachers in scarce endorsement areas, as defined by the Teacher Standards and Practices Commission; or

(c) Prospective teachers who agree to teach in remote and difficult to serve school districts in this state.

(3) Recipients of loans under ORS 329.757 to 329.780 shall be enrolled at least half-time in an approved teacher education program at an Oregon institution of higher education. [Formerly 348.125; 1999 c.704 §6; 2005 c.209 §13]

329.770 [Amended by 1953 c.513 §3; renumbered 330.155]

329.775 Loans; amounts; interest; repayment; waiver of repayment. (1) Upon approval of the loan application of an eligible student by the Oregon Student Assistance Commission, the commission may lend an amount from the Oregon Teacher Corps Account to the student in compliance with this section. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the commission may require cosigners on the loans.

(2) Loans granted under this section to eligible students by the commission shall:

(a) Not exceed $2,000 in a single academic year to an undergraduate student enrolled in a teacher education program leading to a basic or initial license.

(b) Not exceed $4,000 in a single academic year to a graduate student enrolled in
a teacher education program leading to a basic or initial license.

(c) Not exceed $8,000 for all loans made to a student under this section.

(3) Borrowers are required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (4) of this section.

(4)(a) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student’s completion of the teacher education program or other termination of the student’s education. Repayment of loans under ORS 329.765 shall be delayed for the period of time the student is teaching at least half-time in a public school in this state but becomes payable under the usual terms if the student ceases teaching before completing three full years. Repayment of loans shall be delayed up to three years upon application of the borrower showing inability to locate suitable employment.

(b) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the commission from extending the repayment period to a date other than permitted by this subsection.

(5)(a) An eligible student who receives a loan under this section, preparing to be an elementary or secondary school teacher in this state, is not required to repay a loan made under this section if the student completes:

(A) At least three years of equivalent full-time teaching in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state; or

(B) At least three years of teaching under a full-time contract working at least three-fourths time in classroom teaching and no more than one-fourth time not in classroom teaching duties during regular school hours in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state, as approved by the Oregon Student Assistance Commission upon written request of the borrower.

(b) Repayment of remaining principal and interest shall be waived upon the death or total and permanent disability of the borrower. [Formerly 348.130; 1997 c.383 §8; 1999 c.704 §7]

329.780 Oregon Teacher Corps Account; use. (1) There is established in the State Treasury separate from the General Fund an account to be known as the Oregon Teacher Corps Account into which shall be deposited all repayments of loans with interest to the Oregon Student Assistance Commission pursuant to ORS 329.775. Any interest accruing to the account shall be credited thereto.

(2) Amounts in the account established under subsection (1) of this section are continuously appropriated to the Oregon Student Assistance Commission for the purposes of ORS 329.757 to 329.780 and the Oregon Opportunity Grant program under ORS 348.260. [Formerly 348.135; 1997 c.28 §1; 1999 c.704 §8; 1999 c.1070 §10]

(Beginning Teacher and Administrator Program)

329.790 Findings on teacher and administrator programs. The Legislative Assembly finds that:

(1) The quality of teaching and administration in the public schools is of vital importance to the future of this state;

(2) This state has a special interest in ensuring that the induction of beginning teachers and administrators into their profession enhances their professional growth and development by making a positive impact on student learning; and

(3) The formal assignment of mentors who have demonstrated the appropriate subject matter knowledge and teaching and administrative skills should substantially improve the induction and professional growth of beginning teachers and administrators in this state, as well as provide mentors with additional and valuable opportunities to enhance their own professional growth. [Formerly 342.784; 2001 c.317 §3]

329.795 Beginning teacher and administrator program established; district participation; use of grants. (1) The State Board of Education shall establish a beginning teacher and administrator mentorship program to provide eligible beginning teachers and administrators in this state with a continued and sustained mentorship program to provide eligible beginning teachers and administrators into their professional growth.

(2) Any district is eligible to participate in the mentorship program.

(3) Two or more school districts may operate jointly a mentorship program if they meet all the requirements of ORS 329.790 to 329.820.

(4) Educational consortia established for approved teacher or administrator education credentialing programs pursuant to rules of the Teacher Standards and Practices Commission are eligible to operate a mentorship program to serve beginning teachers and ad-
ministrators in a participating school district if:

(a) All moneys received as grants-in-aid for the mentorship program are administered by the participating school district to provide direct services to beginning teachers and administrators; and

(b) All other requirements of ORS 329.790 to 329.820 are met.

(5) To the extent practicable, school districts may coordinate with institutions of higher education in the design, implementation and evaluation of mentorship programs.

(6) All programs in ORS 329.790 to 329.820 are subject to the availability of funds appropriated therefor. [Formerly 342.786; 2001 c.317 §4]

329.800 Application; content. (1) Each school district that wishes to participate in the beginning teacher and administrator mentorship program shall submit a formal application to the Department of Education. The application shall include:

(a) The names of all eligible beginning teachers and administrators employed by the school district and a description of their assignments and extracurricular duties;

(b) The names of mentors selected by a school district and a description of their assignments and the endorsement area in which they are licensed; and

(c) A description of the proposed mentorship program, which must provide a minimum of 90 hours of direct contact between the mentors and beginning teachers and administrators, including observation of or assistance with assigned duties.

(2) The school district shall certify in the application that no eligible beginning professional educators are or may be under a conditional license, except as provided in rules of the Teacher Standards and Practices Commission. [Formerly 342.788; 2001 c.317 §6]

329.805 Grants-in-aid; amount; distribution; rules. (1) Subject to ORS 291.230 to 291.260, the Department of Education shall distribute grants-in-aid to qualifying school districts to offset the costs of beginning teacher and administrator mentorship programs. A qualifying district shall receive annually up to $3,000 for each full-time equivalent beginning teacher and administrator approved for support.

(2) If the funds are insufficient for all eligible proposals, the Department of Education shall award grants on a competitive basis, taking into consideration geographic and demographic diversity.

(3) The State Board of Education may adopt such rules as it considers appropriate for the distribution of grants-in-aid under this section.

(4) A district that is determined by the Department of Education to be in violation of one or more of the requirements of ORS 329.790 to 329.820 may be required to refund all grants-in-aid moneys distributed under ORS 329.790 to 329.820. The amount of penalty shall be determined by the State Board of Education. [Formerly 342.790; 2001 c.317 §7]

329.810 Workshops for mentors and beginning teachers and administrators. After consulting with representatives of teachers, administrators, school boards, schools of education, the Oregon University System and such others as it considers appropriate, the Department of Education shall develop or approve workshops to provide training for mentors and beginning teachers and administrators in programs qualifying for grants-in-aid under ORS 329.790 to 329.820. [Formerly 342.792; 2001 c.317 §8; 2001 c.382 §5]

329.815 Mentor teachers and administrators; selection; stipend. The selection, nature and extent of duties of mentor teachers and administrators shall be determined by the school district. The following guidelines shall apply:

(1) A teacher or administrator may not be designated as a mentor unless willing to perform in that role;

(2) For purposes of actions taken under ORS 342.805 to 342.937:

(a) A mentor teacher or administrator may not participate in the evaluation of a beginning teacher or administrator assigned to the mentor; and

(b) Any written or other reports of a mentor regarding a beginning teacher or administrator assigned to the mentor may not be used in the evaluation of the beginning teacher or administrator;

(3) Each mentor shall complete successfully a training workshop provided or approved by the Department of Education while participating in the beginning teacher and administrator mentorship program; and

(4) The stipend received for each beginning teacher or administrator may be used by the school district to compensate mentors in addition to their regular duties or to compensate other individuals assigned duties to provide release time for teachers or administrators acting as mentors. [Formerly 342.794; 2001 c.317 §9]

329.820 Evaluation of programs. The Department of Education shall be responsible for the regular and ongoing evaluation of programs under ORS 329.790 to 329.820 and may contract for such evaluation. The evalu-
The Legislative Assembly finds that:

(1) Reading is the gateway to learning and a key to building a child’s self-esteem.

(2) Children who read below grade level after third grade are at significantly greater risk of truancy, school failure, criminal and at-risk behaviors, early pregnancy and substance abuse.

(3) Research shows that children who have academic problems and exhibit at-risk behavior can be helped most effectively...
through prevention programs designed specifically to strengthen the collaborative and collective decision-making skills of kindergarten through grade three teachers and administrators within each individual school.

(4) Scientifically based assessment methods can identify as early as kindergarten those children needing extra help to successfully learn to read.

(5) Scientifically based instructional reading materials can provide the reading skills children need to successfully learn to read.

329.834 Creation; components; reading sites. (1) There is created the Early Success Reading Initiative for the State of Oregon.

(2) The purpose of the initiative is to recognize the essential need of elementary schools to effectively use research-based teaching practices and learning strategies.

(3) The components of the Early Success Reading Initiative include, but are not limited to:

(a) Providing research-based assessment systems to administrators, teachers and the public in order to provide the decision-making and accountability information needed to monitor children’s progress as they learn to read.

(b) Screening and continuously monitoring the reading progress of all children from kindergarten through the completion of the third grade.

(c) Using scientific, research-based reading systems to create school cultures and processes that enable all children to read successfully, including children with disabilities and children with linguistic and cultural diversity and other learning needs.

(d) Enabling administrators and teachers within each individual school to collect, interpret and use student learning data to:

(A) Guide kindergarten through grade three teachers and administrators in instructional decisions;

(B) Implement a kindergarten through grade three schoolwide reading action plan;

(C) Provide strategies for student groups; and

(D) Provide structured interaction with parents.

(e) Establishing a relationship between school districts and the University of Oregon to provide instructional and research support to assist school administrators, teachers and parents to enable students in kindergarten through grade three to learn to read effectively and successfully through means that are in congruence with state standards for reading and common curriculum goals.

(4) The University of Oregon may design, implement and monitor the Early Success Reading Initiative. The University of Oregon may provide consultation services to school districts that establish early success reading sites.

(5) The goal of the initiative is to enable each school district to establish early success reading sites at individual elementary schools. An elementary school that is initially selected as an early success reading site shall serve as a model and as a resource to other elementary schools within its school district as those schools implement the initiative.

329.837 Report. The University of Oregon shall report annually on the implementation, longitudinal progress and results of the Early Success Reading Initiative to the Governor, the Superintendent of Public Instruction and the appropriate legislative committees.

OREGON VIRTUAL SCHOOL DISTRICT

329.840 Creation; purpose; online course standards; rules. (1) There is created the Oregon Virtual School District within the Department of Education. The purpose of the Oregon Virtual School District is to provide online courses to kindergarten through grade 12 public school students.

(2) The Oregon Virtual School District shall provide online courses that meet academic content standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Education. Any person who teaches an online course must be properly licensed or registered as required by ORS 338.135 and 342.173 for a person employed by a school district or public charter school. All school districts and public charter schools may allow students to access the online courses offered by the Oregon Virtual School District.

(3) The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges, state institutions of higher education or any other public entity to provide online courses through the Oregon Virtual School District.

(4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual School District except as provided
under this section or by rule of the State Board of Education. The Oregon Virtual School District is not considered a school district for purposes of apportionment of the State School Fund and the department may not receive a direct apportionment under ORS 327.008 from the State School Fund for the Oregon Virtual School District.

(5) The board may adopt the rules necessary for the administration of the Oregon Virtual School District and shall adopt rules to establish:

(a) The procedure and criteria to be used for the selection of online courses to be offered through the Oregon Virtual School District;

(b) The qualifications of students who may access online courses through the Oregon Virtual School District;

(c) The number of credits for which students may access online courses through the Oregon Virtual School District; and

(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School District. [2005 c.834 §1]

Note: 329.840 and 329.842 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 2, chapter 834, Oregon Laws 2005, provides:

Sec. 2. (1) Prior to September 1, 2006, the Department of Education shall submit a progress report on the implementation of the Oregon Virtual School District to the interim legislative committees on education.

(2) Prior to March 1, 2007, the department shall submit a progress report on the implementation of the Oregon Virtual School District to the Seventy-fourth Legislative Assembly. [2005 c.834 §2]

329.842 Oregon Virtual School District Fund. (1) The Oregon Virtual School District Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Virtual School District Fund shall be credited to the fund. All moneys in the fund are continuously appropriated to the Department of Education for the administration of the Oregon Virtual School District created under ORS 329.840.

(2) Any moneys received by the department for the purpose of the Oregon Virtual School District shall be deposited in the fund. [2005 c.834 §3]

Note: See first note under 329.840.

MISCELLANEOUS

329.850 Duties of Education and Workforce Policy Advisor under chapter. (1) The Education and Workforce Policy Advisor, in consultation with the Department of Education, the Department of Community Colleges and Workforce Development, the Bureau of Labor and Industries, the Economic and Community Development Department, and the Department of Human Services, shall propose policies and strategies consistent with this chapter.

(2) The Education and Workforce Policy Advisor’s policies and strategies must take into account that:

(a) The state must promote innovative thinking with respect to the curriculum and educational delivery system of Oregon public schools;

(b) The state must require of all youth a level of achievement that prepares them to pursue college, professional technical programs, apprenticeships, work-based training and school-to-work programs;

(c) Greater employer investment is essential in the ongoing training of all workers to meet workforce needs;

(d) The state must encourage businesses to improve productivity by creating high performance work organizations that provide high skills and high wage opportunities for youth and adults; and

(e) All employment-related training, education and job placement services and sources of funds must be coordinated among state agencies and boards and must complement the state’s overall efforts on behalf of youth and adults. [Formerly 326.830; 1997 c.652 §22]

329.855 Education and training programs for endorsements and degrees; career related studies. (1) The Department of Education, the Department of Community Colleges and Workforce Development and the Oregon University System in consultation with the Education and Workforce Policy Advisor shall develop comprehensive education and training programs in accordance with ORS 329.475 for two-year to six-year academic professional technical endorsements, associate degrees and baccalaureate degrees.

(2) There may be established a process for industrial certification and a sequence of advanced certification that could be obtained throughout a person’s career.

(3) Work groups, including teachers, community members and representatives of business and labor, may be appointed to offer specialized information concerning knowledge and skill requirements for occupations.

(4) No fewer than six broad career categories shall be identified, with additional categories added in future years. The education and training curriculum and achievement standards for each occupation and trade selected for students to achieve endorsements, associate degrees or
baccalaureate degrees in the occupational categories selected shall be developed and available for school districts, community colleges and other training sites.

(5) In addition to academic content, the curriculum developed for endorsements, associate degrees and baccalaureate degrees shall ensure that every student has the option of a high quality career related course of study that provides the student with experience in and understanding of future career choices. Career related studies shall include a structured series of real or simulated activities that in combination with rigorous academic studies shall simultaneously prepare students for further education, lifelong learning and employment. These activities shall include but not be limited to:

(a) Job shadowing;
(b) Workplace mentoring;
(c) Workplace simulations;
(d) School based enterprises;
(e) Structured work experiences;
(f) Cooperative work and study programs;
(g) On-the-job training;
(h) Apprenticeship programs; or
(i) Other school-to-work opportunities.

(6) In considering where a student can most effectively and economically obtain the knowledge and skills required for the endorsement or post-secondary study, the Education and Workforce Policy Advisor may recommend integrating two-plus-two programs, apprenticeship programs and any other state or federal job training program.

(7) Until full statewide implementation, school districts are encouraged to use Certificate of Advanced Mastery programs that are currently being developed, but modified, if necessary, to best fit their students’ and community’s needs. [Formerly 326.835; 1995 c.660 §42; 1997 c.652 §23; 2003 c.303 §12]

329.860 Alternative learning options; Learning Centers; scope of services; outreach. (1) The Department of Education in consultation with the Department of Community Colleges and Workforce Development and the Education and Workforce Policy Advisor shall develop models for school districts of alternative learning programs that may include Learning Centers designed to assist students who have left school in meeting the academic content standards required for the Certificate of Initial Mastery through the use of teaching strategies, technology and curricula that emphasize the latest research and best practice.

(2) The Learning Centers may also provide for the integration of existing local and community programs that provide any part of the services needed to assist individuals in meeting the academic content standards for the Certificate of Initial Mastery.

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

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

(4) Education service districts, school districts or schools, or any combination thereof, may contact any eligible elementary or secondary school student and the student’s family if the student has ceased to attend school to encourage the student’s enrollment in an education program that may include alternative learning options. If the student or the family cannot be located, the name and last-known address shall be reported to the school nearest the address. The school shall attempt to determine if that student or family is being provided services by this state and shall seek to assist the student or family in any appropriate manner. [Formerly 336.157; 1995 c.278 §41; 1995 c.660 §44; 1997 c.652 §24; 2003 c.303 §13]

329.875 District eligibility to receive funds under chapter. (1) Public school districts or consortia of such districts with education service districts are eligible to receive funds under this chapter.

(2) The Department of Education shall evaluate the programs that receive grants under this chapter and report the results of the evaluation to the Legislative Assembly in the manner prescribed in ORS 192.245. [1993 c.45 §94a]

329.885 School-to-work transitions and work experience programs; funding; eligibility for grants. (1) It is the policy of the State of Oregon to encourage educational institutions and businesses to develop, in partnership, models for programs related to school-to-work transitions and work experi-
ence internships directed by the Oregon Educational Act for the 21st Century as described in ORS 329.005 to 329.165, 329.185, 329.445, 329.850 and 329.855.

(2) From funds available, the Department of Education may allocate to any education service district, school district, individual secondary school or community college grants to develop programs such as those described in subsection (1) of this section.

(3) To receive a grant to operate a program described in subsection (1) of this section, a business shall demonstrate to the satisfaction of the department that the program shall:

(a) Identify groups that have been traditionally underrepresented in the programs and internships, particularly in health care, business and high technology employment positions.

(b) Encourage students who belong to groups identified in paragraph (a) of this subsection, particularly students in secondary schools and community colleges, to apply for consideration and acceptance into a model program described in subsection (1) of this section.

(c) Promote an awareness of career opportunities in the school-to-work transition and the work experience internships among students sufficiently early in their educational careers to permit and encourage students to apply for the model programs.

(d) Promote cooperation among businesses, school districts and community colleges in working toward the goals of the Oregon Educational Act for the 21st Century.

(e) Develop academic skills, attitudes and self-confidence necessary to allow students to succeed in the work environment, including attitudes of curiosity and perseverance and the feelings of positive self-worth that result from sustained effort.

(f) Provide a variety of experiences that reinforce the attitudes needed for success in the business world.

(4) The department shall direct fund recipients to adopt rules establishing standards for approved programs under this section, including criteria for eligibility of organizations to receive grants, and standards to determine the amount of grants.

(5) The department may seek and receive gifts, grants, endowments and other funds from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the school-to-work transition and the work experience internship programs and may expend the same or any income therefrom ac-

ording to the terms of such gifts, grants, endowments or other funds. [1993 c.765 §46; 1999 c.59 §2; 2001 c.104 §108]

329.905 [1993 c.765 §9; 1995 c.660 §45; repealed by 1997 c.652 §63]

LITERACY, EDUCATION AND PROFESSIONAL TECHNICAL JOB TRAINING

329.905 Economic development policy to support literacy, education and professional technical job training; goals.

(1) The Legislative Assembly finds that a highly skilled, well-educated workforce is critical to the present and future competitiveness of Oregon’s economy. Curricular and institutional change throughout the educational process is imperative to achieve Oregon’s economic and education reform goals. To accomplish fully education reform at the elementary and secondary levels, it is essential that Oregon’s citizens gain a thorough understanding of the significant value of professional technical education and the vital role it plays in preparing Oregon’s citizens for entry into the workforce, further training or entry into higher education. The Legislative Assembly, therefore, declares that it is the economic development policy of the state to support and promote literacy, education and professional technical job training for Oregon’s citizens. Further, the Legislative Assembly declares that it is the goal of the state to achieve the following:

(a) Measurably increase the knowledge and improve the skills of Oregon workers;

(b) Promote and sponsor effective and responsive training programs for employed and unemployed Oregonians who need literacy and other job-related training;

(c) Promote and increase youth enrollment in secondary, post-secondary and apprenticeship programs that lead to family wage jobs;

(d) Secure the active participation and full cooperation of Oregon industry leaders and business owners in developing programs to increase and improve worker education and performance;

(e) Promote and increase the coordination of Oregon’s education and job training systems to more fully respond to the increasingly complex training needs of workers; and

(f) Promote and increase access to education and job training programs for all Oregonians regardless of their economic status or geographic location within the state.

(2) The Legislative Assembly declares that it is the policy of this state to integrate employment, training and development programs into its economic development efforts.
(3) The Legislative Assembly further declares that the employment development and training activities provided for in ORS 329.905 to 329.975 are job creation and economic development activities within the meaning of subsection (3), section 4, Article XV of the Oregon Constitution.

(4) The Legislative Assembly further declares that the State of Oregon must dedicate the talents, resources and energies of its people to having the best trained workforce in the United States and a workforce equal to any in the world. When this workforce exists, Oregon will have a highly skilled workforce that is:

(a) Engaged by competitive, diversified industries;
(b) Supported by education and training;
(c) Supported by employment systems that are responsive to the needs of people and the labor market; and
(d) Reflective of the diversity of Oregon’s population.

(5) The Legislative Assembly further declares that the role of business and industry is critical to the implementation of education reform and that the goals of ORS 329.905 to 329.975 are:

(a) Coordinated and complementary education, training and employment programs.
(b) A high performance workforce characterized by diversity, technical competence and economic self-sufficiency.
(c) Educational performance standards that match the highest in the world.
(d) Assurance of educational attention necessary for attainment of high academic standards for all students.
(e) An education and employment training system that has the capacity to meet the training needs of individuals and employers.
(f) Assurance of workforce preparedness for all students through covenants between business and education. [Formerly 285.203]

Note: See note under 329.905.

329.920 Duties of Education and Workforce Policy Advisor and regional committees. (1) The Education and Workforce Policy Advisor and the regional workforce committees, with the advice and participation of partner agencies, are responsible for furthering the policies, goals and objectives of this state as described in ORS 329.905 and 329.915.

(2) The advisor and the committees shall help ensure achievement of this state’s goals and objectives by effective and efficient coordination and oversight of all the employment-related training, education and job placement programs of this state.

(3) As used in this section, “partner agencies” means those agencies that are recipients of workforce development funds under ORS 329.905 to 329.920, 329.930 to 329.975 and 657.337. [1993 c.765 §5; 1997 c.652 §25]
Note: See note under 329.905.

329.925 Workplace training for key industries. (1) The Legislative Assembly finds that efficiency and higher productivity in all sectors of the economy are important to the maintenance of the state’s economic health. The Legislative Assembly further finds that a trained, productive and flexible workforce is critical to competitiveness, efficiency and higher productivity. Therefore, the Legislative Assembly declares that it is the policy of the State of Oregon to promote the development and improvement of the work skills and basic literacy skills of employees working in all sectors of the state’s economy.

(2) To implement the policy stated in subsection (1) of this section, the Key Industry Employee Training Program shall be established within the Economic and Community Development Department. Through the program, the department shall:

(a) Provide matching grants through community colleges in partnership with employers for the purpose of providing employees with literacy or customized skills training.

(b) Restrict grant awards to training program proposals submitted by two or more firms in a single business, professional or industry sector, with preference given to programs developed in cooperation with business, professional or industry association.

(c) Require that training programs provide long-term comprehensive skills development.

(d) Award grants only to those proposals that lead to, sustain or create family wage jobs. [Formerly 285.205]

Note: See note under 329.905.

329.930 Business, industry and education partnerships; Industrial Extension Service; Oregon Advanced Technology Center. (1) Pursuant to rules adopted by the Economic and Community Development Department, a program is established to organize business, industry and education partnerships to develop the most competent workforce in America and specifically:

(a) To provide targeted training grants for customized training programs for new or expanding firms;

(b) To provide industry training grants to community colleges or others for training programs addressing the common needs of two or more businesses within an industry, with special emphasis on Key Industries as designated by “Oregon Shines” and the Legislative Assembly; and

(c) To provide capacity building grants to trade associations and business and labor organizations to build capacity for addressing long-term workforce and workplace training and education needs.

(2) Pursuant to rules adopted by the Economic and Community Development Department, an Industrial Extension Service is established, using public and private expertise, to assist Oregon firms in traded sectors in adopting the appropriate technology, management techniques, work organization and workforce development strategies to remain competitive in a global economy.

(3) The Department of Community Colleges and Workforce Development shall support the Oregon Advanced Technology Center, for the purpose of enhancing Oregon’s economic competitiveness by assisting Oregon manufacturers with the adoption and implementation of modern manufacturing technologies and processes. [1993 c.765 §18; 2005 c.209 §15]

Note: See note under 329.905.

329.933 [Formerly 285.207; repealed by 1995 c.660 §50]

329.940 [1993 c.765 §10; repealed by 1997 c.652 §63]

329.945 [Formerly 285.213; 2001 c.104 §109; repealed by 2001 c.684 §38]

329.950 Statewide literacy hotline. (1) Pursuant to rules adopted by the State Board of Education, the Department of Community Colleges and Workforce Development shall provide for a statewide literacy “hotline” for literacy program referrals and for the statewide coordination of literacy programs pursuant to ORS 344.760 and 344.765.

(2) Gifts and grants for the support of the literacy hotline shall be deposited with and administered by a nonprofit organization selected by the Commissioner for Community College Services. The nonprofit organization that is selected must show a history of similar experience with fiduciary responsibilities.

(3) The Department of Community Colleges and Workforce Development may contract with any public body or nonprofit organization to accomplish the purposes of this section. [Formerly 285.225]

Note: See note under 329.905.

329.955 [Formerly 285.230; 1997 c.652 §26; 2001 c.525 §2; renumbered 657.736 in 2001]

329.960 [1993 c.765 §19; 1997 c.652 §27; repealed by 2001 c.684 §38]


329.970 [Formerly 285.243; repealed by 1997 c.652 §63]

329.975 Matching literacy hotline grant funds; application. (1) When expended for grants to programs described in ORS 329.950, grant moneys shall be matched in the manner described in subsections (2) and (3) of this section.
(2) In any biennium, each state agency administering a grant program described in ORS 329.950 shall be required to secure matching funds, on a dollar-for-dollar basis, for not less than 75 percent of the total amount reserved by law for the program for that biennium.

(3) An applicant for a grant from a program described in ORS 329.950 shall be required to match, on a dollar-for-dollar basis, the amount of the grant. However, the agency administering the program may exempt the applicant from the 100 percent matching requirement when the agency determines that the grant applicant is undergoing economic hardship and that the purposes of ORS 329.905 to 329.975 will be more readily accomplished by a lower matching requirement. In any biennium, the total amount of exemptions provided to grant applicants under this subsection shall not exceed 25 percent of the amount reserved by law for a program for that biennium.

(4) In determining whether a grant applicant is undergoing economic hardship for the purposes of this section, a state agency shall consider:
   (a) An applicant’s ability to match the grant amount based on both the assessed value per student, if applicable, and the actual expenditure per student;
   (b) The proportion or other measure of economically disadvantaged persons residing within the district or area of the applicant; and
   (c) The level of unemployment in the district or area of the applicant.

(5) A state agency shall credit an applicant’s matching funds in an amount that does not exceed 100 percent of the amount of the grant given to the applicant. Moneys of an applicant that are available to operate a program described in ORS 329.950 and that exceed 100 percent of the grant sought or given to the applicant shall not be available for use as matching funds by any other applicant.

Note: See note under 329.905.

329.990 [Amended by 1963 c.22 §1; renumbered as part of 330.990]
Chapter 330  
2005 EDITION

Boundary Changes; Mergers

GENERAL PROVISIONS
330.003 “Merger” and “school district” defined
330.005 Division of state into school districts; definitions

BOUNDARY CHANGE AND MERGER PROCEDURES
330.080 Composition, purpose and organization of district boundary board
330.090 Mergers
330.092 Basis for boundary changes
330.095 Request or petition for change or merger; content
330.101 Notice; order; remonstrance; election
330.103 Effective date of change; administration and operation until end of fiscal year; rights of electors
330.106 Action by board pending effective date of change
330.107 Time for boundary board action; extension
330.113 Effect of change
330.123 Division of assets and liabilities
330.133 Effect of boundary change on electors

NOTICE
330.400 Notice by publication requirements

LOCAL SCHOOL COMMITTEES
330.425 Local school committee; members; election
330.430 Functions of local school committee
330.435 Filling vacancies on committee
GENERAL PROVISIONS

330.003 “Merger” and “school district” defined. For purposes of this chapter:

(1) (a) “Merger” includes any alteration, annexation, merger, consolidation, lengthening the course of study or other change under ORS 330.090 to 330.107, 334.710 to 334.770 and 335.490 to 335.505.

(b) “Merger” includes only those proceedings in which the entire territory of an involved school district is merged. The permanent rate limit for operating taxes for a school district after merger shall be the rate that would produce the same operating tax revenue as the school districts prior to merger would have cumulatively produced in the year of merger if the merger, not taking into account any applicable statutory rate limit, had not occurred.

(2) “School district” means a taxing district providing public elementary or secondary education, or any combination thereof, within this state, and specifically includes a component school district of an education service district that levies taxes for its component school districts and the education service district itself. “School district” does not include any other education service district.

330.005 Division of state into school districts; definitions. (1) For public school purposes, this state is divided into subdivisions known as school districts.

(2) For purposes of the school laws of this state, unless the context requires otherwise:

(a) “School district” includes a common school district, a joint school district and a union high school district.

(b) “Common school district” means a school district, other than a union high school district, formed primarily to provide education in all or part of kindergarten through grade 12 to pupils residing within the district.

(c) “Joint school district” means a common or union high school district with territory in more than one county.

(d) “Union high school district” means a school district, other than a common school district, that is responsible for education in high school grades but not in primary grades, formed in accordance with ORS 335.210 to 335.485 (1963 Replacement Part).

(e) “Governing body of the county” means the county court, the board of county commissioners or the unit of government designated by the county charter to exercise the power or duty prescribed in the section in which the term occurs.

(f) “Most populous district” means the school district that has the largest number of pupils in average daily membership, as defined in ORS 327.006. [1965 c.100 §1; 1971 c.513 §86; 1989 c.519 §1a; 1991 c.167 §5; 1991 c.586 §1; 2003 c.226 §12]

330.010 [Repealed by 1965 c.100 §456]

330.020 [Amended by 1963 c.282 §1; repealed by 1965 c.100 §456]

330.030 [Repealed by 1965 c.100 §456]

330.040 [Amended by 1955 c.386 §1; 1957 c.310 §7; repealed by 1963 c.282 §16]

330.050 [Amended by 1961 c.522 §6; 1963 c.282 §14; 1965 c.100 §78; renumbered 330.123]

330.060 [Amended by 1963 c.282 §2; repealed by 1965 c.100 §456]

BOUNDARY CHANGE AND MERGER PROCEDURES

330.080 Composition, purpose and organization of district boundary board. (1) The education service district board shall constitute the district boundary board for laying off the county in convenient school districts. In any county in which there is no education service district board, the governing body of the county shall constitute the district boundary board. The district boundary board shall have jurisdiction over all school districts in the county and over all joint districts, the administrative offices of which are in the county.

(2) The district boundary board shall make alterations and changes in the school districts in the manner specified by law. The board shall maintain a record showing the boundaries and numbers of the districts in the county based on records in the office of the county assessor. [Formerly 329.710; 1965 c.100 §72; 1989 c.519 §2] 330.085 [Formerly 329.720; repealed by 1965 c.100 §456]

330.090 Mergers. (1) The district boundary board shall enter an order directing a school district to be merged with an adjoining school district designated by the board if it finds that continuation of the district is not required because of geographic factors affecting transportation or because of sparsity of population and if:

(a) The school district fails to maintain and operate a school for one year without approval of the State Board of Education;

(b) The school district is in a county with 35,000 or less population and has an average daily membership of fewer than six children for each of two successive years, as certified by the Superintendent of Public Instruction;

(c) The school district is in a county with more than 35,000 population and has an av-
330.092 Basis for boundary changes. The boundaries of a school district may not be changed except:

(1) Pursuant to ORS 330.090 (1) or (3).

(2) By a vote of the people pursuant to the lengthening of the course of study under ORS chapter 335.

(3) By the mutual consent of the district school boards of the two or more affected districts in the manner prescribed in ORS 330.080 to 330.107.

(4) On a request for change or merger proposal submitted to the district boundary board by electors of the affected districts in the manner prescribed in ORS 330.080 to 330.107. [1989 c.519 §1; 1991 c.167 §8; 2003 c.226 §13]

330.095 Request or petition for change or merger; content. (1) Subject to ORS 332.118, the request or petition for proposed change or merger in school districts shall:

(a) Be directed to the district boundary board of the county or counties having jurisdiction over the affected school districts;

(b) Contain the names and numbers of districts affected by the change;

(c) Contain a concise statement of the type of change requested and, if only a portion of the school district is involved, contain a legal description thereof; and

(d) If a petition of electors from affected districts is involved, contain the signatures and residence addresses or mailing addresses of the petitioners and the names of the school districts in which they reside.

(2) If a merger is requested or petitioned, the request or petition shall also contain proposals for distribution of debt.

(3) When any proposed boundary change or merger affects school districts under the jurisdiction of different district boundary boards, the proposed change or merger shall first be acted upon by the district boundary board of the county in which lies the most populous district, and must be submitted to the district boundary board of the other affected county or counties.

(4) Any proposed merger may contain a recommendation that the new district retain the same name and number as the most populous school district in the merger or a recommendation for a new name for the district, a request for the formation of school committees as described in ORS 330.425 and a request that the number of members of the district school board be increased to seven members. [1963 c.282 §13(2); 1965 c.100 §74; 1967 c.328 §1; 1989 c.619 §4; 1991 c.167 §9; 1993 c.136 §2; 1999 c.21 §63; 2005 c.209 §16]
330.101 Notice; order; remonstrance; election. (1) Before the proposed change or merger is ordered, the district boundary board shall give notice in the manner provided in ORS 330.400 of the proposed change or merger and the session of the board at which it will be ordered. If no remonstrance petition on the change or merger is submitted requiring an election as provided in subsection (2) of this section, the board shall issue an order that the change or merger shall become effective as provided in ORS 330.103. The remonstrance petition is subject to ORS 332.118. However, the boundary board shall not issue an order until all affected boundary boards have had opportunity to consider the proposed change or merger.

(2) If a remonstrance petition on a proposed change or merger signed by at least five percent or at least 500, whichever is less, of the electors of a school district affected by the proposed change or merger is filed with the district boundary board within 20 days after the date of the order to effect the proposed change or merger, and when all district boundary boards have acted on the change or merger as provided in ORS 330.095 (3), the board shall submit the question of the proposed change or merger to the electors of each affected school district from which a remonstrance petition was filed, with the district boundary board acting as the district elections authority on behalf of the school districts. Separate elections shall be held in sequence in the districts from which remonstrance petitions have been filed, commencing with the least populous district and progressing in order of population to the most populous district. If the majority of votes in each election favor the change or merger, an election shall be held in the next most populous district. The cost of an election on a proposed boundary change or merger shall be prorated between or among the district school boards involved in accordance with ORS 255.305.

(3) If the majority of votes cast in any affected district oppose the change or merger, the change or merger shall be defeated, and the same or a substantially similar change or merger shall not be ordered until 12 months have elapsed from the date of the election at which the change or merger was defeated, unless otherwise required by law. If the vote is favorable in all remonstrating districts, the district boundary board shall declare the change or merger effective as provided in ORS 330.103 and issue an order without further elections.

(4) For any school district merger that is initiated under ORS 327.106 (3), no remonstrance petition or election shall be allowed.

(5) When a unified elementary district with an average daily membership of greater than 50 that has, prior to the merger, paid tuition for the majority of its high school students to attend an out-of-state high school merges with a district that provides education in kindergarten and grades 1 through 12, the following shall apply after the merger:

(a) The students who reside in the former unified elementary district shall be authorized to attend the out-of-state high school that the majority of the high school students of the unified elementary district were attending during the 1992-1993 school year;

(b) The merged district shall pay tuition for the students described in paragraph (a) of this subsection but not in an amount greater than the district’s average expenditure for high school students; and

(c) The parents of a student who wish the student to attend the out-of-state high school must agree to pay the difference, if any, between what the district is authorized to pay as tuition under paragraph (b) of this subsection and the amount of tuition charged by the out-of-state high school.

330.103 Effective date of change; administration and operation until end of fiscal year; rights of electors. (1) When a school district boundary change or merger becomes final according to ORS 308.225 (2)(a) and the change or merger:

(a) Occurs on or after July 1 and prior to March 31, the change or merger shall take effect May 31 following the declaration or election.

(b) Occurs between March 31 and June 30, inclusive, the change or merger shall take effect May 31 of the following year.

(2) Districts subject to the boundary changes or mergers under this section shall, for the purposes of administration and operation, continue to operate separately until the end of the fiscal year in which the boundary changes or mergers are effective. No additional audit shall be necessary.

(3) Notwithstanding the effective dates specified in subsection (1) of this section, electors shall be entitled to vote in any school elections affecting the school district in which they will reside when the boundary change or merger takes effect, including voting on candidates to serve on the district school board and on taxes to be levied after the effective date of the boundary change or
merger if the electors are eligible to vote in the district in which the electors reside prior to the change or merger. Notwithstanding ORS 332.018, such electors shall be eligible to be candidates for the district school board, to serve thereon and to serve on the budget committee if the electors are eligible to be candidates or budget committee members in the district in which the electors reside prior to the change or merger. [1967 s.s. c.8 §2; 1973 c.501 §3; 1989 c.819 §8; 1991 c.167 §11]

330.105 [1963 c.282 §13(7), (9), §15; repealed by 1965 c.100 §456]

330.106 Action by board pending effective date of change. During the period following the declaration or last election under ORS 330.101 and prior to the date when the boundary change or merger takes effect, the district school board of the most populous district, as defined in ORS 330.005, or the district school board of a district to which territory has been annexed may take such action as is essential in order that the district may carry out its required functions when the boundary change takes effect, including the preparation and adoption of a budget for the district and the reference of questions relating to the budget to the electors of the district. Expenditures of the board under this section shall be charged to each affected school district in the manner provided in ORS 330.123. [1967 s.s. c.8 §3; 1991 c.167 §12]

330.107 Time for boundary board action: extension. The district boundary board shall complete all action on a request or petition for boundary change or a merger required under ORS 330.101 within 100 days of the date of receipt of the request or petition if the boundary change or merger requested or petitioned lies totally within the jurisdiction of that board. If the boundary change or merger requested or petitioned requires ratification of an adjacent boundary board as in ORS 330.095 (3), an additional 60 days may be utilized for action of the second boundary board. However, upon request of the district boundary board and a showing of special circumstances which require additional time, the State Board of Education may grant a reasonable extension of time for completion of the required action. [1965 c.621 §2; 1973 c.256 §2; 1989 c.519 §9]

330.110 [Amended by 1957 c.310 §8; repealed by 1963 c.282 §16]

330.113 Effect of change. (1) When two or more school districts are merged as provided by law, the affected districts shall be considered merged into the most populous district and:

(a) Unless the district school boards or the petitioners requesting the merger recommend that the enlarged school district retain the same name and number which was previously assigned to the most populous district included in the merger, the district boundary board shall give the enlarged district the new name recommended under ORS 330.095, and the county assessor shall assign a new number that has not previously been used. However, if the boundaries of the enlarged school district are the same as the boundaries of the county, the official name of the enlarged school district shall be ________ (name of county) County School District.

(b) The school districts included in the merger shall become identified with the newly named district or the most populous district.

(c) The employees of the component districts shall be considered to be employees of the enlarged district, which shall succeed the other districts in such merger as a party to their respective contracts of employment.

(d) No school district employee shall be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by another school district as a result of a merger or boundary change.

(2) The board of directors of the most populous district shall constitute the board of directors of the enlarged district and the terms of all other directors of component districts shall expire on the effective date of the merger except that the number of directors may be increased to seven members and school committees may be authorized pursuant to ORS 330.425.

(3) All real and personal property belonging to the districts within the enlarged district shall become the property of the enlarged district.

(4) When a petition or request for a merger of school districts contains proposals for distribution of debt as provided in ORS 330.095 and the district boundary board in the manner provided in ORS 330.101 declares such merger effective, the district school board of the enlarged district is authorized to levy taxes in conformity with such proposals.

(5) Notwithstanding ORS 328.555, school districts requesting a boundary change in response to chapter 393, Oregon Laws 1991, shall, as part of the boundary change request under ORS 330.092, provide for the distribution of existing debt, if any. [Formerly 330.300; 1973 c.522 §1; 1989 c.819 §10; 1991 c.167 §13; 1993 c.329 §3; 1999 c.21 §64]

330.115 [Formerly 329.740; repealed by 1965 c.100 §456]

330.120 [Repealed by 1963 c.282 §16]
330.123 Division of assets and liabilities. (1) When changes in school district boundaries are made by the detachment of territory or annexation of less than an entire school district to another, the district school boards of the districts affected by each change shall immediately after the change make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division.

(2) In case of failure to agree within 20 days from the time the district boundary board issues its order, the matter shall be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed by each of the boards of the school districts affected and an additional member appointed by the other appointees.

(3) In the event any such district school board fails to appoint an arbitrator within 30 days, the Superintendent of Public Instruction shall appoint such arbitrator. In the event the arbitrators selected fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last appointed, the Superintendent of Public Instruction shall notify the judge of the circuit court senior in service of the county in which the administrative office of the most populous school district is located. Within 10 days after receiving such notice, the judge shall appoint the additional arbitrator.

(4) Each member of the board of arbitrators shall be entitled to the sum of $20 per day for each day’s service, and necessary traveling expenses, while sitting in the official capacity of the member. Expenses thus incurred shall be equally apportioned among the districts concerned.

(5) A party to an arbitration under this section may seek confirmation, vacation, modification or correction of the arbitrator’s decision as provided in ORS 36.700, 36.705 and 36.710. A court may vacate an award only if there is a basis to vacate the award described in ORS 36.705 (1)(a) to (d). The court may modify or correct an award only for the grounds given in ORS 36.710.

(6) Assets include all school property and moneys belonging to the district at the time of the division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, school property shall be estimated at its real market value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current school year, after such division, shall be made in proportion to the resident average daily membership of the districts divided, as shown by the report of such districts for the period ending the preceding June 30 as certified by the districts to the administrative office of the county. [Formerly 330.050; 1971 c.294 §7; 1979 c.772 §20; 1991 c.167 §14; 2003 c.598 §39]

330.125 [Formerly 329.750; repealed by 1965 c.100 §456]

330.130 [Repealed by 1963 c.282 §16]

330.133 Effect of boundary change on electors. During the period following an election or other action resulting in a boundary change in a school district and prior to the date the change becomes effective, the district or districts from which an area will be separated as a result of the boundary change may hold elections for all legal purposes but the electors registered in the area to be separated as a result of the boundary change shall not be qualified to vote in any such election. The election on any measure in such district or districts shall not affect or encumber the area to be separated. [Formerly 331.060 and then 332.142]

330.135 [Formerly 329.755; 1965 c.100 §79; repealed by 1989 c.819 §13]

330.140 [Repealed by 1963 c.282 §16]

330.145 [Formerly 329.760; repealed by 1965 c.100 §456]

330.150 [Repealed by 1963 c.282 §16]

330.155 [Repealed by 1965 c.100 §456]

330.170 [Repealed by 1965 c.100 §456]

330.190 [Amended by 1955 c.386 §2; repealed by 1963 c.282 §16]

330.200 [Repealed by 1955 c.386 §8]

330.210 [Repealed by 1965 c.100 §456]

330.220 [Repealed by 1965 c.100 §456]

330.230 [Amended by 1957 c.626 §6; 1961 c.148 §1; subsection (2) of 1963 Replacement Part enacted as 1961 c.148 §3; subsection (3) of 1963 Replacement Part enacted as 1961 c.148 §4; 1963 c.544 §25; repealed by 1965 c.100 §456]

330.240 [Amended by 1957 s.s. c.12 §1; repealed by 1965 c.100 §456]

330.250 [Repealed by 1965 c.100 §456]

330.260 [Repealed by 1965 c.100 §456]

330.270 [Repealed by 1965 c.100 §456]

330.280 [Repealed by 1965 c.100 §456]

330.290 [Repealed by 1965 c.100 §456]

330.300 [1957 c.89 §1; amended by 1965 c.100 §77; 1965 c.275 §3; renumbered 330.113]

330.310 [Formerly 333.124; 1991 c.167 §15; repealed by 2003 c.226 §23]

NOTICE

330.400 Notice by publication requirements. Whenever notice by publication of any hearing is expressly required by reference to this section, it shall be given in a newspaper published in the county and of
general circulation in the county or district in which the hearing is to be held. The notice shall be published in at least two issues of the newspaper. The first publication shall be no sooner than the 25th day or later than the 15th day preceding the hearing and the last publication shall be not sooner than the 14th day or later than the eighth day preceding the hearing. [Formerly 330.635]

LOCAL SCHOOL COMMITTEES

330.425 Local school committee; members; election. (1) Each local school committee provided for in the reorganization plan under ORS 330.530 (1989 Edition) shall consist of three members elected by the electors of the school district pursuant to ORS chapter 255. At the first regular district election following the merger of the school district, there shall be elected three members of each local school committee. Each person elected shall serve a term of two years. Members of the local school committee may be nominated and elected from the attendance area determined by the district school board or may be nominated from such areas but elected from the district or may be nominated and elected from the district, the manner to be determined by the district school board.

(2) A person shall be nominated as a candidate for member of a local school committee by filing a petition for nomination or a declaration of candidacy under ORS 255.225. If a candidate is nominated by petition and members are nominated from attendance areas, the petition must be signed by at least 10 electors residing in the attendance area from which the candidate seeks nomination.

(3) Each office of local school committee member shall be designated by number as Position No. 1, Position No. 2 or Position No. 3 and so forth. The school district shall assign a position number to each office on the local school committee and shall certify to the filing officer the name of the committee member in office holding that position. A copy of the certification shall be filed in the office of the filing officer. As used in this section, “filing officer” means the:

(a) County clerk or county official in charge of elections of the county in which the administrative office of the district is located regarding a district located in more than one county; or

(b) County clerk or county official in charge of elections in a district situated wholly within the county. [Formerly 330.665; 1995 c.258 §2; 1995 c.607 §72; 2005 c.209 §18]

330.430 Functions of local school committee. (1) Notwithstanding ORS 332.172, under rules of the district school board, the local school committee shall determine the use of the school property for civic purposes not inconsistent with its primary use. The local school committee also shall visit the school at frequent intervals, report to and advise the district school board concerning the progress and needs of the school and the wishes of the people concerning the school and recommend improvements in the school property.

(2) By unanimous vote and not later than March 1 of each year, the local school committee may recommend rejection for the ensuing year of any teacher assigned to the school by the district school board. The recommendation shall be delivered to the clerk of the district in writing and shall specify the reason for the recommendation. The board shall review the recommendation submitted by the local school committee and make final determination.

(3) The district school board may submit the question of establishing additional local school committees or abolishing existing local school committees to the electors at any regular district election. The district school board shall submit either question at an election when a petition filed as provided in this subsection requests an election. The requirements for preparing, circulating and filing a petition shall be as provided for an initiative petition in ORS 255.135 to 255.205. The election when a petition is filed must not be later than the next regular district election.

(4) This section applies in school districts formed under ORS 330.505 to 330.780 (1989 Edition), in school districts resulting from mergers and in unified school districts formed under ORS 330.092. [Formerly 330.667]

330.435 Filling vacancies on committee. (1) A vacancy in an elected office in the membership of a local school committee shall be filled by appointment by a majority of the remaining members of the local school committee. If a majority of the membership of the local school committee is vacant or if a majority cannot agree, a vacancy on the local school committee shall be filled by the district school board.

(2) The period of service of an appointee shall expire June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case the successor shall
take office July 1 next following the election. [Formerly 330.765]

330.505 [1957 c.619 §1; 1963 c.282 §3; 1963 c.544 §26; 1965 c.100 §86; repealed by 1991 c.167 §28]

330.510 [1957 c.619 §2; 1961 c.625 §4; repealed by 1963 c.282 §16]

330.515 [1957 c.619 §4; repealed by 1963 c.282 §16]

330.520 [1957 c.619 §5; repealed by 1963 c.282 §16 and 1963 c.544 §26]

330.523 [1957 c.619 §8; repealed by 1965 c.100 §456]

330.526 [1957 c.619 §27; repealed by 1965 c.100 §456]

330.528 [1957 c.619 §26; repealed by 1965 c.100 §456]

330.530 [1957 c.619 §7; 1959 c.423 §1; 1961 c.317 §1; 1963 c.282 §4; 1965 c.100 §81; 1965 c.261 §1; 1973 c.448 §1; 1983 c.83 §50; 1983 c.350 §140a; 1985 c.201 §1; 1989 c.491 §15; repealed by 1991 c.167 §28]

330.535 [1959 c.423 §3; 1961 c.285 §1; 1965 c.100 §96; renumbered 330.665]

330.535 [1957 c.619 §9; 1965 c.100 §82; repealed by 1991 c.167 §28]

330.540 [1957 c.619 §10; 1983 c.812 §3; repealed by 1991 c.167 §28]


330.545 [1957 c.619 §11; repealed by 1965 c.100 §456]

330.547 [1965 c.621 §4; 1989 c.491 §17; repealed by 1991 c.167 §28]

330.550 [1957 c.619 §12; 1963 c.282 §5; repealed by 1991 c.167 §28]

330.552 [1959 c.423 §4; 1965 c.100 §83; repealed by 1991 c.167 §28]


330.557 [1963 c.282 §12; 1979 c.772 §21; 1989 c.491 §18; repealed by 1991 c.167 §28]

330.560 [1957 c.619 §14; 1963 c.282 §7; 1989 c.491 §19; repealed by 1991 c.167 §28]


330.570 [1957 c.619 §16; 1963 c.282 §9; 1983 c.812 §5; repealed by 1991 c.167 §28]

330.575 [1957 c.619 §17; 1965 c.100 §84; repealed by 1983 c.812 §6]

330.580 [1957 c.619 §18; 1961 c.414 §7; repealed by 1963 c.282 §16]

330.585 [1957 c.619 §19; 1965 c.100 §85; 1965 c.261 §2; 1973 c.796 §27; 1983 c.83 §52; 1983 c.350 §141; 1983 c.812 §74a; 1985 c.364 §3; repealed by 1991 c.167 §28]

330.587 [1961 c.435 §2; repealed by 1983 c.350 §331a]

330.590 [1957 c.619 §20; 1965 c.100 §86; 1965 c.261 §3; 1973 c.796 §28; repealed by 1991 c.167 §28]

330.595 [1957 c.619 §21; 1965 c.100 §87; 1965 c.261 §4; repealed by 1973 c.796 §79]

330.598 [1961 c.414 §1; 1965 c.100 §88; 1965 c.261 §5; repealed by 1991 c.167 §28]

330.600 [1957 c.619 §22; 1959 c.423 §5; repealed by 1961 c.414 §9]

330.601 [1961 c.414 §2; 1965 c.100 §89; 1965 c.261 §6; 1983 c.83 §53; 1983 c.812 §8; repealed by 1991 c.167 §28]

330.603 [1961 c.414 §3; 1965 c.100 §90; 1965 c.261 §7; 1983 c.83 §54; 1983 c.350 §144; repealed by 1991 c.167 §28]

330.605 [1961 c.414 §4; 1965 c.100 §91; 1965 c.261 §8; 1983 c.83 §55; 1983 c.350 §145; repealed by 1991 c.167 §28]

330.607 [1961 c.414 §5; repealed by 1991 c.167 §28]
Chapter 331
(Former Provisions)
School District Elections

331.002 [1965 c.100 §106; 1971 c.660 §2; 1973 c.796 §32; 1983 c.350 §159; renumbered 332.118]
331.005 [1957 c.310 §1; repealed by 1965 c.100 §456]
331.010 [Amended by 1957 c.310 §9; 1961 c.10 §1; 1965 c.100 §107; 1973 c.796 §33; 1979 c.519 §36; repealed by 1983 c.284 §14]
331.015 [1963 c.273 §2; repealed by 1965 c.100 §456]
331.020 [Amended by 1961 c.361 §1; 1965 c.100 §108; repealed by 1973 c.796 §79]
331.025 [1973 c.467 §2; repealed by 1983 c.350 §331a]
331.030 [Amended by 1963 c.273 §3; 1965 c.100 §109; 1971 c.660 §3; repealed by 1973 c.796 §79]
331.035 [1973 c.467 §4; repealed by 1983 c.350 §331a; 1983 c.567 §22 and 1983 c.740 §102]
331.040 [Amended by 1963 c.273 §4; 1965 c.100 §110; 1967 c.609 §13; part renumbered 331.045; 1971 c.660 §4; repealed by 1973 c.467 §5 and 1973 c.796 §79]
331.045 [Formerly part of 331.040; repealed by 1973 c.467 §5 and 1973 c.796 §79]
331.050 [1961 c.72 §1; repealed by 1965 c.100 §456]
331.060 [1965 c.100 §111; 1983 c.83 §60; renumbered 332.142]
331.080 [Formerly 331.320; 1967 c.605 §5; 1967 c.609 §6; 1971 c.660 §5; 1973 c.796 §34; 1975 c.647 §29; repealed by 1977 c.681 §2]
331.085 [1977 c.759 §1; renumbered 332.016]
331.095 [1969 c.202 §1; 1983 c.284 §2; 1983 c.350 §162; renumbered 332.126]
331.097 [1969 c.202 §2; 1983 c.284 §3b; renumbered 332.132]
331.102 [1969 c.202 §3; 1983 c.284 §3c; renumbered 332.134]
331.105 [1969 c.359 §1; 1975 c.770 §12; 1983 c.350 §163; renumbered 332.136]
331.106 [1977 c.474 §1; repealed by 1983 c.284 §14]
331.110 [Amended by 1965 c.100 §117; 1967 c.605 §6; 1973 c.796 §36; repealed by 1979 c.519 §38]
331.115 [1973 c.796 §31; repealed by 1983 c.350 §331a]
331.120 [Amended by 1957 c.608 §230; 1965 c.100 §118; 1967 c.605 §7; 1971 c.749 §81; 1973 c.796 §37; 1977 c.149 §2; 1983 c.350 §165; renumbered 332.138]
331.130 [Amended by 1965 c.100 §119; 1967 c.605 §8; repealed by 1979 c.519 §38]
### Chapter 332
#### 2005 EDITION

**Local Administration of Education**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>332.002</td>
<td>Definitions</td>
</tr>
<tr>
<td>332.005</td>
<td>Directors as district school board; oath</td>
</tr>
<tr>
<td>332.011</td>
<td>Number of directors of districts under 300,000</td>
</tr>
<tr>
<td>332.012</td>
<td>Method for increasing number of board members</td>
</tr>
<tr>
<td>332.015</td>
<td>Number of directors of districts of 300,000 or more</td>
</tr>
<tr>
<td>332.016</td>
<td>Employees ineligible to serve as directors; exception</td>
</tr>
<tr>
<td>332.018</td>
<td>Term of office; qualifications; expenses</td>
</tr>
<tr>
<td>332.030</td>
<td>Vacancy in office of director</td>
</tr>
<tr>
<td>332.040</td>
<td>Officers; term</td>
</tr>
<tr>
<td>332.045</td>
<td>Board meetings</td>
</tr>
<tr>
<td>332.055</td>
<td>Quorum; transaction of business</td>
</tr>
<tr>
<td>332.057</td>
<td>Duties to be performed at meetings on record</td>
</tr>
<tr>
<td>332.061</td>
<td>Hearing to expel minor students or to examine confidential medical records; exceptions to public meetings law</td>
</tr>
<tr>
<td>332.072</td>
<td>Legal status of school districts</td>
</tr>
<tr>
<td>332.075</td>
<td>Powers of board</td>
</tr>
<tr>
<td>332.105</td>
<td>General duties of board</td>
</tr>
<tr>
<td>332.107</td>
<td>Rules for school government</td>
</tr>
<tr>
<td>332.111</td>
<td>Auxiliary services</td>
</tr>
<tr>
<td>332.114</td>
<td>Issuance of diplomas to veterans</td>
</tr>
<tr>
<td>332.118</td>
<td>Election laws applicable; duties of Secretary of State; requirements for petitioners</td>
</tr>
<tr>
<td>332.122</td>
<td>Nomination of directors; qualifications</td>
</tr>
<tr>
<td>332.124</td>
<td>Election at large unless zoned; plurality in zones; reelection from zones; procedure when no nominee to fill zone vacancy; duration of appointments</td>
</tr>
<tr>
<td>332.126</td>
<td>Election from zones</td>
</tr>
<tr>
<td>332.128</td>
<td>Establishing zones for purpose of nominating directors</td>
</tr>
<tr>
<td>332.132</td>
<td>Zoning process</td>
</tr>
<tr>
<td>332.134</td>
<td>Reelection after zoning</td>
</tr>
<tr>
<td>332.136</td>
<td>Election of directors by position numbers</td>
</tr>
<tr>
<td>332.138</td>
<td>Election of directors; term</td>
</tr>
<tr>
<td>332.155</td>
<td>Land; buildings; lease-purchase agreements; equipment and services</td>
</tr>
<tr>
<td>332.158</td>
<td>Creation of school in another school district by district school board; written permission</td>
</tr>
<tr>
<td>332.172</td>
<td>Use of school buildings and grounds for civic and recreational purposes; fee; rules</td>
</tr>
<tr>
<td>332.182</td>
<td>Condemnation of realty for school purposes</td>
</tr>
<tr>
<td>332.210</td>
<td>Districts controlling cemeteries</td>
</tr>
<tr>
<td>332.385</td>
<td>Gifts for scholarships and loans</td>
</tr>
<tr>
<td>332.405</td>
<td>Transportation; board and room; pedestrian facilities</td>
</tr>
<tr>
<td>332.415</td>
<td>Transportation of students attending private or parochial schools</td>
</tr>
<tr>
<td>332.427</td>
<td>Availability of district vehicles for public transportation purposes</td>
</tr>
<tr>
<td>332.432</td>
<td>Insurance, medical and hospital service contracts covering school employees; self-insurance</td>
</tr>
<tr>
<td>332.435</td>
<td>Liability insurance; self-insurance program for liability; medical and hospital benefits for students</td>
</tr>
<tr>
<td>332.437</td>
<td>Insurance reserve fund</td>
</tr>
<tr>
<td>332.445</td>
<td>Regulation of vehicles on school property; rules</td>
</tr>
<tr>
<td>332.505</td>
<td>Employment and compensation of personnel; written personnel policies</td>
</tr>
<tr>
<td>332.507</td>
<td>Sick leave for school employees; other leave</td>
</tr>
<tr>
<td>332.515</td>
<td>Chief administrative officer as district school clerk; deputies</td>
</tr>
<tr>
<td>332.525</td>
<td>Bonds for personnel</td>
</tr>
<tr>
<td>332.531</td>
<td>Law enforcement agency; personnel as peace officers</td>
</tr>
<tr>
<td>332.534</td>
<td>Standard form for reporting salaries and other benefits</td>
</tr>
<tr>
<td>332.544</td>
<td>Procedure for demoting or dismissing classified school employees</td>
</tr>
<tr>
<td>332.554</td>
<td>Notice of reasonable assurance of continued employment; when sent; effect of failure to give notice</td>
</tr>
</tbody>
</table>
EDUCATION AND CULTURE

STUDENT CENSUS

332.585 Determination of student census by school districts

332.593 District school board policies governing student travel services

INTELLECTUAL PROPERTY

332.745 Acquisition of interest in intellectual properties

332.750 Transactions involving intellectual property exempt from certain bidding requirements
GENERAL PROVISIONS

332.002 Definitions. As used in this chapter, unless the context requires otherwise:

(1) “District school board” means the board of directors of a common school district or a union high school district.

(2) “School district” means a common or union high school district. [1965 c.100 §126; 1983 c.350 §167]

BOARDS OF DIRECTORS

332.005 Directors as district school board; oath. (1) The directors of a school district in their official capacity shall be known as the district school board.

(2) Directors must qualify by taking an oath of office before assuming the duties of office. [1965 c.100 §127; 1983 c.350 §168; 1983 c.379 §5]

332.010 [Amended by 1955 c.368 §7; 1957 c.634 §1; 1961 c.281 §1; repealed by 1965 c.100 §128 (332.011 enacted in lieu of 332.010)]

332.011 Number of directors of districts under 300,000. Except as otherwise provided for former administrative school districts or under ORS 335.490 or when specified by school district merger proceedings, the board of directors of a school district with a population of less than 300,000, according to the latest federal census, shall consist of five or seven members. [1965 c.100 §129 (enacted in lieu of 332.010); 1965 c.243 §1; 1967 c.605 §14; 1971 c.47 §1; 1975 c.770 §13a; 1991 c.167 §20; 1993 c.45 §36; 1993 c.329 §4; 1997 c.521 §16]

332.012 Method for increasing number of board members. (1) A district school board may increase the number of board members from five members to seven members on its own motion, or the district school board:

(a) May submit the question to the electors of the school district; or

(b) Shall submit the question to the electors of the school district when a petition is filed as provided in this section.

(2) Subject to ORS 332.118, a petition filed under this section shall be prepared, circulated and filed as provided for an initiative petition in ORS 255.135 to 255.205. [1997 c.521 §18]

332.015 Number of directors of districts of 300,000 or more. The board of directors of a school district with a population of 300,000 or more, according to the latest federal census, shall consist of seven members. [1965 c.100 §131 (enacted in lieu of 332.077); 1967 c.605 §15; 1973 c.796 §41; 1975 c.770 §16]

332.016 Employees ineligible to serve as directors; exception. (1) A person who is an employee of a school district may not serve as a member of the district school board for the district by which the employee is employed.

(2) A person who is an employee of a public charter school may not serve as a member of the district school board of the district in which the public charter school that employs the person is located.

(3) Notwithstanding subsection (1) or (2) of this section, a person who is an employee of a school district or a public charter school may serve as a member of the district school board for the district by which the employee is employed or the district in which the public charter school that employs the person is located if:

(a) The person is employed by the district or public charter school as a substitute or public charter school bus driver; and

(b) The district has an average daily membership (ADM), as defined in ORS 327.006, of 50 or less.

(4) A district school board member who was eligible to serve on a district school board under subsection (3) of this section at the beginning of the member’s term of office may continue to serve on the board for the remainder of the member’s term of office regardless of any change to the ADM of the district. [Formerly 331.085; 2001 c.810 §1; 2005 c.93 §1]

332.017 [1965 c.100 §132; repealed by 1977 c.474 §3]

332.018 Term of office; qualifications; expenses. (1) The term of office of director is four years.

(2) No person shall be eligible to serve as director unless the person is an elector of the district and has resided therein for the period of one year immediately preceding the election or appointment.

(3) No director shall receive any compensation for services as director other than reimbursement for reasonable and necessary expenses actually incurred on school business. [1975 c.770 §13; 1983 c.350 §168a; 1983 c.379 §6]


332.020 [Repealed by 1993 c.45 §37]

332.030 Vacancy in office of director. (1) The district school board shall declare the office of a director vacant upon the happening of any of the following:

(a) The death or resignation of the incumbent.

(b) When an incumbent is removed from office or the election of the incumbent thereto has been declared void by the judgment of any court.

(c) Subject to the provisions of subsections (2) and (3) of this section, when an incumbent ceases to be a resident of the district or zone from which nominated.
(d) When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause.

(e) When an incumbent ceases to discharge the duties of office for four consecutive months for any reason.

(f) When an incumbent is recalled.

(2) A director of a union high school board who changes the director’s permanent residence from one component common school district to another component common school district in which another director resides shall continue to serve as director to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was elected. If the term to which the director was elected expires June 30 next following the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(3) A director of a common school district nominated from a zone who changes the director’s permanent residence from one zone to another zone in which another director resides shall continue to serve as director to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was elected. If the term to which the director was elected expires June 30 next following the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(4) When a vacancy is declared under subsection (1)(a), (b) or (d) to (f) of this section, the remaining member or members of the board shall meet and appoint a person to fill the vacancy. The person must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, reside in the zone in which the vacancy occurs. A director appointed under this subsection shall serve to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was appointed. If the term to which the director was appointed expires June 30 next following the election of the successor, the successor shall be elected to a full term. In any case, the successor shall take office July 1 next following the election.

(5) If the offices of a majority of the directors of any district are vacant at the same time, the education service district board, or if there is none, the governing body of the county shall appoint persons to fill the vacancies. The persons must satisfy the eligibility requirements under ORS 332.018 and, if the district is zoned, reside in the zone in which the vacancies occur. If the vacancies occur in a joint district that is not included in an education service district, the governing body of the county containing the greater portion of the pupils in average daily membership shall appoint the directors. Each director appointed under this subsection shall serve to June 30 next following the next regular district election. At that election, a successor shall be elected to serve the remainder, if any, of the unexpired term to which the director was appointed. If the term to which the director was appointed expires June 30 next following the election of the successor, the successor shall be elected to a full term. In any case, the successor shall take office July 1 next following the election.


BOARD ORGANIZATION AND MEETINGS

332.040 Officers; term. No later than at the next regular meeting following July 1, the district school board shall meet and organize by electing a chairperson and a vice chairperson from its members. No member shall serve as chairperson for more than four years in succession. [Amended by 1957 c.634 §2; 1961 c.281 §3; 1965 c.100 §134; 1993 c.45 §38; 2001 c.226 §1]

332.045 Board meetings. The district school board must provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. Regular and special meetings may be convened upon notice in the manner required by ORS 192.640 by order of the chairperson, upon the request of three members of the board at least 24 hours before such meeting is to be held or by common consent of the board members. [Formerly 332.410; 1965 c.100 §135; 1975 c.770 §19]

332.050 [Amended by 1953 c.299 §2; 1957 c.634 §3; 1961 c.281 §4; renumbered 332.105]

332.055 Quorum; transaction of business. A majority of the members of the district school board shall constitute a quorum. A less number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of the majority of members of the board is required to transact any business. [Formerly 332.420; 1965 c.100 §136; 1973 c.725 §1; 1975 c.770 §20]

332.057 Duties to be performed at meetings on record. Any duty imposed upon the district school board as a body must be performed at a regular or special meeting

116
LOCAL ADMINISTRATION 332.075

332.060 Hearing to expel minor students or to examine confidential medical records; exceptions to public meetings law. Notwithstanding ORS 192.610 to 192.690 governing public meetings:

1. Any hearing held by a district school board or its hearings officer on any of the following matters shall be conducted in executive session of the board or privately by the hearings officer unless the student or the student’s parent or guardian requests a public hearing:
   a. Expulsion of a minor student from a public elementary or secondary school.
   b. Matters pertaining to or examination of the confidential medical records of a student, including that student’s educational program.

2. If an executive session is held by a district school board or a private hearing is held by its hearings officer under this section, the following shall not be made public:
   a. The name of the minor student.
   b. The issue, including a student’s confidential medical records and that student’s educational program.
   c. The discussion.
   d. The school board member’s vote on the issue.
   e. The school board members may vote in an executive session conducted pursuant to this section. [1975 c.276 §1; 1987 c.841 §1]

332.065 [Formerly 332.430; 1965 c.100 §138; repealed by 1993 c.45 §40]

332.070 [Renumbered 332.255]

STATUS, GENERAL POWERS AND DUTIES

332.072 Legal status of school districts. All school districts are bodies corporate, and the district school board is authorized to transact all business coming within the jurisdiction of the district and to sue and be sued. Pursuant to law, district school boards have control of the district schools and are responsible for educating children residing in the district. [1965 c.100 §139]

332.075 Powers of board. (1) Any district school board may:
   a. Fix the days of the year and the hours of the day when schools shall be in session.
   b. Adopt textbooks and other instructional materials as provided in ORS 337.120 and 337.141 and courses of study for the use of such schools as provided in ORS 336.035.
   c. Authorize the use of the schools for purposes of training students of an approved teacher education institution, as defined in ORS 342.120, and for such purposes may enter into contracts with the approved teacher education institutions on such terms as may be agreed upon. Such contracts as they relate to student teachers shall have the same effect and be subject to the same regulations as a contract between a licensed teacher and a district school board.
   d. Develop and operate with other school districts or community college districts secondary professional technical education programs for pupils of more than one district and fix by agreement the duration of the district’s obligation to continue such activity, subject to the availability of funds therefor.
   e. Authorize the school district to be a member of and pay fees, if any, to any voluntary organization, approved under ORS 339.430, that administers interscholastic activities or that facilitates the scheduling and programming of interscholastic activities.
   f. Accept money or property donated for the use or benefit of the school district and, consistent with the laws of this state, use such money or property for the purpose for which it was donated.

2. All contracts of the school district must be approved by the district school board before an order can be drawn for payment. If a contract is made without the authority of the district school board, the individual making such contract shall be personally liable.

3. Notwithstanding subsection (2) of this section, a district school board may, by resolution or policy, authorize its superintendent or the superintendent’s designee to enter into and approve payment on contracts for products, materials, supplies, capital outlay, equipment and services that are within appropriations made by the district school board pursuant to ORS 294.435. A district school board may not authorize its superintendent or the superintendent’s designee under this subsection to enter into and approve payment on contracts that include the provision of labor performed by employees of the school district. [Formerly 332.440; 1965 c.100 §140; 1967 c.67 §25; 1967 c.200 §5; 1969 c.311 §1; 1973 c.270 §1; 1975 c.459 §2; 1975 c.770 §21; 1977 c.783 §1; 1987 c.404 §3; 1993 c.45 §41; 1999 c.215 §2; 2001 c.461 §7]

332.077 [Formerly 332.450; repealed by 1965 c.100 §130; (332.015 enacted in lieu of 332.077)]

332.080 [Repealed by 1965 c.634 §13]

332.085 [1953 c.424 §2 (332.085 enacted in lieu of 332.390); 1955 c.357 §1; renumbered 332.125 and then 328.565]
332.105 General duties of board. (1) The general duties of district school boards are:

(a) To cause to be used in the district state blanks, registers and other forms, whenever supplied and required by the state.

(b) To perform such other duties as the wants of the district may from time to time demand.

(2) The district school board may participate in the activities of and may become members of associations of school boards. When provided for in an approved school district budget, the board may pay from school district funds annual dues to such association. [Formerly 332.050; 1965 c.100 §141; 1967 c.326 §1; 1969 c.541 §2]

332.107 Rules for school government. Each district school board shall establish rules for the government of the schools and pupils consistent with the rules of the State Board of Education. [Formerly 336.030; 1993 c.45 §42]

332.108 [Formerly 332.060; 1965 c.100 §137; renumbered 332.057]

332.110 [Renumbered 332.145]

332.111 Auxiliary services. A district school board in a school district may enter into agreements to provide auxiliary services and facilities to students, including but not limited to forms of residential care and medical and dental services. Any facility used for residential purposes under this section must meet the applicable standards of the Department of Human Services and the State Fire Marshal. [1967 c.200 §2; 1969 c.218 §1; 1993 c.45 §43]

332.114 Issuance of diplomas to veterans. (1) A person who meets the requirements under subsection (3) of this section may request a school district to issue the person a high school diploma if the person resides within the boundaries of the school district or is a resident of this state and attended a high school of the school district.

(2) A representative of a deceased person who meets the requirements under subsection (3) of this section may request a school district to issue a high school diploma on behalf of the deceased person if the deceased person resided within the boundaries of the school district and was a resident of this state and attended a high school of the school district.

(3) Notwithstanding the requirements for a high school diploma established under ORS 329.451 and by the State Board of Education and school districts under ORS 329.447, a school district that receives a request under subsection (1) or (2) of this section shall issue a high school diploma to a person if the person:

(a) Attended a high school before serving in the Armed Forces of the United States;

(b) Did not graduate from a high school because the person was serving in the Armed Forces of the United States;

(c) Was discharged or released under honorable conditions from the Armed Forces of the United States;

(d) Served in the Armed Forces of the United States as described in subsection (4) of this section; and

(e)(A) Has received a General Educational Development (GED) certificate;

(B) Has received a post-secondary degree from a community college, state institution of higher education or other generally accredited institution of higher education; or

(C) Has received a minimum score on the Armed Services Vocational Aptitude Battery (ASVAB), as established by the Oregon Military Department.

(4) The provisions of subsection (3) of this section apply to a person who:

(a) Served in the Armed Forces of the United States at any time during:

(A) World War I;

(B) World War II;

(C) The Korean Conflict; or

(D) The Vietnam War;

(b) Served in the Armed Forces of the United States and was physically present in:

(A) Operation Urgent Fury (Grenada);

(B) Operation Just Cause (Panama);

(C) Operation Desert Shield/Desert Storm (the Persian Gulf War);

(D) Operation Restore Hope (Somalia);

(E) Operation Enduring Freedom (Afghanistan); or

(F) Operation Iraqi Freedom (Iraq); or

(c) Served in the Armed Forces of the United States in an area designated as a combat zone by the President of the United States. [2003 c.182 §1; 2005 c.515 §1; 2005 c.827 §2]

Note: 332.114 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 332 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

332.115 [Repealed by 1957 c.634 §13]

ELECTIONS

332.118 Election laws applicable; duties of Secretary of State; requirements for petitioners. (1) Unless specifically provided otherwise, ORS chapter 255 governs the following:
(a) The nomination and election of school directors and local school committee members.
(b) The conduct of all school district elections.

(2) ORS 249.865 to 249.877 govern the recall of school board members and local school committee members.

(3) The Secretary of State has supervising authority over all elections conducted by school districts and over elections conducted by education service districts when an education service district board is serving as a district boundary board.

(4) A petition for a proposed change or merger under ORS 330.095, a remonstrance petition under ORS 330.101, a petition for zoning under ORS 332.128 or a petition to lengthen the course of study under ORS 335.495 shall not be circulated for signatures until the prospective petition has been filed with the county clerk. The prospective petition shall designate the names and residence addresses of not more than three persons as chief petitioner. The authority of the Secretary of State and the application of the election laws commence when the prospective petition is filed with the county clerk. The filing of the prospective petition is to be treated like a prospective petition for an initiative, referendum or recall. Except as otherwise provided in ORS 330.080 to 330.113, ORS chapter 255 applies to the procedures applicable to petitions described in this subsection and the elections held on the petitions. [Formerly 331.002; 1993 c.136 §1]

332.120 [Renumbered 332.165]

332.122 Nomination of directors; qualifications. (1) In common school districts and union high school districts the directors may be nominated in one of the following methods or a combination thereof:
(a) At large by position number by the electors of the district.
(b) By zone by electors of zones, if zoning is approved by the electors under ORS 332.128.

(2) A person shall be nominated as a candidate for director by filing a petition for nomination or a declaration of candidacy under ORS 255.235.

(3) If a candidate is nominated by petition, the petition:
(a) If the candidate is nominated from a zone, must be signed by the electors of the zone.
(b) If the candidate is nominated at large, must be signed by the electors of the district.

(4) A candidate for school director must be an elector registered in the district. If the district is zoned and the candidate seeks nomination from a zone, the candidate also must be a resident of that zone. [1983 c.294 §1; 1983 c.350 §161c; 1987 c.7 §3]

332.124 Election at large unless zoned; plurality in zones; reelection from zones; procedure when no nominee to fill zone vacancy; duration of appointments. (1) All candidates shall be elected at large in the district unless the district school board provides for election from zones under ORS 332.126.

(2) In a district in which directors are elected from zones:
(a) The candidate for the office of director in each zone who receives the plurality of the votes shall be elected.
(b) At the expiration of each director’s term of office, a successor shall be elected from the same zone.

(3) In the event that no person from the same zone is nominated under ORS 332.122 as a candidate for the vacant office of director by the school district election filing deadline or is elected as a write-in candidate at the subsequent school district election, or in the event that an office of director becomes vacant at midterm, the district school board shall fill the vacancy as follows:
(a) The board shall advertise the vacancy for a 20-day period in an attempt to find an eligible resident from the same zone to fill the vacancy. If one or more eligible residents declare interest in the vacant office, the school district board shall appoint one of the eligible residents to fill the vacant office until June 30 following the next regular school district election.
(b) If, after 20 days of advertising the vacancy, no eligible resident from the same zone declares interest in the vacant office, the school district board shall appoint one of the eligible residents from the district at large to fill the vacant office until June 30 following the next regular school district election.
(c) Offices filled in the manner described in paragraphs (a) and (b) of this subsection shall become vacant on June 30 following the next regular school district election. Nomination of candidates for vacant offices shall occur as provided under ORS 332.122. [Formerly 331.090; 1993 c.150 §1]

332.125 [Formerly 332.085; 1965 c.100 §62; renumbered 328.565]

332.126 Election from zones. (1) If a majority of the district school board of a zoned common school district or a zoned union high school district so decides, the board may provide that directors of the district school board who are nominated from zones
also shall be elected from the zones from which they are nominated.

(2) At any time after a district school board decides that directors shall be elected by zone:

(a) The district school board may rescind the decision and provide that the directors who are nominated by zone shall be elected at large.

(b) Zones may be abolished pursuant to ORS 332.128. [1983 c.284 §3a; 1993 c.45 §44]

332.128 Establishing zones for purpose of nominating directors. (1) In common school districts and union high school districts, directors may be nominated from zones by resolution of the district school board or if the question of zoning is approved by the electors of the district at the regular district election as provided in this section.

(2) The district school board:

(a) May submit the question on its own resolution; or

(b) Shall submit the question when a petition is filed as provided in this section.

(3) The requirements for preparing, circulating and filing a petition under this section are subject to ORS 332.118 and shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(4) If the proposal to create zones in a district includes a combination of nomination of candidates from and by zones and of nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the petition or the order of the board.

(5) A district that has been zoned under this section may abolish zones in the same manner as they were established. [Formerly 331.095; 1993 c.45 §4; 1997 c.521 §15]

332.130 [Amended by 1965 c.100 §169; renumbered 332.770]

332.132 Zoning process. If a common school district or union high school district is zoned, the school board of the district shall divide the district into the necessary number of zones as nearly equal in population, as shown by the latest federal census, as practicable, taking into account attendance areas where possible. The board shall readjust zone boundaries if necessary to comply with this section, upon any change in the boundaries of the district. [Formerly 331.097]

332.134 Reelection after zoning. (1) A school board director shall be eligible for reelection in an election subsequent to zoning under ORS 332.128 only if the director resides in a zone which is not otherwise represented on the board.

(2) Any vacancy occurring on a school board before all zones are represented thereon shall be filled from among residents in an unrepresented zone, the zone to be determined by the board by lot. [Formerly 331.102]

332.135 [Formerly 332.320; 1965 c.100 §158; renumbered 332.505]

332.136 Election of directors by position numbers. (1) Each position of school director shall be designated by number as Position No. 1, Position No. 2 and so on.

(2) At the first organizational meeting of the board following formation of the district, the chairperson of the board shall assign a position number to each office on the board. The chairperson shall certify the number assigned to the director holding that position and shall file one copy of the certification in the records of the district.

(3) This section applies to the following districts that are not zoned:

(a) Common school districts;

(b) Union high school districts; and

(c) Education service districts. [Formerly 331.105]

332.138 Election of directors; term. At each regular district election described in ORS 255.335, school directors shall be elected for a term of four years to succeed the directors whose terms of office expire on June 30 of that year. All such elections of school directors shall be held as provided by ORS chapter 255. [Formerly 331.120; 1995 c.258 §3]

332.140 [Amended by 1959 c.526 §1; 1963 c.544 §27; renumbered 336.085]

332.142 [Formerly 331.060; renumbered 330.133 in 1993]

332.145 [Formerly 332.110; repealed by 1965 c.100 §456]

332.150 [Amended by 1957 c.310 §11; repealed by 1957 c.634 §13]

DISTRICT PROPERTY

332.155 Land; buildings; lease-purchase agreements; equipment and services. A district school board:

(1) May furnish, equip, repair, lease, purchase and build schoolhouses, including high schools, junior high schools, professional technical schools, gymnasiums, houses for teachers and other employees, and like buildings; and locate, buy and lease lands for all school purposes. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.

(2) May contract for the removal or containment of asbestos substances in school buildings and for repairs made necessary by
such removal or containment. Contracts authorized by this section may be for a term exceeding one year.

(3) May construct or cooperate in the construction of schools for training of student teachers on state or district owned lands, for any state institution of higher education in or contiguous to the district, and to expend district funds in so doing.

(4) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price which is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(5) May lease, sell and convey all property of the district as may not in the judgment of the district school board be required for school purposes.

(6) May sell property of the district in transactions whereby the district has the right to lease, occupy or reacquire the property following the sale or have facilities constructed thereon or furnished to the specifications of the district. The construction or furnishing of such facilities shall be subject to:

(a) ORS chapter 279A, except ORS 279A.125 and 279A.250 to 279A.290;

(b) ORS chapter 279B, except ORS 279B.235, 279B.240, 279B.270, 279B.275 and 279B.280; and

(c) ORS chapter 279C.005, 279C.100 to 279C.125 and 279C.300 to 279C.470.

(7) Shall furnish the schools with supplies, equipment, apparatus and services essential to meeting the requirements of a standard school and may furnish such other supplies, equipment, apparatus and services as the board considers advisable.

(8) May construct, purchase or lease in cooperation with other school districts or community college districts facilities for secondary professional technical programs for pupils of more than one district and may furnish or cooperate in furnishing supplies and equipment for such facilities, to be financed in the same manner as other school buildings and supplies are financed.

(9) May purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.

(10) May purchase relocatable classrooms and other relocatable structures in installation transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date such property is delivered to the district for occupancy and are secured by a security interest in such property. Such transactions may take the form of, but are not limited to, lease-purchase agreements.

(11) May enter into rental or lease-purchase agreements covering motor vehicles operated by the district. [Formerly 332.380; 1965 c.100 §143; 1969 c.311 §2; 1969 c.434 §1; 1975 c.358 §1; 1981 c.212 §1; 1983 c.740 §103; 1989 c.138 §2; 1993 c.45 §47; 2003 c.794 §255]

### 332.158 Creation of school in another school district by district school board; written permission.

(1) A district school board may lease, purchase, construct, reconstruct, improve, repair, equip and furnish a school in another school district and may expend bond proceeds and other funds available to the board for such purposes if the board has the written permission of the district school board of the district in which the school will be located. The written permission required by this subsection shall be obtained prior to the first day on which students will attend classes in the school.

(2) If a district school board opens a school in another school district and does not obtain the written permission required by subsection (1) of this section, the board of the district school district in which the school has been opened may file a complaint with the Superintendent of Public Instruction. Upon receipt of a complaint, the state superintendent shall schedule a contested case hearing pursuant to ORS 183.413 to 183.470. If it is determined that the written permission required by subsection (1) of this section was not obtained, the state superintendent shall withhold the State School Fund grant otherwise allocated to the district that opened the school in another district until the written permission is obtained or until some other date as determined by the state superintendent. [2001 c.169 §2]

### 332.160 Use of school buildings and grounds for civic and recreational purposes; fee; rules.

(1) Subject to ORS 330.430, the district school board may permit the use of school buildings and grounds for civic and recreational purposes, including use for:

(a) Supervised recreational activities;

(b) Meeting places for discussion of all subjects and questions which in the judgment of the residents may relate to the educational, political, economic, artistic and...
moral interests of the residents, giving equal rights and privileges to all religious denominations and political parties; and

(c) Such other proper purposes as may be determined by the board.

(2) The district school board may appoint a special supervising officer to have charge of the buildings and grounds, preserve order, protect school property and do all things necessary in the capacity of a peace officer to carry out the provisions of this section.

(3) The district school board may establish a schedule of fees and collect fees pursuant to the schedule for use of school buildings and grounds and other facilities, including but not limited to gymnasium equipment, swimming pools, athletic fields and tennis courts.

(4) Expenses for light, heat, janitor services and services of the special supervising officer provided in connection with use of buildings and grounds under this section which are not covered by the fees charged under subsection (3) of this section shall be paid out of the county or special school funds of the district in the same manner that other similar services are paid.

(5) The district school board shall make rules governing the use of school buildings and grounds under this section. [1965 c.100 §144; 1983 c.350 §170; 1993 c.45 §49; 1995 c.660 §48]

§332.175 [Formerly 332.170; repealed by 1965 c.100 §456]

§332.180 [Amended by 1961 c.575 §5; renumbered 332.190 and then 332.325]

§332.182 Condemnation of realty for school purposes. (1) Whenever it is necessary for any school district to acquire any real property for necessary school purposes, and the owner of the real property and the district school board cannot agree upon the price to be paid therefor, and the damage for the taking thereof, if any, the district school board may commence and prosecute any necessary or appropriate action for the condemnation of the real property required for school purposes. The title acquired by any school district by any such action shall be a fee simple title.

(2) The procedure for condemnation shall be the procedure provided by law for condemnation of land or rights of way by public corporations or quasi-public corporations for public use or for corporate purposes. [1965 c.100 §145]

§332.190 [Amended by 1965 c.100 §146; repealed by 1989 c.216 §1]

§332.200 [Amended by 1957 c.310 §12; renumbered 336.055 and then 336.105]

§332.205 [Formerly 332.400; 1965 c.100 §156; renumbered 332.445]

332.210 Districts controlling cemeteries. (1) Any school district may own, possess, manage, operate, control, improve, sell and convey real property used for cemetery purposes where such property is within the school district boundaries and a deed of conveyance was executed and delivered conveying in fee such real property from the owners thereof to such school district prior to 1923 and such district accepted such deed and improved such real property for cemetery purposes.

(2) Any school district owning and possessing real property described in subsection (1) of this section may receive, own, expend and issue moneys, notes and other evidences of indebtedness for improvement, maintenance, operation, care and management of such real property used for cemetery purposes. [Amended by 1967 c.67 §3]

§332.215 [Formerly 332.370; repealed by 1965 c.100 §456]

§332.220 [Renumbered 332.265]

§332.225 [Formerly 332.240; repealed by 1965 c.100 §456]

§332.230 [Amended by 1963 c.136 §1; renumbered 332.275]

§332.235 [Formerly 332.180; 1965 c.100 §155; renumbered 332.435]

§332.240 [Renumbered 332.225]

§332.245 [Formerly 332.330; repealed by 1965 c.100 §456]

§332.248 [1953 c.626 §1; renumbered 332.285]

§332.250 [Repealed by 1953 c.626 §9]

§332.252 [1953 c.626 §2; renumbered 332.290]

§332.255 [Formerly 332.070; 1965 c.100 §147; 1971 c.98 §2; repealed by 1953 c.45 §50]

§332.256 [1953 c.626 §3; 1957 c.310 §13; renumbered 332.295]

§332.260 [Repealed by 1953 c.626 §9]

§332.262 [1953 c.626 §4; renumbered 332.300]

§332.265 [Formerly 332.220; repealed by 1965 c.100 §456]

§332.266 [1953 c.626 §5; renumbered 332.305]

§332.270 [Repealed by 1953 c.626 §9]

§332.272 [1953 c.626 §6; renumbered 332.315]

§332.275 [Formerly 332.230; 1965 c.100 §148; 1967 c.350 §1; repealed by 1975 c.771 §33]

§332.280 [Repealed by 1953 c.626 §9]

§332.285 [Formerly 332.248; 1965 c.100 §149; 1965 c.123 §1; repealed by 1975 c.771 §33]

§332.290 [Formerly 332.252; repealed by 1975 c.771 §33]

§332.295 [Formerly 332.256; 1965 c.100 §150; repealed by 1975 c.771 §33]

§332.300 [Formerly 332.262; 1965 c.100 §151; repealed by 1975 c.771 §33]

§332.305 [Formerly 332.266; 1965 c.100 §152; repealed by 1975 c.771 §33]

§332.310 [Repealed by 1957 c.634 §13]

§332.315 [Formerly 332.272; repealed by 1975 c.771 §33]

§332.320 [Amended by 1957 c.634 §4; renumbered 332.135 and then 332.505]
332.325 [1971 c.234 §2; repealed by 1993 c.45 §51]
332.330 [Amended by 1957 c.634 §5; renumbered 332.245]
332.340 [Amended by 1957 c.634 §6; renumbered 336.225 and then 336.035]
332.350 [Amended by 1957 c.634 §7; renumbered 336.265 and then 336.125]
332.360 [Amended by 1957 c.634 §8; renumbered 336.073]
332.370 [Amended by 1957 c.634 §9; renumbered 332.215]
332.375 [1965 c.147 §2; repealed by 1993 c.45 §52]
332.380 [Amended by 1957 c.634 §10; 1963 c.131 §1; renumbered 332.155]

GIFTS

332.385 Gifts for scholarships and loans. If the district school board accepts money and property donated for the purpose of establishing scholarship and loan funds for the post-high-school education of students of the district, then, subject to the conditions of the gift, the board may appoint a scholarship committee which, subject to the rules of the board, shall determine the eligibility of applicants for scholarships and loans, award scholarships and loans and fix the amounts to be awarded and the terms and conditions of the awards. [1965 c.147 §2; 1967 c.67 §4]

332.390 [Repealed by 1953 c.424 §2 (332.095 enacted in lieu of 332.390)]
332.400 [1961 c.570 §§1, 2, 4, 5; renumbered 332.205 and then 332.445]

TRANSPORTATION

332.405 Transportation; board and room; pedestrian facilities. (1) The district school board shall provide transportation for pupils or combinations of pupils and other persons to and from school-related activities where required by law or when considered advisable by the board.

(2) The board may furnish board and room for pupils in lieu of transportation when reasonable board and room can be provided at equal or less expense than transportation. The board may also provide board and room in a facility that existed on July 1, 1998, or a replacement facility for that facility, for pupils attending a district school through an interdistrict agreement described in ORS 327.006 (7)(a)(B) or through a power of attorney authorized under ORS 109.056 (2). This subsection does not apply to a pupil who attends a district school through a power of attorney and who is a foreign exchange student enrolled in a school under a cultural exchange program.

(3) The transportation costs or expenses for board and room shall be paid from funds available to the district for that purpose.

(4) The district school board may expend district funds to improve or provide for pedestrian facilities off district property if the board finds that the expenditure reduces transportation costs of the district and enhances the safety of pupils going to and from schools of the district. [Formerly 338.010; 1981 c.237 §1; 1981 c.403 §§3; 1993 c.45 §53; 1999 c.96 §4]
332.410 [Amended by 1957 c.634 §11; renumbered 332.045]

332.415 Transportation of students attending private or parochial schools. Whenever any district school board lawfully provides for transportation for pupils attending public schools, all children attending any private or parochial school under the compulsory school attendance laws shall, where the private or parochial school is along or near the route designated by said board, be entitled equally to the same rights, benefits and privileges as to transportation so provided for. [Formerly 338.060]
332.420 [Renumbered 332.055]
332.425 [Formerly 338.070; repealed by 1993 c.45 §54]

332.427 Availability of district vehicles for public transportation purposes. (1) A district school board may enter into contracts whereby motor vehicles operated by, or under lease with, the district for transportation of school children may be leased or otherwise made available to qualified persons or agencies, public or private, or may use such motor vehicles, as agreed upon by the Department of Transportation, for public transportation purposes, subject to such terms and conditions as the district school board considers consistent with district use of such vehicles.

(2) Transportation provided pursuant to subsection (1) of this section shall only serve points along a route where the transportation provided will not be in competition with any passenger carrier operated under provisions of ORS chapter 825 or with any mass transit district organized under ORS chapter 267.

(3) Motor vehicles used for public transportation purposes pursuant to this section shall not be subject to ORS chapter 825.

(4) Only those vehicles operated by the district that comply with rules adopted by the State Board of Education under ORS 820.100 and 820.120, relating to standards of vehicle construction and equipment may be used for public transportation purposes. Drivers of the vehicles shall be at least 18 years of age and shall comply with rules adopted by the State Board of Education under ORS 820.110, relating to qualifications of school bus drivers.

(5) Nothing in this section shall limit the use of school buses for the transportation of
nonstudents to or from school activities whether a fee is charged or not. [1971 c.559 §4; 1973 c.690 §1; 1975 c.161 §4; 1981 c.403 §1; 1983 c.740 §104; 1985 c.16 §450; 1985 c.420 §21; 1989 c.491 §20]

332.430 [Amended by 1957 c.634 §12; renumbered 332.065]

INSURANCE

332.432 Insurance, medical and hospital service contracts covering school employees; self-insurance. (1) As used in this section, “remedial care” includes services rendered by a person licensed to practice one or more of the healing arts within the scope of the license of the person or any other remedial care recognized under the laws of this state.

(2) Any district school board may enter into contracts of insurance or medical and hospital service contracts covering its employees for remedial care and hospital benefits. In addition, the board may operate a self-insurance program to provide its employees with remedial care and hospital benefits. Failure to procure or operate a program of hospital-medical insurance shall not be construed as negligence or lack of diligence on the part of the district school board or members thereof.

(3) The school district may agree to pay none, part or all of the premiums on policies of insurance or service contracts entered into pursuant to this section.

(4) No premium or other periodic charge on any insurance, medical or hospital service contract shall be paid unless the insurer or hospital association issuing such policy or contract is by law authorized to transact business as an insurance company or hospital association in this state.

(5) The board may negotiate more than one contract with one or more insurance companies or hospital associations if necessary to obtain optimum coverage at minimum cost. [Formerly 342.598; 1997 c.795 §1; 1999 c.59 §83]

332.435 Liability insurance; self-insurance program for liability; medical and hospital benefits for students. Any district school board may enter into contracts of insurance for liability or operate a self-insurance program for liability covering all activities engaged in by the district for medical and hospital benefits for students engaging in athletic contests and in traffic patrols and may pay the necessary premiums thereon. Failure to procure such insurance or operate such a program shall in no case be construed as negligence or lack of diligence on the part of the district school board or the members thereof. [Formerly 332.235; 1967 c.627 §13; 1997 c.795 §2]

332.437 Insurance reserve fund. Any school district board by resolution may establish an insurance reserve fund by making transfers from the district’s general fund. Transfers to the insurance reserve fund shall be included in the district budget prepared and published in accordance with ORS 294.305 to 294.565. If at any time conditions arise which dispense with the necessity for further transfers to or expenditures from a fund established pursuant to this section, the district board shall so declare by resolution. The resolution shall order the balance remaining in such fund to be transferred to the general fund of the district and shall declare the insurance reserve fund closed. [1971 c.599 §1; 1975 c.770 §23]

332.440 [Renumbered 332.075]

TRAFFIC REGULATION

332.445 Regulation of vehicles on school property; rules. (1) As used in this section, “vehicles” means and includes all motor vehicles as defined in ORS 801.560 and every other mechanical device in or on which a person or thing is or may be carried and which is intended for such use except road rollers, farm tractors, traction engines, police ambulances, devices moved exclusively on stationary tracks, devices operated by electric energy transmitted through trolley poles from trolley wires and devices powered exclusively by human power.

(2) A district school board by resolution may adopt, modify or abolish rules prohibiting, restricting or regulating the operation and parking of vehicles, or particular classes or kinds of vehicles, upon property controlled by the district, as the board considers convenient or necessary for the policing of such property. The district school board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use district property, the student must show that the vehicle is operated by a student holding a valid driver’s license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080 or that the student or owner of the vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(3) The rules adopted under subsection (2) of this section shall become effective when appropriate signs giving notice thereof are erected upon property controlled by the district.
Every peace officer may enforce the rules adopted under subsection (2) of this section.

The district and any municipal corporation or any department, agency or political subdivision of this state may enter into agreements or contracts with each other for the purpose of providing a uniform system of enforcement of the rules adopted under subsection (2) of this section. [Formerly 332.205; 1983 c.338 §912; 1993 c.45 §55; 1993 c.221 §1.

Every peace officer may enforce the rules adopted under subsection (2) of this section. [Formerly 332.205; 1983 c.338 §912; 1993 c.45 §55; 1993 c.221 §1.

PERSONNEL

Employment and compensation of personnel; written personnel policies. (1) A district school board may:

(a) Employ a superintendent of schools and necessary assistant superintendents for the district and fix the terms and conditions of employment and the compensation. The district school board shall not contract with a superintendent for more than a period of three years at a time. The contract shall automatically expire at the end of its term. However, the district school board may elect to issue a subsequent contract for an additional three years at any time.

(b) Employ personnel, including teachers and administrators, necessary to carry out the duties and powers of the board and fix the duties, terms and conditions of employment and the compensation.

(c) Compensate district employees in any form which may include, but shall not be limited to, insurance, tuition reimbursement and salaries.

(d) Employ educational assistants and intern teachers subject to the rules of the State Board of Education.

(2) The district school board shall maintain written personnel policies at least one copy of which shall be placed in the library and one copy in the business office of every school in the district. Copies shall be available for inspection by any school employee or member of the public.

(3) The superintendent of the school district shall cause each employee to be specifically informed of the existence and availability of the personnel policies. [Formerly 332.320 and then 332.135; 1971 c.519 §1; 1975 c.770 §27; 1993 c.45 §56; 1997 c.564 §16]

Sick leave for school employees; other leave. (1) As used in this section:

(a) “School employee” includes all employees of a public school district or an education service district.

(b) “Sick leave” means absence from duty because of a school employee’s illness or injury or as otherwise provided for by law or by provisions of a collective bargaining agreement. In case of conflict with a rule adopted to interpret a law, the collective bargaining agreement to which the parties agree shall govern.

(2) Each district shall allow each school employee at least 10 days’ sick leave at full pay for each school year or one day per month employed, whichever is greater.

(3) At the option of the local governing board, sick leave in excess of five consecutive work days shall be allowed only upon certificate of the school employee’s attending physician or practitioner that the illness or injury prevents the school employee from working.

(4) Sick leave not taken shall accumulate for an unlimited number of days. A local governing board is required to permit a school employee to take up to 75 days sick leave accumulated in other Oregon districts. The accumulation shall not exceed that carried by the most recent employing district. However, the transfer of sick leave from another Oregon district shall not be effective until the school employee has completed 30 working days in the new district.

(5) For purposes of determining retirement benefits, a local governing board is required to permit a school employee to transfer an unlimited number of days of unused accumulated sick leave from another Oregon district employer. [Formerly 342.596]

Chief administrative officer as district school clerk; deputies. The district school board shall designate the chief administrative officer of the district as district school clerk, but if there is no such officer the board shall designate an individual to perform the function. The board may appoint qualified persons as deputies to the chief administrative officer in performing the duties required of the district school clerk by law or by the board. [1969 c.541 §1]

Bonds for personnel. (1) The persons authorized to handle district funds, including the person designated to be custodian of district funds under ORS 328.441, shall be bonded in an amount to be determined by law and by the district school
board. The board may require bonds on such other persons as the board may determine.

(2) The district school board shall require the district school clerk to be bonded in an amount to be determined by the board as reasonably necessary to protect the district against loss.

(3) The costs of bonds under subsections (1) and (2) of this section shall be paid by the district school board in the same manner as other expenses of the district are paid. All bonds shall be justified by a surety company authorized to do business in this state. [1965 c.100 §161; 1975 c.770 §28]

332.530 [Repealed by 1965 c.100 §456]

332.531 Law enforcement agency; personnel as peace officers. (1) The district school board of any school district may establish a law enforcement agency and employ such personnel as may be necessary to insure the safety of school district personnel and students upon and in the vicinity of school district premises and the security of the real and personal property owned, controlled or used by or on behalf of the school district.

(2) Persons employed and compensated as members of a law enforcement agency of a school district, when appointed and duly sworn, are peace officers as defined in ORS 161.015 (4), but only for the purpose of carrying out the duties of their employment. They are not police officers within the meaning of ORS 243.736.

(3) The district school board may:

(a) Provide for uniforms, badges, and other identification of members of such law enforcement agency;

(b) Withdraw or withhold from any person employed as a member of such law enforcement agency any part or all of the powers otherwise conferred by law upon peace officers; and

(c) Define the duties of persons employed as members of such law enforcement agency and assign additional duties to such persons as it may deem appropriate.

(4) Between meetings of the district school board, the district superintendent or the deputy of the superintendent shall have power to suspend any person employed as a member of such law enforcement agency pending review of such action as soon as practicable by the district school board. [1975 c.666 §2; 1989 c.606 §2; 1993 c.45 §57]

332.534 Standard form for reporting salaries and other benefits. In reporting the compensation of school district employees, the Department of Education shall prepare a standard form for the purpose of reporting the salary plus other benefits including their dollar value. [Formerly 342.604]

332.535 [1973 c.357 §1; repealed by 1993 c.45 §58]

332.540 [Amended by 1953 c.512 §2; 1957 c.198 §1; 1963 c.544 §28; 1963 c.570 §1b; renumbered 332.705]

332.544 Procedure for demoting or dismissing classified school employees. (1) As used in this section, “classified school employee” includes all employees of a public school district except those for whom a teaching or administrative license is required as a basis for employment in a public school district.

(2) A classified school employee who has been demoted or dismissed shall be entitled to a hearing before the school board if a written request is filed with the board within 15 days of the dismissal or demotion.

(3) School district employees subject to the civil service provisions of ORS chapter 242 are exempt from the provisions of this section. [Formerly 342.663]

332.545 [Amended by 1957 c.198 §2; renumbered 332.710]

332.550 [Renumbered 332.715]

332.554 Notice of reasonable assurance of continued employment; when sent; effect of failure to give notice. (1) Each school district shall give an individual, written notice of reasonable assurance of continued employment to all classified school employees who are to perform services in the same or a similar capacity during a subsequent academic year or term or in the period immediately following a recess period. Such notice shall be given by May 30 of each year for employees employed as of that date and as of the date of hire for employees employed subsequent to May 30.

(2) No liability shall accrue from failure to give the notice required by subsection (1) of this section or from the timing or contents thereof on the part of the school district. However, the State Board of Education shall enforce the provisions of subsection (1) of this section.

(3) As used in this section, “classified school employee” includes all employees of a public school district except those for whom a teaching or administrative license is required as a basis for employment in a public school district. [Formerly 342.617]

332.570 (Renumbered 332.720)

332.575 [1971 c.294 §9; renumbered 326.355 in 1993]

332.590 [Repealed by 1953 c.234 §2]

STUDENT CENSUS

332.585 Determination of student census by school districts. The district school board may conduct a student census to determine the number of pupils between the ages of 4 and 20 resident within the district. [1971 c.294 §8; 1993 c.45 §60]
STUDENT TRAVEL SERVICES

332.593 District school board policies governing student travel services. Each district school board shall adopt policies governing the solicitation and sale of travel services to students enrolled in kindergarten through grade 12. The policies shall address the solicitation and sale of travel services to students on school property under the jurisdiction of the school district, at activities under the jurisdiction of the school district and at interscholastic activities administered by a voluntary organization approved by the State Board of Education under ORS 339.430.

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INTELLECTUAL PROPERTY

332.745 Acquisition of interest in intellectual properties. (1) Any school district or education service district may develop or acquire interests in intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes, systems, methods and ideas. Such districts may also agree to aid in the development of property acquired pursuant to this section and ORS 332.750 and to pay an assignor of any interest in intellectual property a share of any moneys received on account of the districts' ownership, management, use or disposition of the property.

(2) The district school board or education service district board may manage, develop or dispose of property acquired or developed under subsection (1) of this section, and may contract with any other public school district, education service district, community college district or publicly supported institution of higher education of this or any other state or with the federal government regarding the management, development, use or disposition thereof. The board may reassign such property to the person from whom it was acquired. [1969 c.217 §§1, 2; 1975 c.770 §29]
Chapter 333
(Former Provisions)
County Unit System

333.005 [1959 c.424 §2; 1991 c.167 §21; repealed by 2003 c.226 §23]
333.010 [Repealed by 1975 c.770 §49]
333.015 [Repealed by 1975 c.770 §49]
333.020 [Amended by 1967 c.605 §17; 1975 c.770 §30; repealed by 2003 c.226 §23]
333.025 [Repealed by 1975 c.770 §49]
333.030 [Repealed by 1975 c.770 §49]
333.035 [1965 c.275 §2; repealed by 1991 c.167 §28]
333.040 [Repealed by 1975 c.770 §49]
333.050 [Amended by 1963 c.147 §1; 1983 c.284 §5a; repealed by 2003 c.226 §23]
333.060 [Amended by 1975 c.770 §31; repealed by 2003 c.226 §23]
333.070 [Amended by 1975 c.770 §32; repealed by 1983 c.350 §171 (333.071 enacted in lieu of 333.070)]
333.071 [1983 c.350 §172 (enacted in lieu of 333.070); repealed by 2003 c.226 §23]
333.080 [Amended by 1957 c.622 §5; repealed by 1971 c.289 §10]
333.090 [Amended by 1957 c.310 §14; 1957 c.622 §6; 1967 s.s. c.5 §8; 1973 c.796 §43; 1975 c.770 §33; 1983 c.350 §173; repealed by 2003 c.226 §23]
333.100 [Repealed by 1971 c.289 §10]
333.110 [Amended by 1957 c.622 §7; repealed by 1971 c.289 §10]
333.120 [Amended by 1967 s.s. c.8 §9; repealed by 1975 c.770 §49]
333.123 [1967 s.s. c.8 §7; repealed by 1971 c.289 §10]
333.124 [1959 c.424 §3; 1963 c.147 §2; 1965 c.100 §105; renumbered 330.310]
333.128 [1959 c.424 §§4, 5; 1961 c.709 §1; 1973 c.796 §44; 1975 c.770 §34; 1983 c.350 §64; repealed by 2003 c.226 §23]
333.130 [Repealed by 2003 c.226 §23]
333.140 [Repealed by 1975 c.770 §49]
333.145 [1971 c.289 §1; 1997 c.521 §21; repealed by 2003 c.226 §23]
333.150 [Amended by 1971 c.47 §2; repealed by 1971 c.289 §10]
333.160 [Repealed by 1971 c.289 §10]
333.170 [Repealed by 1971 c.289 §10]
333.175 [1971 c.289 §7; 1983 c.350 §175; repealed by 2003 c.226 §23]
333.180 [Amended by 1971 c.47 §3; repealed by 1971 c.289 §10]
333.185 [1971 c.289 §§8, 9; repealed by 1975 c.770 §49]
333.190 [Repealed by 1971 c.289 §10]
333.197 [1971 c.289 §3; 1995 c.258 §4; 1997 c.521 §19; repealed by 2003 c.226 §23]
333.200 [Amended by 1967 c.379 §1; repealed by 1971 c.289 §10]
333.205 [1971 c.289 §4; 1993 c.45 §63; 1999 c.21 §66; repealed by 2003 c.226 §23]
333.210 [Amended by 1969 c.64 §1; 1969 c.541 §3; repealed by 1975 c.770 §49]
333.215 [1979 c.47 §1; 1983 c.284 §8; repealed by 2003 c.226 §23]
333.220 [Repealed by 1975 c.770 §49]
333.230 [Repealed by 1975 c.770 §49]
333.240 [Amended by 1975 c.477 §4; repealed by 2003 c.226 §23]
333.250 [Repealed by 1975 c.770 §49]
333.260 [Repealed by 1975 c.770 §49]
333.270 [Repealed by 1975 c.770 §49]
333.280 [Amended by 1953 c.227 §2; 1973 c.827 §29; 1975 c.647 §22a; 1983 c.350 §178; 1987 c.7 §4; 1995 c.607 §73; repealed by 2003 c.226 §23]
333.290 [Amended by 1975 c.770 §35; repealed by 2003 c.226 §23]
333.300 [Repealed by 1967 c.315 §2]
333.305 [1967 c.315 §4; 1975 c.770 §36; repealed by 2003 c.226 §23]
333.310 [Amended by 1957 c.626 §7; repealed by 2003 c.226 §23]
333.320 [Amended by 1975 c.770 §37; repealed by 2003 c.226 §23]
333.330 [Repealed by 2003 c.226 §23]
333.340 [Repealed by 2003 c.226 §23]
333.350 [Repealed by 2003 c.226 §23]
333.360 [Amended by 1983 c.83 §65; repealed by 2003 c.226 §23]
333.370 [Repealed by 1975 c.770 §49]
333.390 [Amended by 1979 c.710 §2; 1983 c.610 §6; 1993 c.45 §64; repealed by 2003 c.226 §23]
333.393 [Repealed by 1963 c.544 §52]
333.394 [Amended by 1979 c.710 §3; repealed by 2003 c.226 §23]
333.395 [Amended by 1979 c.710 §4; repealed by 2003 c.226 §23]
333.396 [Repealed by 1979 c.710 §5 (333.561 enacted in lieu of 333.560)]
333.397 [1979 c.710 §6 (enacted in lieu of 333.560); repealed by 2003 c.226 §23]
333.398 [Amended by 1979 c.710 §7; repealed by 2003 c.226 §23]
333.399 [Repealed by 2003 c.770 §49]
Chapter 334
2005 EDITION

Education Service Districts

GENERAL PROVISIONS
334.003 Definitions
334.005 Mission; purpose; accountability
334.010 Education service districts
334.020 Composition of education service districts
334.022 No distinction in state funding between multicounty and single county districts

EDUCATION SERVICE DISTRICT BOARD
334.025 Number of board members; election; local advisory committees
334.032 Zones; representation of counties within district
334.035 Nomination of candidates
334.045 Election procedure
334.090 Term; eligibility; election of successors; vacancies
334.095 Declaration of vacancy in office of director; removal; recall
334.100 Organization of board; meetings; quorum; compensation
(Temporary provisions relating to pilot education service districts are compiled as notes following ORS 334.100)

POWERS AND DUTIES
334.125 Status of board; powers and duties
334.127 Title of real property when district ceases
334.145 Office space provided by county; rent; additional space; purchase of required space; providing space
334.175 Core services; local service plan
334.177 Expenditure of percentage of amounts received on resolution services
334.185 Entrepreneurial services and facilities
334.215 Gifts
334.217 Standards of adequacy of services and facilities; plans for nonstandard districts; effect of failure to comply; sanctions; rules

SUPERINTENDENT
334.225 Superintendent; duties; compensation

BUDGET AND TAX LEVIES
334.240 District budget; budget committee
334.285 Apportionment of taxes; split between elementary and secondary school purposes
334.293 Direct ad valorem tax required to pay bonds
334.370 Emergency aid fund

BOUNDARY CHANGES
334.690 State board as boundary board; criteria for reorganization; filing boundary change

MERGER
334.710 Petition; review by state board; notice; hearing
334.720 State board order; effective date
334.730 Joint meeting; zoning; election of new directors
334.740 Nomination
334.750 Term of office
334.760 Power of new board prior to existence of new district
334.770 Power of new board generally
GENERAL PROVISIONS

334.003 Definitions. For purposes of this chapter:
(1) “Component school district” means a common school district or a union high school district located within the territory of an education service district.
(2) “Education service district” means a district created under ORS 334.010 that provides regional educational services to component school districts.
(3) “Joint school district” means a common school district or a union high school district located within the territory of more than one education service district.

334.005 Mission; purpose; accountability. (1) The mission of education service districts is to assist school districts and the Department of Education in achieving Oregon’s educational goals by providing equitable, high quality, cost-effective and locally responsive educational services at a regional level.
(2) An education service district plays a key role in:
   (a) Ensuring an equitable and excellent education for all children in the state;
   (b) Implementing the Oregon Educational Act for the 21st Century;
   (c) Fostering the attainment of high standards of performance by all students in Oregon’s public schools; and
   (d) Facilitating interorganizational coordination and cooperation among educational, social service, health care and employment training agencies.
(3) An education service district’s role is one of leadership and service. Education service districts shall maintain the distinction between their role as service organizations and the regulatory role of the Department of Education and other state agencies.
(4) To ensure that an education service district is locally responsive, an education service district shall provide:
   (a) Opportunities for component school districts to participate in decisions about the services that are offered by the education service district; and
   (b) A variety of flexible service delivery models.
(5) An education service district shall remain accountable to:
   (a) The public at large;
   (b) The component school districts; and
   (c) The State Board of Education.

334.010 Education service districts. There is created in each region a district to be known as the education service district to consist of the counties and the area of the common school districts as listed in ORS 334.020, with a governing body thereof to be known as the education service district board. [Amended by 1961 c.153 §1; subsections (3) and (4) enacted as 1961 c.153 §2; 1963 c.544 §29; 1965 c.100 §170; 1977 c.481 §1; 1993 c.784 §2]

334.020 Composition of education service districts. (1) On and after the effective date of the order entered under section 25, chapter 784, Oregon Laws 1993, except as the boundaries of an education service district may be changed by merger under ORS 334.710 to 334.770 or other provision of law, the education service districts are as follows:
   (b) Region 2. Multnomah County.
   (c) Region 3. Marion and Polk Counties.
   (d) Region 4. Lincoln, Linn and Benton Counties.
   (e) Region 5. Lane County.
   (f) Region 6. Douglas County.
   (g) Region 7. Coos and Curry Counties and the area lying within the Reedsport School District.
   (h) Region 8. Jackson, Josephine and Klamath Counties.
   (i) Region 9. Hood River and Wasco Counties.
   (j) Region 10. Crook and Deschutes Counties.
   (k) Region 11. Lake County.
   (l) Region 12. Umatilla and Morrow Counties.
   (m) Region 13. Union and Baker Counties.
   (n) Region 14. Malheur County and the area comprising the Huntington School District.
   (o) Region 15. Clackamas County.
   (p) Region 16. Yamhill County.
   (q) Region 17. Harney County.
   (r) Region 18. Wallowa County.
   (s) Region 19. Sherman, Gilliam and Wheeler Counties.
   (t) Region 20. Grant County.
   (u) Region 21. Jefferson County and the area comprising the Warm Springs Reservation.
(2) Where a boundary change or formation of a component school district results in a joint school district, the joint school district shall be included in the education service district in which the joint district’s
334.022 No distinction in state funding between multicounty and single county districts. In adopting any rule relating to the distribution of state funds to education service districts, the State Board of Education shall not make any distinction based on the administrative structure of multicounty education service districts and the administrative structure of single county education service districts. [1993 c.784 §38]

Note: 334.022 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 334 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

EDUCATION SERVICE DISTRICT BOARD

334.025 Number of board members; election; local advisory committees. (1) The board of directors of an education service district shall consist of seven, nine or 11 members.

(2) In education service districts, not fewer than five of the directors shall be elected, one from each of the zones established under ORS 334.032. At the discretion of the board of directors, one or two board members may be elected from the district at large.

(3) On the petition of two component school districts, the board shall establish local advisory committees to represent the interests of areas within the petitioning districts. The local advisory committees shall advise the board on matters of concern within the advisory committee’s area. Local advisory committees shall represent two or more component school districts.

(4) The board of directors may by resolution increase or decrease the number of members of the board. The board’s resolution shall have no effect on the terms of any current board members. [1957 c.678 §5; 1963 c.544 §30; 1965 c.100 §171; 1975 c.770 §30; 1993 c.754 §3; 1995 c.611 §6]

334.030 [Repealed by 1957 c.678 §1]

334.032 Zones; representation of counties within district. (1) The board of directors of an education service district shall divide the education service district into not more than 11 zones as nearly equal in census population as may be practicable, measured along common school district boundary lines except that zones may be established using voting precinct boundaries in order to achieve greater equality of population. If possible, the board shall establish the zones so that each county within the education service district, the majority of the land area of which lies within the boundaries of the education service district, has at least one member on the board.

(2) Each county within the education service district, the majority of the land area of which lies within the boundaries of the education service district, shall have at least one member on the board or shall have at least one member on the budget committee of the education service district.

(3) The board may readjust the boundaries of the zones once each year and shall readjust the boundaries of the zones immediately upon any change of the boundaries of the education service district. [1965 c.100 §173; 1975 c.206 §1; 1981 c.131 §2; 1993 c.784 §6; 1995 c.611 §8; 2001 c.518 §4]

334.035 Nomination of candidates. (1) In education service districts having a population of less than 550,000 according to the latest federal census, a candidate for the district board shall be nominated in accordance with ORS 255.235 except as provided in this section. When a candidate is nominated from a zone by a nominating petition, the nominating petition must be signed by electors registered in the zone in which the candidate is a resident and who are qualified to vote in their respective component school districts. When a candidate is nominated at large by a nominating petition, the nominating petition must be signed by electors of the district. A candidate for education service district board member must be qualified to vote in the election in which the individual is a candidate.

(2) In education service districts having a population of 550,000 or more according to the latest federal census, the name of any qualified person nominated as provided by ORS 255.235 shall be placed on the ballot as a candidate for the office of director of the education service district. [1957 c.678 §5; 1963 c.544 §30; 1965 c.100 §174; 1973 c.796 §47; 1974 c.45 §5; 1981 c.131 §3; 1983 c.83 §66; 1983 c.350 §180; 1993 c.784 §7; 1995 c.611 §9]

334.040 [Amended by 1957 c.310 §15; repealed by 1957 c.678 §1]

334.045 Election procedure. (1) In education service districts, members of the board shall be elected at the time of the regular district election described in ORS 255.335 for the term commencing July 1 as provided in ORS 334.090. For this purpose, a district election shall be held in such districts in those zones from which a member or members of the board are to be elected, and in the district as a whole if a member or members at large are to be elected. The registrar of elections of the county in which such dis-
district is located shall be the elections officer for such elections.

(2) The education service district shall pay the actual cost of printing ballots and tally sheets for each election under this section, and the cost of checking signatures on certificates of nomination, together with such proportionate part of the general expenses of such election as provided in ORS 255.305.

(3) All elections of members of the board shall be held as provided in ORS chapter 255.

(4) A newly appointed director of an education service district must qualify by taking an oath of office before assuming the duties of office.

(5) A director of an education service district must qualify by taking an oath of office before assuming the duties of office.

(6) No employee of an education service district is eligible to serve as a director of the education service district by which the employee is employed.

(7) A regular district election shall be held in a district to fill any vacancy and to elect a successor for any director whose term expires July 1 next following the election. A successor shall be elected as follows:

(a) If the director was elected from a zone, the successor shall be elected to a full term.

(b) If the director was elected at large, the successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(8) Notwithstanding subsection (7) of this section, in any district having a population of 550,000 or more according to the latest federal census that becomes zoned according to ORS 334.032, the board shall determine prior to the nomination of school directors which positions shall be from zones and which positions shall be at large.

(9) Any vacancy on the board from any zone shall be filled by the remaining directors from among the qualified persons in that zone. Any such vacancy from the district at large shall be filled by the remaining directors from among the qualified persons in the district. However, if vacancies occur in a majority of the positions on the board, the State Board of Education shall fill the vacancies from among the qualified persons of the zones, if any, or from among other persons who are qualified to serve. The period of service of an appointee under this subsection expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office July 1 next following the election.

(334.095 Declaration of vacancy in office of director; removal; recall. (1) The education service district board shall declare the office of director vacant upon the happening of any of the following:

(a) When an incumbent dies or resigns;

(b) When an incumbent is removed from office or the election thereto has been declared void by the judgment of any court;

(c) When an incumbent ceases to be a resident of the education service district;

(d) Subject to the provision of subsection (2) of this section, when an incumbent ceases to be a resident of the zone from which nominated;

(e) When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause; or

(f) When an incumbent is recalled.

(2) A director nominated from a zone who changes permanent residence from one zone to another zone in which another director resides shall continue to serve as director until the next regular election when a successor shall be elected to serve for the remainder of the unexpired term.

(3) A director guilty of misfeasance or malfeasance in office, by the appropriate
proceeding, may be removed from office by a court of competent jurisdiction.

(4) Members may be recalled in the manner provided in ORS 249.865 to 249.877. If the member was elected by a zone, the recall petition shall be signed by electors from that zone and electors from the zone are the only electors eligible to vote in the recall election. If the member was elected at large, the recall petition shall be signed by electors from the district and electors from the district are eligible to vote in the recall election. [1981 c.131 §7,8; 1993 c.784 §10; 2003 c.576 §435]

334.100 Organization of board; meetings; quorum; compensation. (1) Each education service district board shall meet during July and organize by electing one of its members chairperson and one vice chairperson, each of whom shall serve until a successor is elected and qualified. No member shall serve as chairperson for more than two years in succession.

(2) Regular meetings of an education service district board shall be held on meeting dates determined by the board. Special meetings may be held on dates to be determined by the board.

(3) Members of the education service district board shall receive no compensation for their services, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing their duties as members of the board.

(4) A majority of the members of the education service district board shall constitute a quorum. A lesser number may meet and adjourn from time to time and compel the presence of absent members. The affirmative vote of a majority of members of the board is required to transact any business.

(5) Any duty imposed upon the education service district board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual members when the board is not in session is not an act of the board and is not binding upon the district. [Amended by 1983 c.544 §4; 1985 c.100 §17; 1975 c.477 §8; 1975 c.647 §29c; 1975 c.770 §41a; 1981 c.131 §5]

(Temporary provisions relating to pilot education service districts)

Note: Sections 10 to 15, chapter 828, Oregon Laws 2005, provide:

Sec. 10. Definitions. As used in sections 11 to 14 of this 2005 Act, “pilot education service district” means:

(1) The Willamette Education Service District;

(2) The High Desert Education Service District; and

(3) The Northwest Regional Education Service District. [2005 c.828 §10]

Sec. 11. Board of directors; appointment; zones; vacancies. (1) Notwithstanding ORS chapter 334, the board of directors of a pilot education service district shall consist of nine members as follows:

(a) Five directors shall represent zones established under ORS 334.032 and shall be elected by the boards of the component school districts.

(b) Four directors shall be appointed by the directors described in paragraph (a) of this subsection, including one at-large director and a director representing each of the following:

(A) Public post-secondary institutions located within the pilot education service district;

(B) Social service providers; and

(C) The business community.

(2) Prior to April 1, 2006, the board of directors of a pilot education service district shall divide the pilot education service district into five zones as nearly equal in census population as may be practical, measured along common school district boundary lines.

(3) The board of directors of a pilot education service district may readjust the boundaries of the zones once each year and shall readjust the boundaries of the zones immediately upon any change of the boundaries of the pilot education service district or a component school district.

(4) Prior to July 1, 2006, the boards of the component school districts within each zone shall elect a representative to serve on the board of directors of the pilot education service district. Each component school district board shall have one vote.

(5) Notwithstanding ORS 334.090, the terms of office of directors serving on the board of a pilot education service district who were not elected or appointed pursuant to this section shall terminate on June 30, 2006.

(6) Any vacancy on the board of directors of a pilot education service district that occurs before the end of the term of office of a director of a pilot education service district shall be filled following the process described in this section. [2005 c.828 §11]

Sec. 12. Declaration of vacancy in office of director. (1) ORS 334.095 does not apply to a pilot education service district. However, the board of directors of a pilot education service district shall declare the office of director vacant upon the occurrence of any of the following:

(a) When an incumbent dies or resigns;

(b) When an incumbent is removed from office or the election or appointment thereto has been declared void by the judgment of any court;

(c) When an incumbent ceases to be a resident of the pilot education service district;

(d) When an incumbent ceases to be a resident of the zone from which elected; or

(e) When an incumbent ceases to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause.

(2) A director guilty of misfeasance or malfeasance in office, by the appropriate proceeding, may be removed from office by a court of competent jurisdiction. [2005 c.828 §12]

Sec. 13. Legislative report. Each pilot education service district shall report to the interim legislative committees relating to education on the governance structure of the board of the pilot education service district prior to October 1, 2006, and October 1, 2008. [2005 c.828 §13]

Sec. 14. Zones; special election. (1) Prior to February 1, 2010, the board of directors of a pilot education service district shall divide the pilot education service district into as many zones as the board con-
POWERS AND DUTIES

334.125 Status of board; powers and duties. (1) The education service district is a body corporate.

(2) The education service district board is authorized to transact all business coming within the jurisdiction of the education service district and may sue and be sued.

(3) The education service district board shall perform all duties required by law, including but not limited to:

(a) Distribution of such school funds as it is empowered to apportion;

(b) Conduct of audits;

(c) Duties as district boundary board;

(d) Budget and tax-levying duties, including the levying of taxes under ORS 280.060;

(e) Contracting a bonded indebtedness and levying direct ad valorem taxes on all taxable property within the education service district in the manner that component school districts are authorized to issue bonds and levy taxes under ORS 328.205 to 328.304 and other laws applicable to the issuance of bonds and levying of taxes by school districts; and

(f) Creating a county education bond district under ORS 328.304 from a county within the district.

(4) In addition to its duties under subsection (3) of this section, an education service district board may provide services required by the local service plan developed pursuant to ORS 334.175 and may provide funds to component school districts to provide services required by the local plan in lieu of those school districts receiving services from the education service district.

(5) The education service district board may employ and fix the compensation of such personnel as it considers necessary for carrying out duties of the board.

(6) In carrying out its duties, the education service district board:

(a) May locate, buy, accept by gift or lease such land, buildings and facilities as may be required for district purposes. Leases authorized by this section may be for a term of up to 30 years and include lease-purchase agreements whereunder the district may acquire ownership of the leased property.

(b) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price which is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(c) May lease property or sell and convey property of the district as the board considers unnecessary to its purposes.

(d) May purchase relocatable structures in installment transactions in which deferred installments of the purchase price are payable over not more than 10 years from the date of delivery of the property to the district and are secured by a security interest in the property. The transactions may take the form of, but are not limited to, lease-purchase agreements.

(e) May accept money or property donated for the use or benefit of the district and use the money or property for the purpose for which it was donated.

(7) The education service district board may adopt rules it considers necessary to carry out the duties of the board.

(8) The education service district may contract with public and private entities for service delivery.

(9)(a) The education service district shall work cooperatively with component school districts and review periodically with component school districts the operations of component school districts and shall submit to the component school districts plans for operations that achieve economies and efficiencies through consolidation of various operations of all or some of the districts. The education service district and its component school districts shall submit an annual report on the effectiveness of the consolidation of operations to the State Board of Education.
(b) As used in this subsection, “operations” means services involving transportation, payroll, student records, auditing, legal services, printing, investment and other similar services. [1965 c.130 §17; 1975 c.477 §6; 1977 c.56 §1; 1981 c.406 §1; 1983 c.133 §1; 1983 c.187 §§; 1985 c.457 §1; 1993 c.784 §11; 1995 c.333 §11; 1995 c.611 §12; 1997 c.600 §4; 2000 c.518 §5; 2005 c.368 §4a]

Note: The amendments to 334.125 by section 4a, chapter 828, Oregon Laws 2005, become operative July 1, 2006. See section 7, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user’s convenience.

334.125. (1) The education service district is a body corporate.

(2) The education service district board is authorized to transact all business coming within the jurisdiction of the education service district and may sue and be sued.

(3) The education service district board shall perform all duties required by law, including but not limited to:

(a) Distribution of such school funds as it is empowered to apportion;

(b) Conduct of audits;

(c) Duties as district boundary board;

(d) Budget and tax levying duties, including the levying of taxes under ORS 290.666;

(e) Contracting a bonded indebtedness and levying direct ad valorem taxes on all taxable property within the education service district in the manner that component school districts are authorized to issue bonds and levy taxes under ORS 328.205 to 328.304 and other laws applicable to the issuance of bonds and levying of taxes by school districts; and

(f) Creating a county education bond district under ORS 328.304 from a county within the district.

(4) In addition to its duties under subsection (3) of this section and duties arising under ORS 334.175, with the approval of the component school districts through the resolution process described in ORS 334.175, the board may:

(a) Plan for the provision and delivery of education, including curriculum improvement and special education programs;

(b) Provide staff development;

(c) Conduct assessment, evaluation and research;

(d) Plan and provide for new learning environments;

(e) Plan and provide for educational communication and distribution services, including telecommunications systems;

(f) Collaborate in jointly planning for the delivery of health care, employment training and social services in the region; and

(g) Provide funds to component school districts to provide services in lieu of those school districts receiving services from the education service district.

(5) The education service district board may employ and fix the compensation of such personnel as it considers necessary for carrying out duties of the board.

(6) In carrying out its duties, the education service district board:

(a) May locate, buy, accept by gift or lease such land, buildings and facilities as may be required for district purposes. Leases authorized by this section may be for a term of up to 30 years and include lease-purchase agreements whereunder the district may acquire ownership of the leased property.

(b) May acquire personal property by a lease-purchase agreement or contract of purchase for a term exceeding one year. A lease-purchase agreement is one in which the rent payable by the district is expressly agreed to have been established to reflect the savings resulting from the exemption from taxation, and the district is entitled to ownership of the property at a nominal or other price which is stated or determinable by the terms of the agreement and was not intended to reflect the true value of the property.

(c) May lease property or sell and convey property of the district as the board considers unnecessary to its purposes.

(d) May purchase relocatable structures in installment transactions in which deferred installations of the purchase price are payable over not more than 10 years from the date of delivery of the property to the district and are secured by a security interest in the property. The transactions may take the form of, but are not limited to, lease-purchase agreements.

(e) May accept money or property donated for the use or benefit of the district and use the money or property for the purpose for which it was donated.

(7) The education service district board may adopt rules it considers necessary to carry out the duties of the board.

(8) The education service district may contract with public and private entities for service delivery.

(9)(a) The education service district shall work cooperatively with component school districts and review periodically with component school districts the operations of component school districts and shall submit to the component school districts plans for operations that achieve economies and efficiencies through consolidation of various operations of all or some of the districts. The education service district and its component school districts shall submit an annual report on the effectiveness of the consolidation of operations to the State Board of Education.

(b) As used in this subsection, “operations” means services involving transportation, payroll, student records, auditing, legal services, insurance, printing, investment and other similar services.

334.127 Title of real property when district ceases. Whenever an education service district ceases to exist, its real property shall pass to the successor district, which is authorized to treat such property in the same manner as its predecessor district did. [1975 c.477 §7]

334.130 [Repealed by 1957 c.678 §1]

334.135 [1963 c.544 §50k; 1965 c.100 §184; renumbered 334.235]

334.140 [Repealed by 1957 c.678 §1]

334.145 Office space provided by county; rent; additional space; purchase of required space; providing space. (1) At the discretion of the county court or board of county commissioners of any county within the education service district, the county may provide space for the board, superintendent and staff of the education service district and may charge the district a reasonable sum as rent for this space.

(2) The board of an education service district may rent such space as may be required when the space offered by the county, if any, is considered to be inadequate. Subject to ORS 334.125 and the funding allo-
cation of the education service district, the board may purchase such required space.

(3) The education service district may provide space for the offices of other education, employment training and human service providers. [1967 c.379 §§2, 3; 1975 c.477 §5; 1977 c.56 §2; 1989 c.784 §12; 2001 c.518 §6]

334.150 [Repealed by 1957 c.678 §1]

334.160 [Amended by 1963 c.544 §36; repealed by 1965 c.100 §456]

334.170 [Repealed by 1957 c.678 §1]

334.175 Core services; local service plan. (1) An education service district shall provide regionalized core services to component school districts. The goals of these services are:

(a) Assist component school districts in meeting the requirements of state and federal law;

(b) Improve student learning;

(c) Enhance the quality of instruction provided to students;

(d) Provide professional development to component school district employees;

(e) Enable component school districts and the students who attend schools in those districts to have equitable access to resources; and

(f) Maximize operational and fiscal efficiencies for component school districts.

(2) The services provided by an education service district shall be provided according to a local service plan developed by the education service district and component school districts. The education service district and component school districts shall develop the local service plan to meet the goals specified in subsection (1) of this section. The local service plan must include services in at least the following areas:

(a) Programs for children with special needs, including but not limited to special education services, services for at-risk students and professional development for employees who provide those services;

(b) Technology support for component school districts and the individual technology plans of those districts, including but not limited to technology infrastructure services, data services, instructional technology services, distance learning and professional development for employees who provide those services;

(c) School improvement services for component school districts, including but not limited to services designed to support component school districts in meeting the requirements of state and federal law, services designed to allow the education service district to participate in and facilitate a review of the state and federal standards related to the provision of a quality education by component school districts, services designed to support and facilitate continuous school improvement planning, services designed to address schoolwide behavior and climate issues and professional technical education and professional development for employees who provide those services.

(d) Administrative and support services for component school districts, including but not limited to services designed to consolidate component school district business functions, liaison services between the Department of Education and component school districts and registration of children being taught by private teachers, parents or legal guardians pursuant to ORS 339.035.

(e) Other services that an education service district is required to provide by state or federal law, including but not limited to services required under ORS 339.005 to 339.090.

(3) In addition to the services specified in subsection (2) of this section, a local service plan may include other services that are designed to meet regional needs.

(4) A local service plan shall also contain annual performance measures for the education service district.

(5) A local service plan must:

(a) Be adopted by the board of the education service district.

(b) After being adopted by the board of the education service district, be approved on or before March 1 by resolution of two-thirds of the component school districts that are a part of the education service district and that have at least a majority of the pupils included in the average daily membership of the education service district, as determined by the reports of such school districts for the preceding year, enrolled in the schools of the school districts.

(6) Notwithstanding the process for approval and adoption required by subsection (5) of this section, if the component school districts approve an amendment to a local service plan pursuant to subsection (5)(b) of this section, the board of an education service district may amend a local service plan that has been previously adopted by the board and approved by the component school districts. An amendment to a local service plan may be done at any time.

(7) An education service district may provide the services required by the local service plan directly through the staff of the district. In addition, an education service district may provide services required by the local service plan through the operation of a public school, a public charter school pursu-
334.177 EDUCATION AND CULTURE

334.175 Expenditure of percentage of amounts received on resolution services. An education service district board shall expend at least 90 percent of all amounts received from the State School Fund and at least 90 percent of all amounts considered to be local revenues of an education service district, as defined in ORS 327.019, on services or programs that have been approved by the component school districts of the education service district through the resolution process described in ORS 334.175. (2001 c.695 §27; 2001 c.685 §29)

334.180 [Repealed by 1957 c.678 §1]

334.185 Entrepreneurial services and facilities. (1) An education service district may provide entrepreneurial services and facilities to public and private entities and to school districts that are not component school districts of the education service district if:

(a) The services are part of the local service plan developed pursuant to ORS 334.175;

(b) The services are provided pursuant to a business plan; and

(c) The primary purpose of the services is to address a need of component school districts.

(2) An education service district must submit entrepreneurial services and facilities to component school districts for approval to ensure that component school districts receive information about the costs and benefits of providing services and facilities, including identification of the funding sources for the services and facilities and an explanation of whether any moneys received from the State School Fund or local revenues of the education service district, as defined in ORS 327.019, may be required to finance the services or facilities.

(3) Pupils residing in school districts that are not component school districts of an education service district but that receive entrepreneurial services or use facilities under this section may not be included in the computation of the percentage required by ORS 334.175 (5)(b).

(4) Entrepreneurial services and facilities may be provided under contract or on a reimbursable basis. Expenditures by the education service district board for entrepreneurial services and facilities provided on a reimbursable basis under this section shall be limited to the moneys received for the purpose specified and are not subject to the Local Budget Law (ORS 294.305 to 294.565) but are subject to an annual financial report to the component school districts.

(5) Budget estimates of expenditures for entrepreneurial services and facilities provided under this section must show the estimates of moneys receivable and must be shown as offsetting revenue items. (1965 c.100 §18; 1967 c.542 §16; 1985 c.209 §1; 1991 c.280 §1; 1993 c.784 §13; 1995 c.611 §13; 2005 c.828 §3)

Note: The amendments to 334.175 by section 3, chapter 828, Oregon Laws 2005, become operative July 1, 2006. See section 7, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user’s convenience.

334.187 Expenditure of percentage of amounts received on resolution services. An education service district board shall expend at least 90 percent of all amounts received from the State School Fund and at least 90 percent of all amounts considered to be local revenues of an education service district, as defined in ORS 327.019, on services or programs that have been approved by the component school districts of the education service district through the resolution process described in ORS 334.175. (2001 c.695 §27; 2001 c.685 §29)

334.180 [Repealed by 1957 c.678 §1]
services may also be provided to other public or private entities by agreement or on a reimbursable basis.

(2) Expenditures by the education service district board for special services and facilities provided on a reimbursable basis under this section shall be limited to the money received for the purpose specified and are not subject to the Local Budget Law (ORS 294.305 to 294.565).

(3) Budget estimates of expenditures for special services and facilities provided under this section must show the estimates of moneys receivable and must be shown as offsetting revenue items.

334.190 [Repealed by 1957 c.678 §1]
334.195 [1993 c.766 §4; repealed by 1995 c.798 §4]
334.200 [Repealed by 1957 c.678 §1]
334.205 [1953 c.390 §2; renumbered 334.510 and then 334.310]
334.210 [Amended by 1957 c.678 §18; renumbered 334.520 and then 334.320]

334.215 Gifts. (1) An education service district board may accept gifts and bequests of money for the establishment and conduct of child guidance clinics and for any other purpose consistent with the powers and duties of the district.

(2) The board shall deposit any such money received in a special fund and the money shall be expended under the direction of the board for the purposes for which it was donated. [Formerly 343.925; 1993 c.784 §15; 1995 c.611 §16]

334.217 Standards of adequacy of services and facilities; plans for nonstandard districts; effect of failure to comply; sanctions; rules. (1) The State Board of Education by rule shall establish standards to determine the adequacy of services and facilities provided by the education service districts. In establishing such standards, the state board shall consider the most economic method of providing services and facilities, the quality of the services and facilities according to the best educational standards, and the needs of the students.

(2) When the Superintendent of Public Instruction determines pursuant to rule that an education service district is nonstandard, the district designated nonstandard shall file a plan to meet standards over a specified period of time. The superintendent may accept, reject or modify the plan and order the nonstandard district to comply with the plan as approved by the superintendent. Once a plan is approved, the district shall be conditionally standard until all deficiencies are corrected. If a district corrects all deficiencies, the district shall be designated as standard. The district shall have 180 days from the date the plan is accepted to make all corrections. After that time, the superintendent may impose sanctions on the district if the district has not made the necessary corrections. The state board shall establish by rule appropriate sanctions for noncompliance. The sanctions may include mandatory merger of the nonstandard education service district with a contiguous education service district that is standard, the sanctions described in ORS 342.173, if applicable, or the withholding of funds from the State School Fund. [1975 c.477 §3; 1989 c.491 §21; 1993 c.784 §16; 1999 c.1054 §1]

334.220 [Renumbered 334.550 and then 334.330]

SUPERINTENDENT

334.225 Superintendent; duties; compensation. (1) The education service district board shall employ a superintendent who must hold an administrative license as a superintendent. The superintendent shall serve as the board’s executive officer, give an official bond or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, and have the duties prescribed by the board and the laws of this state. The board shall fix the term and compensation of the superintendent, provide office room for the superintendent and allow all of the superintendent’s necessary traveling expenses.

(2) The education service district board shall designate the superintendent as the district clerk. The board may appoint qualified persons as deputies to the superintendent to perform the duties required of the district clerk by law or by the board. [Formerly 334.140; 1975 c.278 §9; 1975 c.477 §8a; 1983 c.379 §9; 1985 c.195 §1; 1991 c.331 §56; 1997 c.631 §462]

334.230 [Amended by 1953 c.429 §2; 1957 c.678 §18; renumbered 334.340 and then 334.295]
334.235 [Formerly 334.135, repealed by 1975 c.770 §49]

BUDGET AND TAX LEVIES

334.240 District budget; budget committee. (1) The education service district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.565), except that in addition to other qualifications, members of the budget committee who are not members of the education service district board shall be members of component school district boards within the education service district or shall be designees of a school district board.

(2) Notwithstanding ORS 294.336 and 294.341, a majority of the members of the budget committee of an education service district must consist of members of the component school district boards or designees of a school district board. The budget committee may meet to conduct business if the education service district board is unable to fill all of the positions on the budget committee.

(3) The board of the education service district shall prepare and adopt a budget for the operational and administrative expenses.
of the education service district. The budget shall include amounts necessary to provide services required by the local service plan of the district developed under ORS 334.175.

[1957 c.678 §12; 1963 c.544 §37; 1965 c.100 §185; 1981 c.131 §10; 1993 c.784 §16a; 1995 c.611 §17; 1999 c.1054 §2; 2005 c.288 §3]

Note: The amendments to 334.240 by section 5, chapter 828, Oregon Laws 2005, become operative July 1, 2005. See section 7, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user’s convenience.

334.240. (1) The education service district board shall be subject in all respects to the Local Budget Law (ORS 294.305 to 294.565), except that in addition to other qualifications, members of the budget committee who are not members of the education service district board shall be members of component school district boards within the education service district or shall be designated by a school district board.

(2) Notwithstanding ORS 294.336 and 294.341, a majority of the members of the budget committee of an education service district must consist of members of the component school district boards or designees of a school district board. The budget committee may not conduct business if the education service district board is unable to fill all of the positions on the budget committee.

(3) The board of the education service district is authorized to prepare and adopt a budget for its own expenses and for its operational, administrative and resolution services expenses. The board’s own expenses include expenses for travel, for providing the board with professional and clerical assistance, and for such services, equipment and supplies as the board may require. The board’s budget may include amounts necessary to provide special services and facilities authorized by ORS 334.175 (1) and (2), and to support providing services and programs for children with disabilities, for the talented and gifted or for bilingual or English as a second language education as these programs are described in ORS 336.074, 336.079, 334.035, 343.397 and 343.930.

334.250 [1957 c.678 §13(1); 1957 s.s. c.4 §1(1); 1965 c.100 §186; repealed by 1977 c.840 §19]

334.260 [1957 c.678 §13(2); 1957 s.s. c.4 §1(2); 1965 c.100 §187; repealed by 1977 c.840 §19]

334.270 [1977 c.840 §12; 1981 c.836 §1; 1983 c.610 §3; repealed by 1993 c.784 §37]

334.280 [1977 c.840 §13; 1979 c.445 §1; repealed by 1983 c.610 §8]

334.290 [1977 c.840 §14; repealed by 1983 c.610 §8]

334.300 [1977 c.840 §13(3); 1979 c.s. c.4 §1(3); 1965 c.100 §188; 1977 c.840 §10; 1993 c.784 §33; repealed by 2005 c.209 §39]

334.310 [1957 c.678 §13(4); 1957 s.s. c.4 §1(4); 1965 c.100 §189; repealed by 1977 c.840 §19]

334.285 Apportionment of taxes; split between elementary and secondary school purposes. (1) Before July 15 of each year, the education service district board shall certify the amount of ad valorem property taxes as provided in ORS 310.060 and the apportionment to the county assessor. The county assessor shall extend the levy on the assessment and tax roll as the levy of the education service district board, applicable at a uniform rate or rates to all taxable property within the education service district, including joint districts in adjacent counties that are included in the district.

(2) Notwithstanding subsection (1) of this section, the education service district board shall split its total operating taxes or other ad valorem property taxes into separate portions for elementary and high school purposes where necessary in order to avoid double taxation. The portion for elementary purposes shall amount to two-thirds of the total amount of taxes and the portion for high school purposes shall amount to one-third of the total amount of taxes. Before July 15 of such year, the board shall certify to the county assessor the amount of its taxes for elementary purposes and the amount of its taxes for high school purposes. The county assessor shall extend the taxes for elementary and high school purposes on the assessment and tax rolls as taxes of the education service district board, applicable at a uniform rate or rates to all taxable property within the education service district, including joint districts in adjacent counties that are included in the education service district. The taxes for elementary purposes shall apply to all taxable property in the district for which elementary education is provided by a school district within the education service district. The taxes for high school purposes shall apply to all taxable property in the district for which high school education is provided by a school district within the education service district. (1979 c.689 §23; 1997 c.541 §37)

334.290 [1957 c.678 §13(5), (6); 1957 s.s. c.4 §1(5), (6); 1961 c.356 §1; 1965 c.100 §190; repealed by 1977 c.840 §19]

334.293 Direct ad valorem tax required to pay bonds. Notwithstanding ORS 334.240 and 334.285, each education service district shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all taxable property in the education service district sufficient to pay the maturing interest and principal of all education service district bonds promptly when and as the payments become due. The board in each year shall include the taxes in the education service district budget for that year. (1995 c.333 §13; 2005 c.209 §20)

334.295 [Formerly 334.230 and then 334.540; 1965 c.100 §191; repealed by 1977 c.840 §19]

334.300 [1957 c.678 §14; 1963 c.576 §41; 1965 c.100 §192; repealed by 1977 c.840 §19]

334.310 [Formerly 334.205 and then 334.510; repealed by 1977 c.840 §19]

334.320 [Formerly 334.210 and then 334.520; 1973 c.796 §50; 1975 c.477 §10; 1977 c.2 §1; 1977 c.156 §1; repealed by 1977 c.840 §19]

334.330 [Formerly 334.220 and then 334.530; repealed by 1977 c.840 §19]

334.335 [1957 c.678 §15(1); 1965 c.100 §196; 1993 c.784 §16b; 2003 c.226 §14; repealed by 2001 c.695 §38]
334.390 [1957 c.678 §15(2); 1965 c.100 §197; repealed by 2001 c.695 §38]

334.370 Emergency aid fund. The education service district board may include in its own budget, adopted pursuant to ORS 334.240, an emergency aid fund for use, at the discretion of the board, in aiding school districts within the education service district with emergency expenses unforeseen at the time of making the budget of such districts. The emergency aid fund shall not exceed five percent of the combined budget of all districts included in such education service district. [1957 c.678 §15(2); 1965 c.100 §198]

334.380 [1957 c.678 §15(3); 1965 c.100 §199; 1991 c.780 §20; repealed by 2001 c.695 §38]

334.390 [1957 c.678 §15(5); 1965 c.100 §200; repealed by 2001 c.695 §38]

334.400 [1957 c.678 §15(6); 1963 c.544 §38; 1965 c.100 §201; repealed by 2001 c.695 §38]

334.410 [1957 c.678 §16; 1965 c.100 §202; 1975 c.770 §43; 1997 c.541 §374; repealed by 2001 c.695 §38]

334.450 [1957 c.678 §17; 1965 c.100 §203; 1983 c.350 §183; 1983 c.610 §5a; 1987 c.267 §75; 1993 c.784 §§33-35; 1995 c.712 §106; 1997 c.541 §75; repealed by 2001 c.695 §38]

334.460 [1983 c.610 §5b; 1997 c.541 §376; repealed by 2001 c.695 §38]

334.510 [Formerly 334.205; 1965 c.100 §193; renumbered 334.310]

334.520 [Formerly 334.210; 1965 c.100 §194; renumbered 334.320]

334.530 [Formerly 334.220; 1965 c.100 §195; renumbered 334.330]

334.540 [Formerly 334.230; 1963 c.544 §39; renumbered 334.295]

BOUNDARY CHANGES

334.690 State board as boundary board; criteria for reorganization; filing boundary change. (1) The State Board of Education shall constitute the boundary board for education service districts. In examining any proposal to reorganize education service districts, the state board shall consider whether the proposed district would have the following characteristics:

(a) A student population of at least 10,000 students or would have such a student population in the foreseeable future;

(b) The ability to support the staff necessary to provide a wide array of services;

(c) Boundaries that reflect the area’s sense of community, and take into account topography, climate and highway patterns so that there is reasonable access to all areas within the region;

(d) A distance of no more than two and one-half hours’ driving time between the regional office or suboffice and the most remote school; and

(e) At least one publicly supported, post-secondary institution within the region.

(2) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1993 c.784 §20; 2001 c.138 §15]

MERGER

334.710 Petition; review by state board; notice; hearing. (1) If two or more education service districts desire to join together for the purpose of forming one education service district, a petition from each such district shall be presented to the State Board of Education when:

(a) Resolutions are presented to each of the education service district boards by the boards of the component school districts that represent two-thirds of the component school districts that are a part of each of the education service districts and that have at least a majority of the pupils included in the average daily membership of the education service district, as determined by the reports of such school districts for the preceding school year, enrolled in the schools of the districts; or

(b) The education service district boards mutually consent to the merger and a majority vote of each board has approved a petition.

(2) The State Board of Education shall review the petitions and within 15 days after the board meeting at which the petitions are reviewed, shall notify the education service district boards of each district designated by the petitions, fix the date of and be responsible for supervising the giving of notices as provided in ORS 330.400 and conducting the public hearings in each proposing district to discuss the proposal contained in the petitions. [1963 c.544 §§50-55; 1965 c.100 §204; 1983 c.83 §67; 1983 c.284 §12; 2001 c.518 §7]

334.720 State board order; effective date. (1) At the public hearings conducted pursuant to ORS 334.710, the State Board of Education shall cause to have discussed the effect of the proposed district and any resident of the affected districts may be heard with reference to the proposal.

(2) If, after the hearings, the State Board of Education determines that the proposal is feasible, the board shall order the proposed merger of the districts based on the proposal.

(3) When two or more education service districts join together in the manner provided in this section, the new district shall come into existence effective May 31 of the year following the order of the State Board of Education issued under subsection (2) of this section. [1963 c.544 §§50-55; 1965 c.100 §205; 1983 c.83 §68; 1983 c.350 §186; 2001 c.518 §8]
334.730 Joint meeting; zoning; election of new directors. (1) Immediately after the order to join two or more education service districts together, the boards of directors of all education service districts within the boundaries of the new district shall meet together upon the call of the chairperson of the board of the most populous district. Notwithstanding ORS 334.025 or ORS chapter 255, the joint board of directors shall divide the new district into as many zones as the board considers necessary, but not fewer than seven nor more than 11. The zones shall be as nearly equal in population as may be practicable. If possible, the joint board shall establish the zones so that each county within the new education service district, the majority of the land area of which lies within the boundaries of the education service district, has at least one member on the board.

(2) Within 90 days after the zones required in subsection (1) of this section are established, the joint board of directors shall call a special election in the new district for the purpose of electing directors, one of whom shall be elected from each zone established under subsection (1) of this section by the electors of the zone.

334.740 Nomination. The nomination of a candidate to serve as a director of the new education service district from a zone, when made by a petition, shall be signed by electors registered in the zone in which the candidate is a resident. The nomination of a candidate to serve as a director of the new education service district at large, when made by a petition, shall be signed by electors of the district. A candidate must be qualified to vote in the election in which the individual is a candidate and must be qualified to hold office as a director of an education service district.

334.750 Term of office. (1) The board of directors of the new education service district shall take office on July 1 of the year following its election.

(2) The minority of directors of the new education service district shall serve terms expiring June 30 next following the first regular district election and the majority of directors shall serve terms expiring June 30 next following the second regular district election.

(3) The directors first elected shall determine by lot the length of term each shall hold office.

(4) Notwithstanding any other provisions of law, the term of office of boards of directors of preexisting education service districts shall terminate on the date in which the new education service district comes into existence and its new board of directors qualifies to hold office.

334.760 Power of new board prior to existence of new district. During the period following their election and prior to the date the new education service district comes into existence, the board of directors of the new education service district may take such action as is essential in order that the new district may carry out its required functions when it comes into existence, including the preparation and adoption of a budget for the new district. Expenditures of the board under this section shall be paid from the budgets of the component education service districts on a prorated basis.

334.770 Power of new board generally. The board of directors of the new education service district shall have the same duties and exercise the same authority over the district as does the board of directors of every education service district.
Chapter 335
2005 EDITION
High Schools

GENERAL PROVISIONS

(Responsibility)
335.090 School districts responsible for high school education; levy
335.095 Levy of taxes in school districts for high school purposes

(Reports)
335.105 Report on high school graduates by race and ethnic characteristics

UNION HIGH SCHOOLS

(Generally)
335.210 General school laws applicable
335.290 Change in common districts not to affect union high school districts
335.465 Contracts with common school districts

(Lengthening Course of Study)
335.482 Definitions for ORS 335.495 to 335.505
335.490 Extension of union high school course of study
335.495 Election to lengthen course; ballot title if single district would result
335.500 Procedure after election to lengthen course; effective date of change
335.502 Cost of educating elementary pupils after course lengthened to include elementary grades
335.505 Transformation of union high school district into common school district; continued existence of part of split district; effect on employees
335.515 Local school committee; election; duties

(Adding Districts)
335.525 Effect of election to add districts to union high school district
335.095 [Amended by 1957 c.310 §16; repealed by 1965 c.100 §456]
335.090 School districts responsible for high school education; levy. (1) The high school education of all children of school age resident within a school district that does not operate a high school or that is not a component part of a union high school district shall be the responsibility of the district. (2) The district shall pay the tuition of all pupils resident within the district who are qualified to attend and are attending a standard public high school either within or outside the state. (3) The district shall provide for transportation to the nearest standard public high school which pupils may attend. Reasonable board and room may be furnished instead of transportation if desired. If the district arranges for the attendance of pupils at a standard public high school other than the nearest one pupils may attend, then the district shall provide for transportation to the standard public high school which the pupils are attending. (4) The estimated cost of tuition and transportation or board and room instead of transportation shall be included in and be a part of the budget and shall be levied as provided in ORS 335.095. [1955 c.674 §3; 1957 c.583 §2; 1961 c.688 §1; 1983 c.158 §1; 1965 c.100 §212; 1993 c.45 §66; 2003 c.226 §15]

335.095 Levy of taxes in school districts for high school purposes. The amounts required to meet the expenses of a school district under ORS 335.090 shall be certified to the county assessor separately. No tax shall be levied for the purposes of ORS 335.090 against property included in a union high school district. [1961 c.688 §2; 2003 c.226 §16]

335.205 [Repealed by 1965 c.100 §456]
335.200 General school laws applicable. All applicable laws governing common school districts apply to union high school districts. [Amended by 1965 c.100 §213; 1975 c.770 §45]
335.215 [Repealed by 1965 c.100 §456]
335.220 [Amended by 1957 c.310 §17; repealed by 1965 c.100 §456]
335.225 [Repealed by 1965 c.100 §456]
335.230 [Repealed by 1965 c.100 §456]
335.235 [Amended by 1957 c.310 §18; repealed by 1965 c.100 §456]
335.240 [Repealed by 1965 c.100 §456]
335.245 [Repealed by 1965 c.100 §456]
335.250 [Repealed by 1965 c.100 §456]
335.255 [Amended by 1957 c.310 §19; repealed by 1965 c.100 §456]
335.260 [Repealed by 1965 c.100 §456]
335.265 [Repealed by 1965 c.100 §456]
335.270 [Repealed by 1965 c.100 §456]
335.275 [Repealed by 1965 c.100 §456]
335.280 [Repealed by 1965 c.100 §456]
335.285 [Repealed by 1965 c.100 §456]

335.290 Change in common districts not to affect union high school districts. The creation of a common school district out of territory included in a union high school district, or the changing of boundaries of any common school district included in a union high school district does not affect the union high school district. [Amended by 1965 c.100 §214]
335.295 [Repealed by 1965 c.100 §456]
335.300 [Repealed by 1965 c.100 §456]
335.305 [Amended by 1957 c.310 §20; repealed by 1965 c.100 §456]
335.310 [Repealed by 1965 c.100 §456]
335.315 [Repealed by 1965 c.100 §456]
335.320 [Repealed by 1965 c.100 §456]
335.325 [Amended by 1957 c.310 §21; repealed by 1965 c.100 §456]
335.330 [Repealed by 1965 c.100 §456]
335.465 Contracts with common school districts. The union high school board may for high school purposes contract with a common school district board for the use of any property belonging to the common school district and may purchase an undivided interest in the property of a common school district for the purpose of operating a high school thereon. [Amended by 1965 c.100 §215]

335.470 [Repealed by 1965 c.100 §456]

335.475 [Repealed by 1965 c.100 §456]

335.480 [Repealed by 1965 c.100 §456]

(Lengthening Course of Study)

335.482 Definitions for ORS 335.495 to 335.505. As used in ORS 335.495 to 335.505:

(1) “Component school district” means a common school district lying wholly or partly inside the boundaries of a union high school district.

(2) “Split school district” means a component school district lying partly inside and partly outside the boundaries of a union high school district or an elementary district where students attend two or more union high school districts upon completing either the sixth or eighth grades. [1967 c.106 §5; 1987 c.195 §4; 1993 c.45 §69]

335.485 [Repealed by 1965 c.100 §456]

335.490 Extension of union high school course of study. (1) Except as otherwise provided in subsection (2) of this section, any union high school district may, when authorized by the electors of the district, extend the course of study in the district to include five years above the seventh grade or six years above the sixth grade, and in like descending order may extend its course to include kindergarten or any or all grades of the schools in the union high school district in the manner provided in ORS 335.495 to 335.505. The decision to vote the course of study down to include kindergarten shall include, upon request of district electors or the district school board, a decision on whether, in the case of a board consisting of five members, the number of members of the board shall be increased to seven members.

(2) No union high school district shall extend the course of study in the union high school district unless such course of study is extended to include kindergarten and grades 1 through 12, of the schools in the union high school district.

(3) When a union high school district extends the course of study, the extension applies to all component school districts lying wholly within the union high school district. [Amended by 1965 c.100 §216; 1967 c.106 §1; 1987 c.195 §2; 1993 c.45 §70; 1993 c.329 §5; 1997 c.521 §20]

335.495 Election to lengthen course; ballot title if single district would result. (1) Any union high school board may, or shall upon petition of 100 electors of the district, submit to the electors of the district the question of lengthening the course of study in the district. The petition is subject to ORS 332.118. The election shall be held at the next date under ORS 255.345 by which the requirements for the election can be met.

(2) ORS chapter 255 governs the conduct of an election under this section. If a union high school district contains a split district, the electors from the split district shall not participate in an election under this section.

(3) If the result of the election to lengthen the course of study includes all grades within one single district, the ballot title must include a statement that the effect of an affirmative vote is that the component common and union high school districts shall be merged and only one common school district shall operate in the area in which the election is held. The ballot title must also list all affected school districts by name and...
district number, and specify which of those districts will be merged pursuant to ORS 335.505 if the measure is approved. The listing of affected school districts by name and district number shall not be considered part of the ballot title for the purpose of determining the number of words permitted under ORS 250.035.

(4) The union high school board may submit to the electors of the district the question of distribution of existing bonded debt. [Amended by 1957 c.310 §24; 1965 c.100 §217; 1967 c.106 §2; 1979 c.131 §1; 1983 c.83 §76; 1983 c.284 §13; 1983 c.350 §190; 1987 c.196 §3; 1993 c.136 §5; 1993 c.329 §6]

335.500 Procedure after election to lengthen course; effective date of change.

(1) If the union high school board determines that a majority of votes cast in the union high school district at an election under ORS 335.495 are for the proposal to lengthen the course of study, it shall:

(a) Declare the proposal carried and certify the result to the district boundary board; and

(b) Submit to the Department of Education the complete course of study in the district.

(2) The lengthened course of study shall become effective the July 1 next following approval of the course by the State Board of Education. [Amended by 1957 c.310 §25; 1965 c.100 §218; 1967 c.103 §1; 1983 c.350 §191; 1989 c.491 §22; 1993 c.329 §7]

335.502 Cost of educating elementary pupils after course lengthened to include elementary grades. Whenever the course of study in a union high school district is extended to include grades below the ninth grade, the union high school district shall be responsible for providing for the education of the pupils in the included grades and the cost of educating such pupils shall be included in the union high school district budget and not in the budgets of the component common school districts. [1953 c.390 §1; 1965 c.100 §219]

335.505 Transformation of union high school district into common school district; continued existence of part of split district; effect on employees. (1) Notwithstanding any other statute, whenever kindergarten and grades 1 through 12 of the common schools within the union high school district come under the jurisdiction of the union high school board or whenever as a result of merger or boundary change the area within the boundaries of the union high school district becomes a single component school district having boundaries coterminal with the union high school district, the union high school district and its component districts other than split districts are to be considered merged and the area within the boundaries of the union high school district, excluding that part of any split school district that is within the boundaries, becomes a common school district responsible for educating children in kindergarten and grades 1 through 12 and all territory therein is withdrawn from any other type of school district except the education service district or the community college district of which it may have been a part.

(2) The union high school board shall continue as the board of the district. If the board is increased to seven members as part of the vote to lengthen the course of study or the merger proposal, the board shall appoint the two additional members in the manner prescribed for filling vacancies under ORS 332.030 (4), except that the board shall establish by lot the terms of office of the appointed members at less than an initial four-year term.

(3) The terms of all board members in all component school districts other than split school districts shall terminate at the time the union high school board becomes the district school board.

(4) All property and obligations of the component school districts other than split school districts shall become the property and obligations of the new common school district except to the extent that it was otherwise provided when such district is formed by merger.

(5) Whenever at the time a new common school district is formed as provided in subsection (1) of this section, if any component school district is a split school district, such district shall continue to exist and shall become responsible for education in kindergarten and grades 1 through 12 for students resident in the split district.

(6) No school district employee shall be deprived of seniority or accumulated sick leave solely because the duties of the employee have been assumed or acquired by another school district as a result of lengthening the course of study.

(7) As used in this section, “property and obligations” includes all contractual obligations, employment and service contracts, collective bargaining agreements and district assets and liabilities. [Amended by 1965 c.100 §220; 1967 c.106 §3; 1975 c.770 §46; 1983 c.350 §192; 1987 c.195 §1; 1993 c.45 §71; 1993 c.329 §8; 1995 c.238 §9]

335.515 Local school committee; election; duties. (1) Whenever any union high school district votes to include kindergarten and grades 1 through 12 within a single district under ORS 335.505, the union high school district board may on its own motion, or must upon receipt of a petition signed by at least 100 of the electors of the
district, provide for the election of a local school committee.

(2) The local school committee shall consist of three members elected by the electors of a zone or attendance unit designated by the district school board. At the first regular district election following the election to lengthen the course, there shall be elected three members of each local school committee. After the first election, members shall be elected as provided in ORS 330.425 and shall have the same authority and duties of local school committees in ORS 330.430.

(3) Each office of local school committee member shall be designated by number as Position No. 1, Position No. 2 or Position No. 3 and so forth. The school district shall assign a position number to each office on the local school committee and shall certify to the filing officer the name of the committee member in office holding that position. A copy of the certification shall be filed in the office of the filing officer. As used in this section, "filing officer" means the:

(a) County clerk or county official in charge of elections of the county in which the administrative office of the district is located regarding a district located in more than one county; or

(b) County clerk or county official in charge of elections in a district situated wholly within the county. [1987 c.103 §7; 1983 c.350 §193; 1991 c.67 §82; 1991 c.167 §22; 1995 c.45 §72; 1995 c.607 §74]

(Adding Districts)

335.525 Effect of election to add districts to union high school district. In an election to add districts to a union high school district, if the district boundary board determines that the proposition carried in the union high school district by a majority of votes cast, and also carried in one or more of the common school districts by a majority of the votes cast in each district, it shall declare the proposition carried as to those common school districts only in which the proposition prevailed, and shall immediately proceed to change the boundaries of the union high school district to include those districts desiring to be added thereto. [1989 c.819 §7]

335.605 [Repealed by 1957 c.583 §1]
335.610 [Repealed by 1957 c.583 §1]
335.615 [Repealed by 1957 c.583 §1]
335.620 [Repealed by 1957 c.583 §1]
335.625 [Repealed by 1957 c.583 §1]
335.630 [Repealed by 1957 c.583 §1]
335.635 [Repealed by 1957 c.583 §1]
335.640 [Repealed by 1957 c.583 §1]
335.645 [Repealed by 1957 c.583 §1]
335.650 [Repealed by 1957 c.583 §1]
335.655 [Repealed by 1957 c.583 §1]
335.660 [Repealed by 1957 c.583 §1]
335.665 [Repealed by 1957 c.583 §1]
335.670 [Repealed by 1957 c.583 §1]
335.675 [Repealed by 1957 c.583 §1]
335.680 [Repealed by 1957 c.583 §1]
335.685 [Repealed by 1957 c.583 §1]
335.705 [Repealed by 1969 c.585 §3]
335.710 [Repealed by 1969 c.585 §3]
335.715 [Repealed by 1977 c.474 §3]
335.720 [Repealed by 1969 c.585 §3]
335.725 [Amended by 1967 c.67 §5; repealed by 1969 c.585 §3]
335.730 [Repealed by 1969 c.585 §3]
335.735 [Amended by 1965 c.239 §1; repealed by 1969 c.585 §3]
335.740 [Repealed by 1969 c.585 §3]
335.745 [Amended by 1963 c.544 §42; repealed by 1969 c.585 §3]
335.750 [Amended by 1965 c.172 §6; repealed by 1969 c.585 §3]
335.755 [Repealed by 1969 c.585 §3]
335.760 [Repealed by 1969 c.585 §3]
335.765 [Repealed by 1969 c.585 §3]
335.770 [Repealed by 1969 c.585 §3]
335.775 [Repealed by 1969 c.585 §3]
335.780 [Repealed by 1969 c.585 §3]
335.785 [Repealed by 1969 c.585 §3]
335.790 [Repealed by 1969 c.585 §3]
335.795 [Repealed by 1969 c.585 §3]
335.800 [Amended by 1963 c.576 §42; repealed by 1969 c.585 §3]
335.805 [Repealed by 1969 c.585 §3]
335.810 [Repealed by 1969 c.585 §3]
335.815 [Repealed by 1969 c.585 §3]
335.820 [Repealed by 1969 c.585 §3]
335.825 [Repealed by 1969 c.585 §3]
335.830 [Repealed by 1969 c.585 §3]
335.835 [Repealed by 1969 c.585 §3]
335.840 [Repealed by 1969 c.585 §3]
335.845 [Amended by 1963 c.544 §43; repealed by 1969 c.585 §3]
335.850 [Repealed by 1969 c.585 §3]
335.905 [Repealed by 1957 c.723 §1 (335.906 enacted in lieu of 335.905)]
335.906 [1957 c.723 §2 (enacted in lieu of 335.905); repealed by 1959 c.641 §38]
335.908 [1957 c.723 §14; repealed by 1959 c.641 §38]
335.910 [Amended by 1957 c.723 §3; repealed by 1959 c.641 §38]
335.915 [Repealed by 1957 c.723 §4; repealed by 1959 c.641 §38]
335.920 [Amended by 1957 c.723 §5; repealed by 1959 c.641 §38]
335.925 [Amended by 1957 c.723 §6; repealed by 1959 c.641 §38]
335.930 [Amended by 1957 c.723 §7; repealed by 1959 c.641 §38]
335.935 [Amended by 1957 c.723 §8; repealed by 1959 c.641 §38]
335.938 [1957 c.723 §12; repealed by 1959 c.641 §38]
335.940 [Amended by 1957 c.723 §9; repealed by 1959 c.641 §38]
335.945 [Amended by 1957 c.723 §10; repealed by 1959 c.641 §38]
335.949 [1957 c.723 §13; repealed by 1959 c.641 §38]
335.950 [Repealed by 1957 c.723 §28]
335.962 [1957 c.723 §15; repealed by 1959 c.641 §38]
335.964 [1957 c.723 §16; repealed by 1959 c.641 §38]
335.966 [1957 c.723 §17; repealed by 1959 c.641 §38]
335.968 [1957 c.723 §18; repealed by 1959 c.641 §38]
335.970 [1957 c.723 §19; repealed by 1959 c.641 §38]
335.972 [1957 c.723 §20; repealed by 1959 c.641 §38]
335.974 [1957 c.723 §22; repealed by 1959 c.641 §38]
335.976 [1957 c.723 §21; repealed by 1959 c.641 §38]
335.978 [1957 c.723 §23; repealed by 1959 c.641 §38]
335.980 [1957 c.723 §24; repealed by 1959 c.641 §38]
335.982 [1957 c.723 §25; repealed by 1959 c.641 §38]
335.984 [1957 c.723 §26; repealed by 1959 c.641 §38]
335.986 [1957 c.723 §27; repealed by 1959 c.641 §38]
335.990 [Amended by 1961 c.522 §8; repealed by 1965 c.100 §456]
**Chapter 336**  
*2005 EDITION*  
**Conduct of Schools Generally**

### HOLIDAYS; SPECIAL OBSERVANCES; REQUIRED COURSES OF STUDY

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.010</td>
<td>School month; holidays; teachers' holiday pay; Saturday instruction</td>
</tr>
<tr>
<td>336.012</td>
<td>Twelve-month class schedule optional</td>
</tr>
<tr>
<td>336.015</td>
<td>Arbor Week</td>
</tr>
<tr>
<td>336.023</td>
<td>History of Oregon Statehood Week</td>
</tr>
<tr>
<td>336.025</td>
<td>Women in History Week</td>
</tr>
<tr>
<td>336.035</td>
<td>Required courses of study; supplemental courses; district courses; courses concerning sexually transmitted diseases</td>
</tr>
<tr>
<td>336.057</td>
<td>Courses in Constitution and history of United States</td>
</tr>
<tr>
<td>336.067</td>
<td>Instruction in ethics and morality</td>
</tr>
<tr>
<td>336.071</td>
<td>Emergency drills and instruction; maintenance of exit doors</td>
</tr>
<tr>
<td>336.074</td>
<td>Teaching in English required; exceptions</td>
</tr>
<tr>
<td>336.079</td>
<td>Special English courses for certain children</td>
</tr>
<tr>
<td>336.081</td>
<td>Opportunity to qualify to assist non-English-speaking students</td>
</tr>
<tr>
<td>336.082</td>
<td>Development of nondiscriminatory curriculum</td>
</tr>
<tr>
<td>336.086</td>
<td>Standards for curriculum described in ORS 336.082</td>
</tr>
<tr>
<td>336.088</td>
<td>Conflict resolution program; adoption discretionary</td>
</tr>
</tbody>
</table>

### ADDITIONAL PROGRAMS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.092</td>
<td>Definitions for ORS 336.092 and 336.095</td>
</tr>
<tr>
<td>336.095</td>
<td>Free kindergarten facilities; rules; admission of underage child</td>
</tr>
<tr>
<td>336.107</td>
<td>Parenting skills and child development course</td>
</tr>
<tr>
<td>336.109</td>
<td>Policy to reduce gang involvement, violent activities and drug abuse</td>
</tr>
<tr>
<td>336.113</td>
<td>Multicultural education; advisory committee</td>
</tr>
<tr>
<td>336.116</td>
<td>Unit of instruction on Irish Famine; model curriculum</td>
</tr>
<tr>
<td>336.135</td>
<td>Classes for employed minors; rules</td>
</tr>
<tr>
<td>336.145</td>
<td>Adult education classes; fees</td>
</tr>
<tr>
<td>336.175</td>
<td>Extended educational experiences</td>
</tr>
<tr>
<td>336.176</td>
<td>Programs to improve student performance and school personnel satisfaction</td>
</tr>
<tr>
<td>336.177</td>
<td>Community service programs guidelines</td>
</tr>
<tr>
<td>336.179</td>
<td>Commitment to excellence in education and citizenship; recognition of students</td>
</tr>
<tr>
<td>336.181</td>
<td>Character development programs</td>
</tr>
<tr>
<td>336.183</td>
<td>Providing programs outside usual classroom hours; rules; fees</td>
</tr>
</tbody>
</table>

**Note:** Cyber Awareness, Responsibility and Ethics pilot program—2005 c.652 §§1,2

### DISCLOSURE OF PERSONAL INFORMATION ABOUT STUDENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.187</td>
<td>When school authorized to disclose information on student; immunity of recipient</td>
</tr>
</tbody>
</table>

### ALCOHOL AND DRUG ABUSE PROGRAM

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.222</td>
<td>District policy and plan; content</td>
</tr>
<tr>
<td>336.227</td>
<td>Duties of Department of Human Services</td>
</tr>
<tr>
<td>336.235</td>
<td>State board rules</td>
</tr>
<tr>
<td>336.245</td>
<td>Reports</td>
</tr>
</tbody>
</table>

### DENTAL HEALTH PROGRAM

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.375</td>
<td>“Dental health program” defined</td>
</tr>
<tr>
<td>336.390</td>
<td>Dental health program; district duties; charges; parental consent</td>
</tr>
<tr>
<td>336.400</td>
<td>Report to parent; selection of dentist; certificate of treatment</td>
</tr>
<tr>
<td>336.410</td>
<td>Nonliability for injury from treatment</td>
</tr>
<tr>
<td>336.420</td>
<td>Cooperation and sharing expense</td>
</tr>
</tbody>
</table>

### HUMAN SEXUALITY EDUCATION

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.455</td>
<td>Human sexuality education courses; criteria</td>
</tr>
<tr>
<td>336.465</td>
<td>Examination of instructional material; notice; pupil not required to take course</td>
</tr>
<tr>
<td>336.475</td>
<td>Report to legislature</td>
</tr>
</tbody>
</table>

### EXTRACURRICULAR SPORTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.479</td>
<td>Physical examination prior to participation in extracurricular sports; rules</td>
</tr>
</tbody>
</table>

### COMMUNITY SCHOOLS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.505</td>
<td>“Community school program” defined</td>
</tr>
<tr>
<td>336.510</td>
<td>Legislative findings; direction to Department of Education</td>
</tr>
<tr>
<td>336.520</td>
<td>Community school program to provide for advisory involvement; local advisory bodies</td>
</tr>
<tr>
<td>336.525</td>
<td>Program to be operated by district providing elementary or secondary education; exception</td>
</tr>
</tbody>
</table>

### RESIDENTIAL PROGRAMS; YOUTH CARE CENTERS; DETENTION FACILITIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.575</td>
<td>Notice and consultation before establishing, expanding or changing residential program</td>
</tr>
<tr>
<td>336.580</td>
<td>Education at youth care centers; rules</td>
</tr>
<tr>
<td>336.585</td>
<td>Education at detention facilities; costs; rules; notification to resident district</td>
</tr>
</tbody>
</table>

### ALTERNATIVE EDUCATION PROGRAMS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.615</td>
<td>Definition for ORS 336.615 to 336.665</td>
</tr>
<tr>
<td>336.625</td>
<td>Goals; district responsibility; registration; rules</td>
</tr>
<tr>
<td>336.631</td>
<td>Private alternative programs; requirements; applicability of laws; placement of students</td>
</tr>
<tr>
<td>336.635</td>
<td>Enrollment in alternative education program; notice to district; billing; rules; status of teachers</td>
</tr>
<tr>
<td>336.637</td>
<td>Instruction in educational standards required; assessment of students in private alternative education programs</td>
</tr>
</tbody>
</table>

---

153
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>336.640</td>
<td>Rules governing education for pregnant and parenting students</td>
<td>336.790</td>
<td>Definitions of ORS 336.790 to 336.815</td>
</tr>
<tr>
<td>336.645</td>
<td>Notification of availability of program; rules</td>
<td>336.795</td>
<td>Purposes of traffic safety education course</td>
</tr>
<tr>
<td>336.655</td>
<td>District evaluation of program</td>
<td>336.800</td>
<td>School course in traffic safety education</td>
</tr>
<tr>
<td>336.665</td>
<td>Effect of failure to propose alternative programs</td>
<td>336.805</td>
<td>Tuition; waiver; costs; reimbursement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>336.810</td>
<td>Student Driver Training Fund</td>
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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; courses concerning sexually transmitted diseases. (1) The district school board shall see that the courses of study prescribed by law and by the rules of the State Board of
Education are carried out. The board may establish supplemental courses that 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 students enrolled in the school. 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 any class within the course. Any parent or guardian may inspect the instructional materials to be used before or during the time the course 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 endorsements 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; 1973 c.565 §1; 1993 c.45 §74; 2005 c.209 §21]

§ 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. In all public schools courses of instruction shall be given in the Constitution of the United States and in the history of the United States. These courses shall:

(1) Begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(2) Be required in all state institutions of higher education except the Oregon Health and Science University, and in all state and local institutions that 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; 1999 c.1023 §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 that 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.

(c) Acknowledgment of the dignity and worth of individuals and groups and their participative roles in society.

(d) Humane treatment of animals.

(e) 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 that 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; 2005 c.209 §22]

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

336.071 Emergency drills and instruction; maintenance of exit doors. (1) All schools are required to instruct and drill students on emergency procedures so that the students may respond to an emergency without confusion or panic. The emergency procedures shall include drills and instruction on fires and earthquakes. In addition, schools that are in a coastal zone shall include tsunami drills and instruction as part of the earthquake drills and instruction.

(2)(a) Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

(b) Drills and instruction on earthquake emergencies shall include methods of “duck, cover and hold” during the earthquake. Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake when appropriate or after a tsunami warning to protect students against inundation by tsunamis.

(3) At least 30 minutes in each school month shall be used to instruct students on fire, earthquake, and where appropriate, tsunami dangers and drills. At least two drills on earthquakes shall be conducted each year. In schools in a coastal zone, at least three drills on earthquakes and tsunamis shall be conducted each year.
(4) All schools shall maintain all exit doors so that the doors can be opened from the inside without a key during school hours.

(5) Units of local government and state agencies associated with emergency procedures training and planning shall assist schools in the instruction and drilling of students in emergency procedures.

(6) As used in this section, “school” means any:
   (a) Kindergarten through grade eight public or private school; or
   (b) Educational institution having an average daily attendance of 50 or more students. [1995 c.312 §2 (enacted in lieu of 336.072); 1997 c.521 §9]

336.072 [Formerly 336.340; 1991 c.956 §13; 1993 c.45 §76; repealed by 1995 c.312 §1 (336.071 enacted in lieu of 336.072)]

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]

336.076 [1963 c.570 §11; repealed by 1965 c.100 §456]

336.077 [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 659.850. [1975 c.423 §§1, 2; 1989 c.491 §23; 1993 c.45 §78]

336.083 [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; and

(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.79 §182]

336.090 [Repealed by 1965 c.100 §456]

ADDITIONAL PROGRAMS

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; rules; 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 who is a resident of the district and 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, even though the child has not attained the minimum age requirement.

(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; 2005 c.22 §232]

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 activities 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]

336.113 Multicultural education; advisory committee. (1) The Superintendent of Public Instruction shall direct the Department of Education to increase efforts to:

(a) Evaluate the distribution of ethnic, racial and cultural backgrounds of the public school students of Oregon and the use of demographic data by school districts for curricula and program planning as reflected in
school districts’ consolidated improvement plans;

(b) Examine strategies to inform school district boards, school administrators, teachers, parents of students and the public about multicultural and diversity laws and policies;

(c) Identify and review exemplary multicultural curricula for different grade levels based on the needs of Oregon’s public school students;

(d) Identify and review strategies to integrate a multicultural education program with other education programs of school districts; and

(e) Evaluate how current laws on diversity and multicultural education are being implemented and applied at the state and school district levels.

(2) The superintendent shall:

(a) Seek federal and other funds to develop and implement multicultural education;

(b) Seek federal and other funds to provide funding and technical support for school districts to develop and implement multicultural curricula and educational programs; and

(c) Report to the State Board of Education on the funds available, the success in obtaining funds, the plans to develop and implement multicultural education and the development of a system for evaluation.

(3) The superintendent may appoint an advisory committee to accomplish the requirements of this section. The superintendent and the advisory committee shall seek and incorporate input from the business community, educators and minority representatives that reflect the demographics and geographic regions of this state. [1999 c.1042 §1]

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

336.116 Unit of instruction on Irish Famine; model curriculum. (1) Every public kindergarten through grade 12 school may include in its curriculum a unit of instruction on the causes and effects of mass starvation in mid-19th century Ireland. This historical period is known as the “Irish Famine.”

(2) The Department of Education shall prepare and make available to all school district boards a model curriculum that may be used as a guideline for developing units of instruction under this section. [1999 c.516 §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; rules. (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, arts and crafts, general cultural subjects, adult recreation and other subjects that the State Board of Education may authorize. The 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 the 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 times and places that are most convenient and accessible to the members of the classes. [1965 c.100 §233; 1967 c.67 §6; 2005 c.209 §23]

336.150 [Repealed by 1965 c.100 §456]

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


336.160 [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 339.141 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 in-
Programs to improve student performance and school personnel satisfaction. School districts are encouraged to implement programs to improve student performance and school personnel satisfaction such as the Initiative for Quality in Education developed by Portland General Electric. The programs shall allow schools to achieve their individual and unique goals as reflected by their local communities, as well as the broader objectives embodied in statewide education goals. [2001 c.959 §1]

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]

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. Special recognition may include, but need not be limited to:
      (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; 2005 c.209 §24]

336.181 Character development programs. (1) Each school district is encouraged to use in the schools of the district that educate students in kindergarten through grade six:
   (a) The Character First! Education Series published by the Character Training Institute in Oklahoma City, Oklahoma, as it exists on August 17, 1999; or
   (b) A similar program on character development.

   (2) Any character development program adopted under this section shall be secular in nature. [1999 c.961 §2]

Providing programs outside usual classroom hours; rules; fees. 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]

Note: Sections 1 and 2, chapter 652, Oregon Laws 2005, provide:

   (2) If the City of Hillsboro establishes the pilot program:
      (a) The goal of the pilot program is to help students who are 8 to 10 years of age become safe and responsible citizens of the cyber community. To meet this goal, the City of Hillsboro through the pilot program shall encourage:
(A) Partnerships between school districts and local law enforcement agencies to have members of local law enforcement agencies act as mentors and provide focus, oversight and guidance in the classroom; and

(B) Peer teaching among students.

(b) A school district may notify the City of Hillsboro that the school district would like to participate in the pilot program. A notice provided by a school district under this subsection must include the following information:

(A) How the school district will implement the pilot program;

(B) How the activities of the school district under the pilot program will help the school district implement the Children’s Internet Protection Act (P.L. 106-554);

(C) How the school district will encourage students to participate in the pilot program; and

(D) Which local law enforcement agencies will form partnerships with the school district.

(c) After receiving notice from a school district under paragraph (b) of this subsection, the City of Hillsboro may provide information to the school district about instructional materials that may be used in conjunction with the pilot program.

(d) At the end of the 2005-2006 school year, each school district participating in the pilot program shall report to the City of Hillsboro on the progress of the pilot program. The report shall include:

(A) The number of students participating in the pilot program;

(B) The local law enforcement agencies that formed a partnership with the school district; and

(C) An assessment of student attitudes toward the cyber community.

(e) Prior to February 1, 2007, the City of Hillsboro shall report to the Seventy-fourth Legislative Assembly on the results of the pilot program. [2005 c.652 §1]

Sec. 2. Section 1 of this 2005 Act is repealed on January 2, 2008. [2005 c.652 §2]

336.185 [1971 c.512 §1; 1979 c.274 §1; 1981 c.892 §3; 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 information on student; immunity of recipient. (1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:

(a) 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; and

(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court’s or juvenile justice agency’s ability to serve the needs of a student prior to the student’s adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

(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 419B.005 to 419B.050.

(3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information. [1993 c.806 §9 (326.565, 326.575 and 336.187 enacted in lieu of 336.195, 336.195 and 336.215); 1995 c.79 §183; 1999 c.620 §7]

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 1997 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 Department of Human Services, 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 Department of Human Services. To assist school districts to formulate the programs described in ORS 336.222 (1), the Department of Human Services 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 336.067]

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 Department of Human Services, 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 Oregon University System and the Department of Human Services 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]

336.250 [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. [1985 c.100 §227]

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 report of the dental examination shall be recorded 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 unwanted 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.
Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses in biology. [1993 c.775 §1]

(3) 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 instructional 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]

(4) Notwithstanding subsection (3) of this section, a school district shall require a student who is diagnosed with a significant illness or has had a major surgery to have a physical examination prior to further participation in extracurricular sports.

(5) Any physical examination required by this section shall be conducted by a:

(a) Physician possessing an unrestricted license to practice medicine;

(b) Licensed naturopathic physician;

(c) Licensed physician assistant;

(d) Certified nurse practitioner; or

(e) Licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

(6) The State Board of Education shall by rule prescribe the form and protocol to be used for physical examinations required by this section. The board shall consult with a voluntary organization approved by the State Board of Education under ORS 339.430 in adopting rules under this section. [2001 c.486 §1; 2003 c.323 §1]

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]

EXTRACURRICULAR SPORTS

Physical examination prior to participation in extracurricular sports; rules. (1) As used in this section, “participation” means participation in sports practices and actual interscholastic sports competition.

(2) Each school district shall require students who participate in extracurricular sports in grades 7 through 12 in the schools of the district to have a physical examination prior to participation. A person conducting the physical examination shall use a form and protocol prescribed by rule of the State Board of Education pursuant to subsection (6) of this section.

(3) A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years.
(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]


336.560 [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; rules. (1) Every child at a youth care center, as defined in ORS 420.855, which is operated by a public 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 school district in which the youth care center is located 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 approved annually by the school district board.

(3) 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.

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

(5) Nothing in this section limits or otherwise applies to educational rights of children in youth care centers operated by public agencies. [Formerly 339.195; 1997 c.20 §1]
336.585 Education at detention facilities; costs; notification to resident district. (1) The Department of Education shall provide or cause to be provided appropriate education for children placed in a detention facility. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children placed in a detention facility.

(2) The superintendent shall pay the costs of providing education to children placed in detention facilities from the State School Fund grant allocated to the Juvenile Detention Education Program for that purpose under ORS 327.026.

(3) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, as defined in ORS 326.695.

(4) The superintendent shall ensure that the resident district of each child placed in a detention facility is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district’s census;

(b) Facilitating transfers of the child’s educational records; and

(c) Facilitating planning for the child’s possible return to the resident district.

(5) As used in this section:

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

(b) “Placed in a detention facility” means lodged overnight between consecutive days of receiving educational services within the detention facility.

(c) “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.

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 best serve students’ educational needs and interests and assist students in achieving the academic standards of the school district and the state. [Formerly 339.605; 2001 c.490 §1]

336.620 [Formerly 336.430; renumbered 339.880 in 1993]

336.625 Goals; district responsibility; registration; 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:

(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;

(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and

(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

(4) A school district may not waive the right to implement an alternative education program in a collective bargaining agreement. [Formerly 339.615; 1997 c.521 §24; 2001 c.490 §2]

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

336.631 Private alternative programs; requirements; applicability of laws; placement of students. (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);

(c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);
(d) ORS 659.850 and 659.855 (discrimination);

(e) Health and safety statutes and rules; and

(f) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student’s educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.  [1997 c.521 §11; 1999 c.59 §84; 2001 c.490 §5; 2005 c.730 §15]

### 336.635 Enrollment in alternative education program; notice to district; billing; rules; status of teachers.

(1) When necessary to meet a student’s educational needs and interests, the parent or guardian with the approval of the resident district and the attending district may enroll the student in one of the proposed appropriate and accessible public alternative education programs or private alternative education 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 student in the program. A student enrolled pursuant to this subsection or enrolled in an alternative education program on or after July 1, 1995, because the student’s educational needs and interests are best met through participation in such a program shall be considered enrolled in the schools of the district for purposes of the distribution of the State School Fund.

(2) The alternative education program in which the student enrolls with the districts’ approval shall notify the school district in which the student or the student’s parents or legal guardian, if any, resided at the time the student 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 alternative education program. For each full-time equivalent student enrolled in the alternative education program, 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 student net operating expenditure, whichever is lesser, in accordance with rules adopted by the State Board of Education. The alternative education 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 education 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 education program if there are public or approved private alternative education programs that are appropriate and accessible to the student to which a student 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; 1995 c.656 §7; 1996 c.16 §3; 1997 c.164 §1; 1997 c.613 §§3; 2001 c.490 §4]

### 336.637 Instruction in educational standards required; assessment of students in private alternative education programs.

(1) A private alternative education program shall ensure that students receive instruction in the educational standards adopted by the State Board of Education for the grade level the program serves.

(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the Department of Education under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its students toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each student’s academic progress, including the results of the state assessment to students, parents and the school district.  [1997 c.521 §12; 2001 c.490 §5]

### 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, transporta-
tion, 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 this 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 subsection (1)(e) of this section, in the same category as students eligible for special education as children with disabilities under ORS 343.035. [Formerly 339.623; 2005 c.490 §7]

336.635 Notification of availability of program; rules. The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.665 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs. [Formerly 339.625; 1997 c.521 §25; 2001 c.490 §6]

336.630 [1979 c.363 §2; renumbered 339.870 in 1993]

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

(1) “Commercial driver training school” means a school operated by a person issued a commercial driver training school certificate by the Department of Transportation under ORS 822.515.

(2) “Facility” means any facility for the deaf operated under ORS 346.010.

(3) “Private school” means a private or parochial high school.
(4) “Public school” means a common or union high school district, education service district and a community college district. [Formerly 343.705; 1997 c.119 §1; 1997 c.249 §8; 2001 c.265 §11; 2001 c.706 §1]

336.795 Purposes of traffic safety education course. A traffic safety education course 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; 2001 c.104 §113]

336.800 School course in traffic safety education. (1) Any private school, public school, facility or commercial driver training school may offer a course in traffic safety education. The curriculum for the traffic safety education course shall be established by the Department of Transportation under ORS 802.345.

(2) A person employed to teach a traffic safety education course must meet qualifications established by the department under ORS 802.345. [Formerly 343.720; 1997 c.383 §9; 1999 c.328 §8; 2001 c.706 §2]

336.805 Tuition; waiver; costs; reimbursement. (1) Each public school or facility offering a course in traffic safety education may charge tuition therefor and shall keep accurate records of the cost thereof in the manner required under rules adopted by the Department of Transportation under ORS 802.345. As provided in ORS 336.810, each public school or facility shall be reimbursed $210 per pupil completing the course, including any private school pupil completing the course in a public school or facility.

(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 reimbursement 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 public school or facility of providing traffic safety education less the state reimbursement. Tuition may be reduced or waived by a public school or facility for low income pupils.

(4) A public school may also offer a traffic safety education course to pupils in neighboring public schools that do not offer traffic safety education.

(5) Each public school and facility offering a course in traffic safety education shall adopt written policies and procedures regarding reduced or waived tuition for low income pupils.

(6) Each public school offering a course in traffic safety education shall adopt written policies and procedures for the admission of pupils from neighboring public schools. [Formerly 343.730; 1997 c.119 §2; 1999 c.328 §9; 2005 c.699 §1]

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 Department of Transportation shall annually distribute the funds available in the Student Driver Training Fund in the manner provided in ORS 336.805.

(3) The department shall make periodic studies to determine the effectiveness of traffic safety education courses conducted under authority of ORS 336.790 to 336.815. [Formerly 343.740; 1999 c.328 §10]

336.815 Contract with commercial driver training school. Any public school may contract with a commercial driver training school for the instruction of students enrolled in a traffic safety education course. [Formerly 343.750; 1997 c.119 §1; 1999 c.328 §11; 2001 c.706 §3]

336.850 [1991 c.928 §7; renumbered 329.385 in 1993]
336.870 [1991 c.571 §1; renumbered 329.395 in 1993]
336.875 [1991 c.571 §2; renumbered 329.405 in 1993]
336.880 [1991 c.571 §3; renumbered 329.415 in 1993]
336.885 [1991 c.571 §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]
# Chapter 337

## 2005 EDITION

**Books and Instructional Materials**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>337.030</td>
<td>Annual circular to school textbook publishers</td>
</tr>
<tr>
<td>337.035</td>
<td>Establishment of guidelines and criteria for review and selection of textbooks and instructional materials; rules</td>
</tr>
<tr>
<td>337.050</td>
<td>List of textbooks and instructional materials</td>
</tr>
<tr>
<td>337.060</td>
<td>Submission of proposals by publishers</td>
</tr>
<tr>
<td>337.065</td>
<td>Publisher fee</td>
</tr>
<tr>
<td>337.075</td>
<td>Adoption or rejection of proposals</td>
</tr>
<tr>
<td>337.080</td>
<td>Report of textbook and instructional material adoptions</td>
</tr>
<tr>
<td>337.090</td>
<td>Contract with publisher; terms; security; breach; remedies</td>
</tr>
<tr>
<td>337.100</td>
<td>Circular of adopted textbooks and instructional materials</td>
</tr>
<tr>
<td>337.110</td>
<td>Selection of substitute or additional textbooks and instructional materials</td>
</tr>
<tr>
<td>337.120</td>
<td>School board adoption and use of approved textbooks and instructional materials</td>
</tr>
<tr>
<td>337.141</td>
<td>Textbook and instructional material adoption and use by school boards</td>
</tr>
<tr>
<td>337.150</td>
<td>School board and charter school duty to provide textbooks</td>
</tr>
<tr>
<td>337.260</td>
<td>Textbooks on American history and government</td>
</tr>
<tr>
<td>337.275</td>
<td>Instructional materials on phonics</td>
</tr>
<tr>
<td>337.285</td>
<td>Definitions for ORS 337.288</td>
</tr>
<tr>
<td>337.288</td>
<td>Spread the Word Program; purpose; donated books</td>
</tr>
<tr>
<td>337.300</td>
<td>Animal dissection; refusal by student; alternatives; notification</td>
</tr>
</tbody>
</table>
337.010 [Repealed by 1965 c.100 §248 (337.011 enacted in lieu of 337.010)]

337.011 [1965 c.100 §249 (enacted in lieu of 337.010); 1975 c.754 §1; repealed by 1995 c.111 §2]

337.020 [Amended by 1953 c.526 §1; 1965 c.100 §250; 1969 c.314 §22; repealed by 1995 c.111 §2]

337.030 Annual circular to school textbook publishers. The Superintendent of Public Instruction shall, under the direction of the State Board of Education, mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:

1. The name and post-office address of the State Board of Education.
2. The time and place of meeting of the board to review and adopt textbooks.
3. The general form of the proposal to be followed by publishers in submitting textbooks for review and adoption.
4. The general form of contract to be entered into between the board and a publisher whose textbooks may be adopted.
5. The branches of study for which textbooks are to be adopted.
6. The statutory provisions relating to the review and adoption of textbooks.
7. Such additional information as may be considered useful. [Amended by 1965 c.100 §251; 1975 c.754 §5; 1991 c.886 §3]

337.035 Establishment of guidelines and criteria for review and selection of textbooks and instructional materials; rules. The State Board of Education by rule shall establish guidelines and criteria for the review and selection of textbooks and other instructional materials to be placed on the list adopted under ORS 337.050. [1975 c.754 §3; 2001 c.461 §1]

337.040 [Amended by 1953 c.526 §2; 1955 c.406 §1; 1965 c.100 §252; 1975 c.754 §6; repealed by 1995 c.111 §2]

337.050 List of textbooks and instructional materials. (1) The State Board of Education shall review and adopt, for periods established by the board, a list of textbooks and other instructional materials for use by school districts. The list shall contain, whenever possible:

(a) More than one textbook selection for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required; and
(b) More than one instructional material selection for each grade and subject field in the standard curriculum for which, in its judgment, instructional materials are required.

(2) The State Board of Education shall consider the best educational interests of the students as well as the most economical method of purchasing textbooks and instructional materials in setting periods for textbook and instructional material review and adoption.

(3) The board shall refrain from adopting any textbook or instructional material in a subject field whenever it finds that no textbook or instructional material can be documented as meeting, to the degree determined by the board, the guidelines and criteria established by the board for textbooks and instructional materials.

(4) The board may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in lieu of the edition or item adopted by the board. [Amended by 1953 c.121 §3; 1953 c.526 §3; 1955 c.406 §2; 1965 c.100 §253; 1967 c.370 §1; 1975 c.754 §7; 1983 c.500 §1; 1991 c.886 §4; 1997 c.115 §1; 2001 c.461 §2]

337.055 [1975 c.754 §4; repealed by 1995 c.111 §2]

337.060 Submission of proposals by publishers. (1) The proposals of each publisher shall be submitted to the Department of Education in writing and shall be responsive to the requirements of ORS 337.030 (3) and (4), and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks as the State Board of Education may require.

(2) In addition to the material required under subsection (1) of this section, the proposal shall include documentation and analysis on each textbook showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and adoption of textbooks. [Amended by 1965 c.100 §254; 1975 c.754 §8; 1991 c.886 §5]

337.065 Publisher fee. (1) The Department of Education shall collect from each publisher or other supplier who submits a proposal under ORS 337.060 a fee equal to the retail price, or $50, whichever is the greater, for each textbook title or item of instructional material proposed by the publisher or supplier for review and adoption by the board. Fees are payable prior to consideration of the proposal.

(2) The moneys received under subsection (1) of this section shall be paid into the State Treasury and placed to the credit of the Department of Education. The moneys are continuously appropriated to meet expenses incurred under this chapter. [1967 c.370 §§2, 3; 1975 c.754 §9; 1991 c.886 §6]

337.070 [Repealed by 1965 c.100 §456]

337.075 Adoption or rejection of proposals. (1) The State Board of Education may adopt or reject any textbook contained in any proposal. If the terms and conditions for furnishing a textbook in all proposals relating to that textbook are considered by the board to be unreasonable or the textbook is...
337.080 Report of textbook and instructional material adoptions. The State Board of Education shall immediately report to the public the textbooks and instructional materials that have been adopted and placed on the list under ORS 337.050. The report shall be signed by the chairperson of the board. [Amended by 1965 c.100 §256; 1975 c.754 §10; 1991 c.886 §7]

337.090 Contract with publisher; terms; security; breach; remedies. (1) The State Board of Education, as soon as practicable, shall enter into a written contract with each publisher the textbook of which has been adopted. The contract shall require the publisher to maintain at least one depository to be designated by the board, where such textbooks may be purchased and to furnish such textbooks according to law and the conditions named in the proposal.

(2) The board shall take from each publisher entering into a contract a good and sufficient bond, or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the board, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on the part of the publisher, or, with intent to evade the provisions of the contract, sells any of the textbooks in this state at prices higher than specified in the contract of the publisher, the board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher’s bond or letter of credit. [Amended by 1965 c.100 §257; 1975 c.754 §12; 1991 c.331 §57; 1991 c.886 §9; 1997 c.631 §463]

337.100 Circular of adopted textbooks and instructional materials. The Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each textbook and a description of the instructional materials adopted by the board and placed on the list under ORS 337.050. The circular may include such other information as the board may consider useful. [Amended by 1965 c.100 §258; 1975 c.754 §13; 1991 c.886 §10; 2001 c.461 §4]

337.110 Selection of substitute or additional textbooks and instructional materials. If at any time during the period for which a textbook or other instructional material is on the approved list adopted under ORS 337.050, it becomes necessary for the State Board of Education to adopt any textbook or other instructional material instead of those regularly adopted, the chairperson of the board may call a special session of the board. It may, upon convening, adopt such textbook or other instructional material in the same manner as other textbooks or other instructional materials are required to be adopted; except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers. [Amended by 1965 c.100 §259; 1967 c.99 §1; 1975 c.754 §14; 1991 c.886 §11; 1997 c.115 §2; 2001 c.461 §3]

337.120 School board adoption and use of approved textbooks and instructional materials. (1) Except as otherwise provided by ORS 337.141, the district school board, with the assistance of teachers and administrators of the district, shall adopt textbooks and other instructional materials for each grade and subject field for which instruction is provided by the district school board from the approved list. The district school board shall involve parents and citizens in the process.

(2) The district school board shall cause the books or materials, according to titles, so adopted to be used in its schools at the beginning of the next school year following the state adoption, except when, pursuant to rules of the State Board of Education, the district school board is authorized by the Superintendent of Public Instruction to postpone such use for a reasonable period of time. [Amended by 1953 c.121 §3; 1965 c.100 §260; 1967 c.100 §1; 1975 c.754 §15; 1989 c.491 §27; 1991 c.886 §12; 1997 c.115 §3]

337.130 [Repealed by 1965 c.100 §456]

337.140 [Repealed by 1965 c.100 §261 (337.141 enacted in lieu of 337.140)]

337.141 Textbook and instructional material adoption and use by school boards. Upon prior notice to the State Board of Education, the district school board
of any school district may adopt and use textbooks or other instructional materials in place of or in addition to those adopted by the State Board of Education. Provided they meet the guidelines and criteria established by the State Board of Education. [1965 c.100 §262 (enacted in lieu of 337.140); 1975 c.754 §16; 1979 c.273 §2; 1991 c.886 §13; 2001 c.461 §6]

337.150 School board and charter school duty to provide textbooks. (1) Subject to ORS 339.155, each district school board shall provide textbooks, prescribed or authorized by law, for free use by all resident public school pupils enrolled in kindergarten through grade 12.

(2) Subject to ORS 339.155, each public charter school as defined in ORS 338.005 shall provide textbooks, prescribed or authorized by law, for free use by all pupils enrolled in the public charter school. [Amended by 1955 c.486 §2; 1957 c.272 §1; 1965 c.100 §263; 1965 c.272 §1; 1979 c.273 §1; 1989 c.130 §1; 1993 c.45 §303; 1999 c.200 §30]

337.160 [Amended by 1965 c.100 §264; repealed by 1965 c.272 §2]

337.170 [Repealed by 1965 c.100 §456]

337.180 [Repealed by 1965 c.100 §456]

337.190 [Repealed by 1965 c.100 §456]

337.200 [Amended by 1955 c.486 §3; repealed by 1965 c.100 §456]

337.210 [Repealed by 1965 c.100 §456]

337.220 [Repealed by 1965 c.100 §456]

337.230 [Repealed by 1965 c.100 §456]

337.240 [Repealed by 1965 c.100 §456]

337.250 [Repealed by 1965 c.100 §456]

337.260 Textbooks on American history and government. Every district school board, the State Board of Education and every committee or officer responsible for the adoption of textbooks for use in the public schools shall adopt textbooks on American history and government which adequately stress the services rendered by those who achieved our national independence, who established our form of constitutional government and who preserved our federal union. Respect for all people, regardless of race, color, creed, national origin, age, sex, or disability, and their contributions to our history and system of government shall be reflected in the textbooks adopted by the State Board of Education. [Amended by 1965 c.100 §265; 1975 c.754 §17; 1985 c.388 §2; 1985 c.709 §3; 1991 c.886 §14; 1993 c.45 §§304,305]

337.270 [Repealed by 1965 c.100 §456]

337.275 Instructional materials on phonics. (1) The State Board of Education shall include instructional materials on explicit phonics with decodable text on the statewide list of instructional materials adopted for inclusion in the reading instruction programs for kindergarten through grade two.

(2) Each school district shall provide instructional materials on explicit phonics with decodable text from which classroom teachers may select for use as part of the reading instruction program in kindergarten through grade two. [1999 c.265 §1]

Note: 337.275 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

337.285 Definitions for ORS 337.288. As used in ORS 337.288:

(1) “Participating school” means a public school, public charter school or private school that collects donated books from students, civic groups and members of the community for distribution to children who have few books at home.

(2) “Recipient school” means a public school or public charter school that receives donated books for distribution to students attending the school. [2001 c.271 §1]

Note: 337.285 and 337.288 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

337.288 Spread the Word Program; purpose; donated books. (1) There is created the Spread the Word Program in the Department of Education. The purpose of the program is to provide books to elementary school children in kindergarten through grade five who have few books at home. Under the program, participating schools, individuals and civic groups may collect children’s books that shall be donated to recipient schools for distribution to eligible children.

(2) The department shall:

(a) Establish assessment criteria to identify children eligible to receive books under the program; and

(b) Develop an informational brochure on the program and distribute the brochure to public schools and public charter schools in this state.

(3) Participating schools that are not private schools shall:

(a) Conduct book drives;

(b) Review donated books to ensure that they are appropriate for elementary school children and in satisfactory condition for distribution;

(c) Count, sort and pack the books; and

(d) Contact the school district to report the approximate number of books to be collected by the school district for distribution to elementary school children who have few books at home.
(4) Participating schools that are private schools and individuals and civic groups may deliver donated books to a participating school that is a public school or public charter school for review and collection as provided in subsection (3) of this section.

(5) School districts shall:
   (a) Collect donated books from participating schools within the district; and
   (b) Arrange for the donated books to be transported to the recipient school.

(6) A recipient school shall distribute books to those children identified as eligible under criteria developed by the department under subsection (2) of this section.

(7) Records of children who receive books pursuant to this section are not public records. [2001 c.271 §2; 2005 c.209 §25]

Note: See note under 337.285.

337.300 Animal dissection; refusal by student; alternatives; notification. (1) A kindergarten through grade 12 public school student may refuse to dissect any vertebrate or invertebrate animal or the parent or legal guardian of a kindergarten through grade 12 public school student may refuse to allow the student to dissect any vertebrate or invertebrate animal.

(2) A school district that includes dissection as part of its coursework shall permit students to demonstrate competency in the coursework through alternative materials or methods of learning that do not include the dissection of animals. These alternative materials and methods may include but are not limited to:
   (a) Videotapes, DVDs and CD-ROMs;
   (b) Models;
   (c) Films;
   (d) Books;
   (e) Computer programs;
   (f) Clay modeling; and
   (g) Transparencies.

(3) A kindergarten through grade 12 public school teacher may not discriminate against a student or lower the grade of a student for not participating in the dissection of an animal.

(4) A school district shall notify students who have dissection as part of their coursework and the parents and legal guardians of those students about the provisions of this section. [2005 c.460 §1]

Note: 337.300 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

337.510 [1957 c.642 §1; 1963 c.570 §12; 1965 c.100 §266; repealed by 1989 c.216 §1]
337.520 [1957 c.642 §2; 1963 c.544 §44; 1965 c.100 §267; 1967 c.67 §7; repealed by 1989 c.216 §1]
337.530 [1957 c.642 §3; 1963 c.570 §13; 1965 c.100 §268; repealed by 1989 c.216 §1]
337.540 [1957 c.642 §§5,6,7; 1963 c.544 §45; 1963 c.570 $14; 1965 c.100 §269; repealed by 1989 c.216 §1]
337.550 [1957 c.642 §10; 1963 c.570 §15; repealed by 1989 c.216 §1]
337.560 [1957 c.642 §§8,9(1),(2); 1963 c.544 §46; 1963 c.570 §16; 1965 c.100 §270; repealed by 1989 c.216 §1]
337.570 [1957 c.642 §9(3); 1963 c.570 §17; repealed by 1965 c.100 §456]
337.990 [Repealed by 1965 c.100 §456]
Chapter 338
2005 EDITION
Public Charter Schools

GENERAL PROVISIONS
338.005 Definitions
338.015 Legislative intent; goals
338.025 Rules; waiver of provisions of chapter; exceptions

FORMATION
338.035 Establishment requirements; proposal submission timeline; prohibitions
338.045 Proposal requirements; technical assistance; buildings
338.055 Approval process; public hearing; evaluation criteria; notice of decision; fees prohibited; timeline extensions
338.065 Terms and form of charter; amendment of charter; renewal; appeal
338.075 Review of school district board decision; sponsorship by State Board of Education; judicial review

OPERATION
338.095 Annual report, visit and audit

338.105 Termination of charter; appeal; rules; dissolution or closure of school
338.115 Applicability of laws; restrictions; powers; student diplomas, certificates and endorsements
338.125 Student admissions; fund-raising activities; online courses
338.135 Employees; licensure and registration requirements; collective bargaining; prohibition on waiver of right to sponsor charter school
338.145 Responsibility for student transportation services; costs

FUNDING
338.155 Minimum amount required; grants available to charter schools
338.157 Adjusting number of students for poverty level
338.165 Special education students; payment for services
338.175 Public Charter School Development Fund
338.185 Grant and loan program; rules
GENERAL PROVISIONS

338.005 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Applicant" means any person or group that develops and submits a written proposal for a public charter school to a sponsor.

(2) "Public charter school" means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to this chapter.

(3) "Sponsor" means:

(a) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter with an applicant to create a public charter school.

(b) The State Board of Education pursuant to ORS 338.075. [1999 c.200 §2]

338.015 Legislative intent; goals. It is the intent of this chapter that new types of schools, called public charter schools, be created as a legitimate avenue for parents, educators and community members to take responsible risks to create new, innovative and more flexible ways of educating children within the public school system. The Legislative Assembly seeks to create an atmosphere in Oregon’s public school system where research and development of new learning opportunities are actively pursued. The provisions of this chapter should be interpreted liberally to support the goals of this section and to advance a renewed commitment by this state to the mission, goals and diversity of public education. It is the intent that public charter schools may serve as models and catalysts for the improvement of other public schools and the public school system. The goals of public charter schools shall be to:

(1) Increase student learning and achievement;

(2) Increase choices of learning opportunities for students;

(3) Better meet individual student academic needs and interests;

(4) Build stronger working relationships among educators, parents and other community members;

(5) Encourage the use of different and innovative learning methods;

(6) Provide opportunities in small learning environments for flexibility and innovation, which may be applied, if proven effective, to other public schools;

(7) Create new professional opportunities for teachers;

(8) Establish additional forms of accountability for schools; and

(9) Create innovative measurement tools. [1999 c.200 §1]

338.025 Rules; waiver of provisions of chapter; exceptions. (1) The State Board of Education may adopt any rules necessary for the implementation of this chapter. The rules shall follow the intent of this chapter.

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of this chapter if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in this chapter or any provision under ORS 338.115 (1)(a) to (p). [1999 c.200 §13; 2001 c.810 §3; 2005 c.367 §5]

338.030 Establishment requirements; proposal submission timeline; prohibitions.

(1) A public charter school may be established:

(a) As a new public school;

(b) From an existing public school or a portion of the school; or

(c) From an existing alternative education program, as defined in ORS 336.615.

(2)(a) Before a public charter school may operate as a public charter school, it must:

(A) Be approved by a sponsor;

(B) Be established as a nonprofit organization under the laws of Oregon; and

(C) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code.

(b) Notwithstanding paragraph (a) of this subsection, the requirements of paragraph (a)(B) and (C) of this subsection do not apply to a public charter school that is operated by a school district.

(3) An applicant seeking to establish a public charter school shall submit a proposal pursuant to ORS 338.045 to the school district board of the school district within which the public charter school will be located at least 120 days prior to the date upon which the public charter school would begin
(4) An applicant seeking to establish a public charter school shall provide to the State Board of Education a copy of any proposal submitted to a school district board under ORS 338.045 and a copy of any subsequent approval by the school district board.

(5)(a) One or more, but not all, schools in a school district may become public charter schools.

(b) Notwithstanding paragraph (a) of this subsection, a school in a school district that is composed of only one school may become a public charter school.

(6)(a) A school district board or the State Board of Education may not approve a public charter school proposal that authorizes the conversion of any private school that is tuition based to a public charter school.

(b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board of Education may authorize the conversion of an existing alternative education program, as defined in ORS 336.615, to a public charter school.

(7) A school district board or the State Board of Education may not approve a public charter school proposal that is affiliated with a nonpublic sectarian school or a religious institution.  

338.040 [Repealed by 1965 c.100 §456]

338.045 Proposal requirements; technical assistance; buildings. (1) An applicant seeking to establish a public charter school shall submit a written proposal to a school district board.

(2) The proposal shall include, but need not be limited to:

(a) The identification of the applicant;

(b) The name of the proposed public charter school;

(c) A description of the philosophy and mission of the public charter school;

(d) A description of the curriculum of the public charter school;

(e) A description of the expected results of the curriculum and the verified methods of measuring and reporting objective results that will show the growth of knowledge of students attending the public charter school and allow comparisons with public schools;

(f) The governance structure of the public charter school;

(g) The projected enrollment to be maintained and the ages or grades to be served;

(h) The target population of students the public charter school will be designed to serve;

(i) A description of any distinctive learning or teaching techniques to be used in the public charter school;

(j) The legal address, facilities and physical location of the public charter school, if known;

(k) A description of admission policies and application procedures;

(L) The statutes and rules that shall apply to the public charter school;

(m) The proposed budget and financial plan for the public charter school and evidence that the proposed budget and financial plan for the public charter school are financially sound;

(n) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;

(o) The proposed school calendar for the public charter school, including the length of the school day and school year;

(p) A description of the proposed staff members and required qualifications of teachers at the public charter school;

(q) The date upon which the public charter school would begin operating;

(r) The arrangements for any necessary special education and related services provided pursuant to ORS 338.165 for children with disabilities who may attend the public charter school;

(s) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;

(t) The term of the charter;

(u) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;

(v) A proposed plan for the placement of public charter school teachers, other school employees and students of the public charter school upon termination or nonrenewal of a charter;

(w) The manner in which the program review and fiscal audit will be conducted; and

(x) In the case of an existing public school being converted to charter status:

(A) The alternative arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school; and

(B) The relationship that will exist between the public charter school and its em-
employees, including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any.

(3) In addition to the requirements of subsection (2) of this section, the school district board may require any additional information the board considers relevant to the formation or operation of a public charter school.

(4) At the request of the applicant, the school district board may provide technical assistance in developing the proposal for operation of the public charter school.

(5) To the extent such information is reasonably available, education service districts shall make available to the public lists of vacant and unused public and private buildings or portions of buildings that may be suitable for the operation of a public charter school. School districts shall provide to the public and to their education service districts lists of unused or underutilized buildings that are owned by the school districts. Nothing in this subsection requires the owner of a building on the list to sell or lease to a public charter school a building or any portion of a building. [1999 c.200 §6]

338.050 [Repealed by 1965 c.100 §456]

338.055 Approval process; public hearing; evaluation criteria; notice of decision; fees prohibited; timeline extensions.

(1) Within 60 days of receipt of a proposal submitted under ORS 338.045, the school district board shall hold a public hearing on the provisions of the proposal.

(2) The school district board shall evaluate a proposal in good faith using the following criteria:

(a) The demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (1) of this section;

(b) The demonstrated financial stability of the public charter school;

(c) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students pursuant to an approved proposal;

(d) The capability of the applicant, in terms of support and planning, to specifically provide, pursuant to an approved proposal, comprehensive instructional programs to students identified by the applicant as academically low achieving;

(e) The extent to which the proposal addresses the information required in ORS 338.045;

(f) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the school district in which the public charter school will be located;

(g) Whether there are arrangements for any necessary special education and related services for children with disabilities pursuant to ORS 338.165; and

(h) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school.

(3) The school district board must approve a proposal or state in writing the reasons for disapproving a proposal within 30 days after the public hearing held under subsection (1) of this section.

(4) Written notice of the school district board's action shall be sent to the applicant. If the proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall be clearly stated in the notice sent by the school district board to the applicant. If the proposal is not approved, the applicant may amend the proposal to address objections and any suggested remedial measures and resubmit the proposal to the school district board. The school district board shall approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is not approved, the applicant may appeal the decision of the school district board to the State Board of Education.

(5) Individual elements in a public charter school proposal may be changed through the proposal and chartering process.

(6) A proposal to convert an existing public school to a public charter school must be approved by the school district board of the public school.

(7) The school district board or the State Board of Education shall not charge any fee to applicants for the proposal process.

(8) Upon request by a school district, the State Board of Education may grant an extension of any timeline required by this section if the district has good cause for requesting the extension. [1999 c.200 §7; 2005 c.209 §27]

338.060 [Renumbered 332.415]

338.065 Terms and form of charter; amendment of charter; renewal; appeal.

(1) Upon approval of a proposal by a school district board under ORS 338.055, the school district board shall become the sponsor of the public charter school. The sponsor and applicant shall develop a written charter that
contains the provisions of the proposal that have been duly approved by the sponsor and public charter school governing body. The sponsor and the applicant may agree to change elements of the proposal prior to incorporating them into the charter or exclude elements of the proposal from the charter. The charter, when duly executed by the sponsor and the public charter school governing body, shall act as the legal authorization for the establishment of the public charter school. The charter shall be legally binding on both the sponsor and the public charter school governing body.

(2) The sponsor and the public charter school governing body may amend a charter by joint agreement.

(3)(a) The initial charter shall be in effect for a period of not more than five years and shall be renewed upon the authorization of the sponsor using the process established under this section.

(b) The first renewal of a charter shall be for the same time period as the initial charter.

(c) Subsequent renewals of a charter shall be for a minimum of five years but may not exceed 10 years.

(4)(a) The renewal of a charter shall use the process required by this section.

(b) The public charter school governing body shall submit a written renewal request to the sponsor for consideration at least 180 days prior to the expiration of the charter.

(c) Within 45 days after receiving a written renewal request from a public charter school governing body, the sponsor shall hold a public hearing regarding the request for renewal.

(d) Within 10 days after the public hearing, the sponsor shall notify the public charter school governing body of the sponsor's intent about the renewal of the charter.

(e) Within 20 days after the public hearing, the sponsor shall approve the renewal of the charter or state in writing the reasons for denying the renewal of the charter.

(f) If the sponsor approves the renewal of the charter, the sponsor and the public charter school governing body shall negotiate a new charter within 90 days after the date on which the sponsor approved the renewal of the charter unless the sponsor and the public charter school governing body agree to an extension of the time period.

(g) If the sponsor does not renew the charter, the public charter school governing body may address the reasons stated under paragraph (e) of this subsection and any remedial measures suggested by the sponsor and submit a revised request for renewal to the sponsor.

(h) Notwithstanding paragraphs (b) to (g) of this subsection, a sponsor and a public charter school governing body may agree in the charter of the school to a timeline for renewing the charter that is different from the timeline required by paragraphs (b) to (g) of this subsection.

(5)(a) If the sponsor does not renew the charter based on the revised request for renewal submitted under subsection (4)(g) of this section, the public charter school governing body may appeal the decision of the sponsor to the State Board of Education for a review of whether the sponsor used the process required by this section in denying the renewal of the charter.

(b) If the board finds that the sponsor used the process required by this section in denying the request for renewal, the board shall affirm the decision of the sponsor. A public charter school governing body may seek judicial review of an order of the board pursuant to ORS 183.484.

(c) If the board finds that the sponsor did not use the process required by this section in denying the request for renewal, the board shall order the sponsor to reconsider the request for renewal.

(d) If after reconsideration pursuant to paragraph (c) of this subsection the sponsor does not renew the charter, the public charter school governing body may seek judicial review of an order of the sponsor pursuant to ORS 183.484.

(e) If the board is the sponsor of a public charter school and the board does not renew the charter based on the revised request for renewal submitted under subsection (4)(g) of this section, the public charter school governing body may seek judicial review of an order of the board pursuant to ORS 183.484 for a review of whether the board used the process required by this section in denying the request for renewal.

(f) The sponsor shall base the charter renewal decision on a good faith evaluation of whether the public charter school:

(A) Is in compliance with this chapter and all other applicable state and federal laws;

(B) Is in compliance with the charter of the public charter school;

(C) Is meeting or working toward meeting the student performance goals and agreements specified in the charter or any other written agreements between the sponsor and the public charter school governing body;

(D) Is fiscally stable; and
(E) Is in compliance with any renewal criteria specified in the charter of the public charter school.

(b) The sponsor shall base the renewal evaluation described in paragraph (a) of this subsection primarily on a review of the public charter school’s annual performance reports, annual audit of accounts and annual site visit and review as required by ORS 338.095 and any other information mutually agreed upon by the public charter school governing body and the sponsor. [1999 c.200 §8; 2005 c.522 §1]

338.070 [Amended by 1965 c.100 §154; 1965 c.123 §2; renumbered 332.425]

338.075 Review of school district board decision; sponsorship by State Board of Education; judicial review. (1) If a school district board does not approve a proposal to start a public charter school pursuant to ORS 338.055, the applicant may request that the State Board of Education review the decision of the school district board.

(2) Upon receipt of a request for review, the State Board of Education:

(a) Shall attempt to mediate a resolution between the applicant and the school district board.

(b) May recommend to the applicant and school district board revisions to the proposal.

(c) If the school district board does not accept the revisions to the proposal and the applicant agrees to the sponsorship, may become the sponsor of the public charter school.

(3) Upon receipt of a request for review, in addition to actions described in subsection (2) of this section and at any time during the review process, the State Board of Education may reject a proposal to start a public charter school if the school fails to meet the requirements of this chapter.

(4) An applicant may seek judicial review of an order of the State Board of Education pursuant to ORS 183.484. If the court finds that the decision of the State Board of Education is not supported by substantial evidence in the record, the court shall enter a judgment directing the State Board of Education to sponsor the public charter school. [1999 c.200 §9; 2001 c.376 §1; 2005 c.209 §28]

OPERATION

338.095 Annual report, visit and audit. (1) A public charter school shall report to the sponsor and the State Board of Education at least annually on the performance of the school and its students. A public charter school shall disclose in its report information necessary to make a determination of compliance with the requirements of this chapter. The sponsor or the sponsor’s designee at least annually shall visit the public charter school site and review the public charter school’s compliance with the terms and provisions of the charter.

(2) The public charter school shall have an annual audit of the accounts of the public charter school prepared in accordance with the Municipal Audit Law, ORS 297.405 to 297.555 and 297.990. The annual audit shall be forwarded to the sponsor, the State Board of Education and the Department of Education.

(3) The State Board of Education may require public charter schools to file reports with the Department of Education as necessary to enable the department to gather information on public charter schools for inclusion in the Oregon Report Card issued pursuant to ORS 329.115. [1999 c.200 §10]

338.105 Termination of charter; appeal; rules; dissolution or closure of school. (1) During the term of a charter, the sponsor may terminate the charter on any of the following grounds:

(a) Failure to meet the terms of an approved charter or this chapter.

(b) Failure to meet the requirements for student performance stated in the charter.

(c) Failure to correct a violation of a federal or state law that is described in ORS 338.115.

(d) Failure to maintain insurance as described in the charter.

(e) Failure to maintain financial stability.

(2) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the public charter school governing body at least 60 days prior to the proposed effective date of the termination. The notice shall state the grounds for the termination. The public charter school governing body may request a hearing by the sponsor.

(3) A public charter school governing body may appeal any decision of a sponsor that is:

(a) A school district board to the State Board of Education. The State Board of Education shall adopt by rule procedures to ensure a timely appeals process to prevent disruption of students’ education.

(b) The State Board of Education to the circuit court pursuant to ORS 183.484.

(4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter immediately and close a public charter school if the public charter school is endangering the health or safety of the students enrolled in the public charter school.
(b) The public charter school governing body may request a hearing from the sponsor on the termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days after receiving the request.

(c) The public charter school governing body may appeal a decision of a sponsor under this subsection to the State Board of Education. The State Board of Education shall hold a hearing within 10 days after receiving the appeal request.

(d) Throughout the appeals process, the public charter school shall remain closed at the discretion of the sponsor unless the State Board of Education orders the sponsor to open the public charter school and not terminate the charter.

(5) Termination of a charter shall not abridge the public charter school’s legal authority to operate as a private or nonchartered public school.

(6) If a charter is terminated or a public charter school is dissolved, the assets of the public charter school that were purchased with public funds shall be given to the State Board of Education. The State Board of Education may disburse the assets of the public charter school to school districts or other public charter schools.

(7) A public charter school governing body may only terminate a charter, dissolve or close a public charter school at the end of a semester. If a charter is terminated by the public charter school governing body or a public charter school is closed or dissolved, the public charter school governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the termination, closure or dissolution. [1999 c.200 §11]

338.115 Applicability of laws; restrictions; powers; student diplomas, certificates and endorsements. (1) Statutes and rules that apply to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

   (a) Federal law;
   (b) ORS 192.410 to 192.505 (public records law);
   (c) ORS 192.610 to 192.690 (public meetings law);
   (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
   (e) ORS 181.534, 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
   (f) ORS 337.150 (textbooks);
   (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
   (h) ORS 659.850 and 659.855 (discrimination);
   (i) ORS 30.260 to 30.300 (tort claims);
   (j) Health and safety statutes and rules;
   (k) Any statute or rule that is listed in the charter;
   (l) ORS 329.485 (academic content standards and instruction);
   (m) ORS 329.045 (Federal law);
   (n) ORS 339.250 (12) (prohibition on infliction of corporal punishment);
   (o) ORS 339.370, 339.372 and 339.375 (reporting of child abuse); and
   (p) This chapter.

(2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.

(3) If a statute or rule applies to a public charter school, then the terms “school district” and “public school” include public charter school as those terms are used in that statute or rule.

(4) A public charter school may not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.

(5) A public charter school shall maintain an active enrollment of at least 25 students.

(6) A public charter school may sue or be sued as a separate legal entity.

(7) The sponsor, members of the governing board of the sponsor acting in their official capacities and employees of a sponsor acting in their official capacities are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.

(8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, state institution of higher education, other governmental unit or any person or legal entity.

(9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.

(10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
(11) The school district in which the public charter school is located shall offer a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public charter school student who meets the district’s and state’s standards for a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery. If the school district offers a Certificate of Initial Mastery subject area endorsement to students who attend school in the district, then the school district shall offer the endorsement to any public charter school student who meets the district’s and state’s standards for the endorsement.

(12) A high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Advanced Mastery issued by a public charter school grants to the holder the same rights and privileges as a high school diploma, certificate, Certificate of Initial Mastery, Certificate of Initial Mastery subject area endorsement or Certificate of Advanced Mastery issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

(14) A public charter school may receive services from an education service district in the same manner as a nonchartered public school in the school district in which the public charter school is located. [1999 c.200 §12; 2001 c.810 §8] 338.125 Student admissions; fund-raising activities; online courses. (1) Student enrollment in a public charter school shall be voluntary. All students who reside within the school district where the public charter school is located are eligible for enrollment at a public charter school. If the number of applications from students who reside within the school district exceeds the capacity of a program, class, grade level or building, the public charter school shall select students through an equitable lottery selection process. However, after a public charter school has been in operation for one or more years, the public charter school may give priority for admission to students:

(a) Who were enrolled in the school in the prior year; or

(b) Who have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year.

(2)(a) If space is available a public charter school may admit students who do not reside in the school district in which the public charter school is located.

(b) Notwithstanding paragraph (a) of this subsection, if a public charter school offers any online courses as part of the curriculum of the school, then 50 percent or more of the students who attend the public charter school must reside in the school district in which the public charter school is located.

(3) A public charter school may not limit student admission based on ethnicity, national origin, race, religion, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to students within a given age group or grade level.

(4) A public charter school may conduct fund-raising activities. However, a public charter school shall not require a student to participate in fund-raising activities as a condition of admission to the public charter school. [1999 c.200 §14; 2001 c.810 §8; 2005 c.834 §5]

338.135 Employees; licensure and registration requirements; collective bargaining; prohibition on waiver of right to sponsor charter school. (1) Employee assignment to a public charter school shall be voluntary.

(2) A public charter school or the sponsor of the public charter school may consider the employer of any employees of the public charter school. If a school district board is not the sponsor of the public charter school, the school district board shall not be the employer of the employees of the public charter school and the school district board may not collectively bargain with the employees of the public charter school. The public charter school governing body shall control the selection of employees at the public charter school.

(3) The school district board of the school district within which the public charter school is located shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by negotiated agreement or by board policy. However, the length of the leave of absence may not be less than two years unless:

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

(b) The employee and the school district board have mutually agreed to a different length of time.

(4) An employee of a public charter school operating within a school district who is granted a leave of absence from the school district and returns to employment with the school district shall retain seniority and benefits as an employee pursuant to the terms of the leave of absence. Notwithstanding—
ing ORS 243.650 to 243.782, a school district that was the employer of an employee of a public charter school not operating within the school district may make provisions for the return of the employee to employment with the school district.

(5) For purposes of ORS chapters 238 and 238A, a public charter school shall be considered a public employer and as such shall participate in the Public Employees Retirement System.

(6) For teacher licensing, employment experience in public charter schools shall be considered equivalent to experience in public schools.

(7)(a) Notwithstanding ORS 342.173, a public charter school may employ as an administrator a person who is not licensed by the Teacher Standards and Practices Commission.

(b) Any person employed as a teacher in a public charter school shall be licensed or registered to teach by the Teacher Standards and Practices Commission.

(c) Notwithstanding paragraph (a) or (b) of this subsection, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district for purposes of ORS 243.650 to 243.782. An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from other bargaining units of the sponsor or of the school district in which the public charter school is located. Employees of a public charter school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

(9) A school district or the State Board of Education may not waive the right to sponsor a public charter school in a collective bargaining agreement. [1999 c.200 §1; 2003 c.715 §25]

338.145 Responsibility for student transportation services; costs. (1) The public charter school shall be responsible for providing transportation to students who reside within the school district and who attend the public charter school. The public charter school may negotiate with a school district for the provision of transportation to students attending the public charter school.

(2) Notwithstanding subsection (1) of this section, the school district within which the public charter school is located shall be responsible for the transportation of students attending the public charter school pursuant to ORS 327.043 in the same manner as students attending nonchartered public schools if the student is a resident of the school district. However, a school district may not be required to add or extend existing bus routes or other transportation services pursuant to this subsection.

(3) Students who attend public charter schools and who reside outside of the school district may use existing bus routes and transportation services of the school district in which a public charter school is located.

(4) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013 in the same manner as transportation costs incurred by the school district for transporting students who attend nonchartered public schools are considered approved transportation costs for purposes of ORS 327.013. [1999 c.200 §19; 2003 c.715 §25]

FUNDING

338.155 Minimum amount required; grants available to charter schools. (1) Students of a public charter school shall be considered to be residents of the school district in which the public charter school is located for purposes of distribution of the State School Fund.

(2) A school district shall contractually establish, with any public charter school that is sponsored by the board of the school district, payment for provision of educational services to the public charter school’s students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:

(a) Eighty percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(3) A school district shall contractually establish, with any public charter school that is sponsored by the State Board of Education and within the boundaries of the school district, payment for provision of educational services to the public charter school’s students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:
(a) Ninety percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(4) The estimated amount of each school district’s General Purpose Grant per ADMw shall be determined each year by the Department of Education and made available to all school districts.

(5) The school district in which the public charter school is located shall transfer an amount per weighted average daily membership (ADMw) of the public charter school that is equal to 50 percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 that is not paid to the public charter school through a contract created pursuant to subsections (2) or (3) of this section to:

(a) Any school district in which the parent or guardian of or person in parental relationship to a student of a public charter school resides pursuant to ORS 339.133 and 339.134; or

(b) The Department of Education if the State Board of Education is the sponsor of the public charter school.

(6) The department may use any money received under this section for activities related to public charter schools.

(7) A school district and a public charter school may negotiate to establish a payment for the provision of educational services to the public charter school’s students that is more than the minimum amounts specified in subsection (2) or (3) of this section.

(8) A school district shall send payment to a public charter school based on a contract negotiated under this section within 10 days after receiving payments from the State School Fund pursuant to ORS 327.085.

(9)(a) A public charter school may apply for any grant that is available to school districts or nonchartered public schools from the Department of Education. The department shall consider the application of the public charter school in the same manner as an application from a school district or nonchartered public school.

(b) The department shall award any grant that is available to school districts based solely on the weighted average daily membership (ADMw) of the school district directly to the public charter school. This paragraph does not apply to any grant from the State School Fund. [1999 c.200 §20]

338.157 Adjusting number of students for poverty level. For purposes of calculating the weighted average daily membership (ADMw) of a public charter school, it shall be assumed that the public charter school has the same percentage of children in poverty families, as calculated under ORS 327.013 (7)(a)(E)(i), as the school district in which the public charter school is located. Based on this percentage, an additional amount shall be added to the average daily membership (ADM) of the public charter school. [2001 c.810 §6]

338.165 Special education students; payment for services. (1) Notwithstanding ORS 338.155 (1), for purposes of this section, the “resident school district” of a student who is eligible for special education and related services shall be the school district in which the student’s parent or guardian or person in parental relationship to the student reside pursuant to ORS 339.133 and 339.134.

(2) For students who attend public charter schools and are eligible for special education and related services:

(a) The resident school district of the student shall be responsible for providing any required special education and related services to the student; and

(b) Amounts from the State School Fund for those students shall be distributed through the resident school district pursuant to this section.

(3) Notwithstanding ORS 338.155 (2), a resident school district of a student who is eligible for special education and related services shall contractually establish, with any public charter school in which the student is enrolled, payment for provision of special education and related services to the student. If a student is enrolled in a public charter school and is eligible for special education and related services an additional amount shall be added to the ADM of the public charter school as described in ORS 327.013 (7)(a)(A). The payment per ADMw in the public charter school that is attributable to the student who is eligible for special education and related services shall equal an amount that is at least equal to:

(a) 40 percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) 47.5 percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.
(4) If the resident school district is not the sponsor of a public charter school, the resident school district for each ADMw that is attributable to a student enrolled in a public charter school who is eligible for special education and related services shall transfer five percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 to the sponsor of the public charter school.

(5) Notwithstanding subsection (3) of this section, a school district and a public charter school may negotiate on a case-by-case basis for an alternative distribution of funds other than the distribution prescribed by subsection (3) of this section. [1999 c.200 §21]

338.175 Public Charter School Development Fund. (1) There is established a Public Charter School Development Fund, separate and distinct from the General Fund, consisting of all funds received from the federal government or from other sources for public charter school development and any loans repaid under ORS 338.185. All expenses incurred in the administration of ORS 338.185 shall be borne by the Public Charter School Development Fund. Interest earned by the fund shall be credited to the fund.

(2) The moneys in the fund are appropriated continuously to the Department of Education. [1999 c.200 §22]

338.185 Grant and loan program; rules. (1) The Department of Education shall award grants and loans to public charter schools that have a charter approved by a sponsor or to applicants that wish to establish or expand a public charter school. The purpose of the grants and loans is to promote development of high quality public charter schools.

(2) Pursuant to rules adopted by the State Board of Education, the Department of Education shall award grants and loans on the basis of need. Priority for awarding grants and loans shall be to those public charter schools serving at-risk youth.

(3) The State Board of Education shall adopt by rule criteria for awarding grants and loans under this section. [1999 c.200 §23]

338.990 [Repealed by 1965 c.100 §456]
Chapter 339
2005 EDITION

School Attendance; Admission; Discipline; Safety

GENERAL PROVISIONS
339.005 Definition for ORS 339.040 and 339.125

COMPULSORY SCHOOL ATTENDANCE
339.010 School attendance required; age limits
339.020 Duty to send children to school
339.030 Exemptions from compulsory school attendance; rules
339.035 Teaching by private teacher, parent or guardian; notice; examination; rules; effect of low or declining score
339.040 Attendance supervisors; appointment; compensation
339.055 Duties of attendance supervisors
339.065 Estimates of attendance; irregular attendance; excused absences
339.080 Nonattendance notice to parents, school officials and parole or probation officer
339.090 Determination of compliance; notice to district superintendent

ADMISSION OF STUDENTS
339.115 Admission of students; waiver; denial
339.125 Admission of nonresident pupils; costs
339.129 Education for children in local or regional correctional facilities required; funding; notice to district; access

RESIDENCY
339.133 Residency of student for school purposes; how determined; transportation of student
339.134 Residency of child with disability
339.137 Residency of student at youth care center

TUITION AND FEES
339.141 Tuition prohibited for regular school program; other programs
339.147 When tuition authorized; waiver of tuition and fees
339.155 Prohibitions of certain fees as condition of admission; allowable fees

STUDENT CONDUCT AND DISCIPLINE
339.240 Rules of student conduct, discipline and rights; duties of state board and district school boards
339.250 Duty of student to comply with rules; discipline, suspension, expulsion, removal and counseling; written information on alternative programs required
339.252 Child with disability continues to be entitled to free appropriate public education if removed for disciplinary reasons; due process procedures
339.254 Suspension of student driving privileges; policy content
339.257 Documentation of enrollment status for students applying for driving privileges; notification of student withdrawal from school to Department of Transportation

SCHOOL SAFETY
(Coordination and Information Sharing)
339.312 Safe school alliance
339.315 Report required if person has possession of unlawful firearm or destructive device; immunity; law enforcement investigation required
339.317 Notice to school district of person charged with crime; immunity
339.319 Notice to school district of person convicted of crime; immunity
339.321 Notice to school district and law enforcement agencies of release or discharge of person; immunity
339.323 Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity
339.327 Notification required if person possesses threatening list or when threats of violence or harm made; immunity

(Center for School Safety)
339.331 Mission; duties; annual report; staff; funding
339.333 Board of directors
339.336 Funding; Center for School Safety Account
339.339 Collaboration between center and Department of Education

(Harassment, Intimidation and Bullying)
339.351 Definitions for ORS 339.351 to 339.364
339.353 Findings
339.356 District policy on harassment, intimidation and bullying required
339.359 Prevention task forces, programs and other initiatives
339.362 Retaliation against victims and witnesses prohibited; school employee immunity
339.364 Victim may seek redress under other laws

(Child Abuse Reporting)
339.370 Definitions for ORS 339.372 and 339.375
339.372 Policies of school boards on reporting of child abuse
339.375 Report of child abuse by school employees; disclosure of records
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>339.420</td>
<td>Child excused to receive religious instruction</td>
<td>339.655</td>
<td>Intergovernmental cooperation and assistance in connection with traffic patrols</td>
</tr>
<tr>
<td>339.430</td>
<td>Approval of voluntary organizations to administer interscholastic activities required; rule review; suspension or revocation of approval; appeal of organization’s ruling</td>
<td>339.860</td>
<td>Issuance of diploma for work completed at certain state institutions</td>
</tr>
<tr>
<td>339.450</td>
<td>Prohibited grounds for denying participation in interscholastic athletics</td>
<td>339.865</td>
<td>Possession of tobacco products by person under 18 prohibited at facilities; “facility” defined to include public schools</td>
</tr>
<tr>
<td>339.460</td>
<td>Homeschooled students’ participation in interscholastic activities; conditions</td>
<td>339.867</td>
<td>“Medication” defined</td>
</tr>
<tr>
<td>339.505</td>
<td>Definitions for ORS 339.505 to 339.520; rules</td>
<td>339.869</td>
<td>Administration of medication to students; rules</td>
</tr>
<tr>
<td>339.510</td>
<td>Student accounting system; goals</td>
<td>339.870</td>
<td>Liability of school personnel administering medication</td>
</tr>
<tr>
<td>339.515</td>
<td>Uniform reporting system; training and technical assistance in using system</td>
<td>339.873</td>
<td>Recommendations on medication to affect or alter thought processes, mood or behavior prohibited; exceptions</td>
</tr>
<tr>
<td>339.520</td>
<td>Information required on certain students who withdraw from school</td>
<td>339.875</td>
<td>Procurement, display and salute of flags</td>
</tr>
<tr>
<td>339.555</td>
<td>“Traffic patrol” defined</td>
<td>339.880</td>
<td>Unauthorized soliciting of pupils prohibited</td>
</tr>
<tr>
<td>339.585</td>
<td>Traffic patrols authorized; medical benefits; rules</td>
<td>339.885</td>
<td>Secret societies in public schools prohibited; membership grounds for suspension or expulsion</td>
</tr>
<tr>
<td>339.650</td>
<td>Rules on traffic patrols; eligibility; authority</td>
<td>339.925</td>
<td>Compulsory school attendance violation procedure; rules</td>
</tr>
<tr>
<td>339.660</td>
<td></td>
<td>339.990</td>
<td>Penalties</td>
</tr>
<tr>
<td>339.665</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
GENERAL PROVISIONS

339.005 Definition for ORS 339.040 and 339.125. As used in ORS 339.040 and 339.125, unless the context requires otherwise, “administrative office for the county” means the administrative office of the education service district or of a common school district that includes an entire county. [1965 c.100 §273; 1973 c.728 §3; 1977 c.158 §56; 1991 c.167 §23; 2003 c.226 §17]

COMPULSORY SCHOOL ATTENDANCE

339.010 School attendance required; age limits. Except as provided in ORS 339.030, all children between the ages of 7 and 18 years who have not completed the 12th grade are required to attend regularly a public full-time school of the school district in which the child resides. [Amended by 1965 c.100 §274]

339.020 Duty to send children to school. Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the 12th grade is required to send such child to and maintain such child in regular attendance at a public full-time school during the entire school term. [Amended by 1965 c.100 §274]

339.030 Exemptions from compulsory school attendance; rules. (1) In the following cases, children shall not be required to attend public full-time schools:

(a) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year.

(b) Children proving to the satisfaction of the district school board that they have acquired equivalent knowledge to that acquired in the courses of study taught in grades 1 through 12 in the public schools.

(c) Children being taught for a period equivalent to that required of children attending public schools by a private teacher the courses of study usually taught in grades 1 through 12 in the public school.

(d) Children being educated in the children’s home by a parent or legal guardian.

(e) Children excluded from attendance as provided by law.

(2) The State Board of Education by rule shall establish procedures whereby, on a semiannual basis, an exemption from compulsory attendance may be granted to the parent or legal guardian of any child 16 or 17 years of age who is lawfully employed full-time, lawfully employed part-time and enrolled in school, a community college or an alternative education program as defined in ORS 336.615. An exemption also may be granted to any child who is an emancipated minor or who has initiated the procedure for emancipation under ORS 419B.550 to 419B.558. [Amended by 1965 c.100 §276; 1967 c.67 §8; 1971 c.494 §1; 1973 c.728 §1; 1985 c.579 §1; 1989 c.619 §1; 1993 c.546 §138; 1995 c.769 §2; 1999 c.59 §§5; 1999 c.717 §1; 2001 c.490 §8]

339.035 Teaching by private teacher, parent or guardian; notice; examination; rules; effect of low or declining score. (1) As used in this section, “education service district” means the education service district that contains the school district of which the child is a resident.

(2) When a child is taught or is withdrawn from a public school to be taught by a parent, legal guardian or private teacher, as provided in ORS 339.030, the parent, legal guardian or private teacher must notify the education service district in writing. In addition, when a child who is taught by a parent, legal guardian or private teacher moves to a new education service district, the parent, legal guardian or private teacher shall notify the new education service district in writing. The education service district shall acknowledge receipt of any notification in writing.

(3) Children being taught as provided in subsection (2) of this section shall be examined at grades 3, 5, 8 and 10 in accordance with the following procedures:

(a) The State Board of Education shall adopt by rule a list of approved comprehensive examinations that are readily available.

(b)(A) The parent or legal guardian shall select an examination from the approved list and arrange to have the examination administered to the child by a qualified neutral person, as defined by rule by the State Board of Education.

(B) If the child was withdrawn from public school, the first examination shall be administered to the child at least 18 months after the date on which the child was withdrawn from public school.

(C) If the child never attended public or private school, the first examination shall be administered to the child prior to the end of grade three.

(c) The person administering the examination shall:

(A) Score the examination; and

(B) Report the results of the examination to the parent or legal guardian.

(d) Upon request of the superintendent of the education service district, the parent or legal guardian shall submit the results of the examination to the education service district.
(4)(a) If the composite test score of the child places the child below the 15th percentile based on national norms, the child shall be given an additional examination within one year of when the first examination was administered.

(b) If the composite test score of the child on the second examination shows a declining score, then the child shall be given an additional examination within one year of when the second examination was administered and the superintendent of the educational service district may:

(A) Allow the child to continue to be taught by a parent, legal guardian or private teacher; or

(B) Place the education of the child under the supervision of a person holding a teaching license who is selected by the parent or legal guardian at the expense of the parent or legal guardian. If the composite test score of the child continues to show a declining score, the superintendent of the educational service district may:

(i) Allow the child to continue under the educational supervision of a licensed teacher selected by the parent or legal guardian and require that the child be given an additional examination within one year of when the last examination was administered;

(ii) Allow the child to be taught by a parent, legal guardian or private teacher and require that the child be given an additional examination within one year of when the last examination was administered; or

(iii) Order the parent or legal guardian to send the child to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(c) If the parent or legal guardian of the child does not consent to placing the education of the child under the supervision of a licensed teacher who is selected by the parent or legal guardian, then the superintendent of the educational service district may order the child to return to school for a period not to exceed 12 consecutive months as determined by the superintendent.

(d) If the composite test score of the child on an examination is equal to or greater than the percentile score on the prior test, the child may be taught by a parent, legal guardian or private teacher and for the next examination be examined pursuant to paragraph (a) of this subsection or subsection (3) of this section.

(5)(a) Notwithstanding the examination requirements of subsections (3) and (4) of this section, the parent or legal guardian of a child with disabilities who has an individualized education plan and is receiving special education and related services through the school district or who is being educated in accordance with a privately developed plan shall be evaluated for satisfactory educational progress according to the recommendations of the plan.

(b) The parent or legal guardian of a child with disabilities who was evaluated by service providers selected by the parent or legal guardian based on a privately developed plan shall submit a report of such evaluation to the education service district in lieu of the examination results required by subsections (3) and (4) of this section.

(c) A child with disabilities described in this subsection shall not be subject to the examination requirements of subsections (3) and (4) of this section unless the examination is recommended in the plan in effect for the child. [1985 c.579 §2; 1989 c.619 §4; 1999 c.717 §1a]

339.040 Attendance supervisors; appointment; compensation. (1) The executive officer of the administrative office for the county shall appoint one person to act as the attendance supervisor for school districts having a school census of less than 1,000 children in the county. The attendance supervisor shall perform duties under the direction of the administrative office for the county. The attendance supervisor shall receive as compensation for services a sum fixed by the governing body of the county and allowed and paid in the same manner as the salaries of county officers are paid.

(2) District school boards of districts having a school census of 1,000 or more children, according to the latest school census, shall appoint attendance supervisors and fix and pay their compensation.

(3) The administrative office for the county, upon written application from the district school board in any school district having a school census of more than 200 and less than 1,000 children, according to the latest school census, shall grant such district permission to appoint attendance supervisors and fix their compensation and pay.

(4) For purposes of the appointment and duties of attendance supervisors, the territory in a joint school district shall be considered part of the county in which the administrative office of the joint district is located. [Amended by 1965 c.100 §277]

339.050 [Amended by 1965 c.100 §278; repealed by 1965 c.136 §1]

339.055 Duties of attendance supervisors. The attendance supervisor when notified of a truancy or unexcused absence shall investigate the truancy or nonattendance at school. If the child is not exempt from compulsory school attendance, the attendance supervisor shall proceed as provided in ORS 339.080 and 339.090. [Formerly 339.100]
339.069 [Repealed by 1965 c.100 §456]

339.065 Estimates of attendance; irregular attendance; excused absences. (1) In estimating regular attendance for purposes of the compulsory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137, 339.420 and 339.990, the principal or teacher shall consider all unexcused absences. Eight unexcused one-half day absences in any four-week period during which the school is in session shall be considered irregular attendance.

(2) An absence may be excused by a principal or teacher if the absence is caused by the pupil's sickness, by the sickness of some member of the pupil's family or by an emergency. A principal or teacher may also excuse absences for other reasons where satisfactory arrangements are made in advance of the absence.

(3) Any pupil may be excused from attendance by the district school board for a period not to exceed five days in a term of three months or not to exceed 10 days in any term of at least six months. Any such excuse shall be in writing directed to the principal of the school which the pupil attends. 

1965 c.100 §281; 1973 c.728 §4; 1987 c.158 §57; 1993 c.45 §114

339.070 [Repealed by 1963 c.544 §52]

339.080 Nonattendance notice to parents, school officials and parole or probation officer. (1) Except as provided in ORS 339.030, in case any parent or other person in parental relation fails to send any child under the control of the parent or other person to the public school, the attendance supervisor, within 24 hours after notification from the proper authority of the failure, shall give formal written notice in person or by registered or certified mail to the parent or other person. The notice shall state that the child must appear at the public school on the next school day following the receipt of the notice. The notice shall inform the parent or other person that regular attendance at school must be maintained during the remainder of the school year.

(2) At the same time notice is given to the parent or other person, the attendance supervisor shall notify the superintendent or principal, as suitable, of the fact of the notice. The superintendent or principal shall notify the attendance supervisor of any failure on the part of the parent or other person to comply with the notice.

(3) If the child who is the subject of a notice under subsection (1) of this section is a youth offender on parole or probation, at the same time notice is given to the parent or other person, the attendance supervisor shall notify the child's parole or probation officer of the child's absence. 

1965 c.100 §282; 1993 c.45 §115; 1999 c.363 §4]

339.090 Determination of compliance; notice to district superintendent. The attendance supervisor shall determine whether the parent or other person given written notice of attendance requirements has complied with the notice. If the attendance supervisor determines that the parent or other person has failed to comply, the attendance supervisor, within three days after having knowledge of such failure or after being notified thereof, shall notify the district superintendent.

1965 c.100 §283; 1993 c.413 §2]

339.100 [Amended by 1963 c.544 §47; 1965 c.100 §279; renumbered 339.055]

339.110 [Repealed by 1965 c.100 §456]

ADMISSION OF STUDENTS

339.115 Admission of students; waiver; denial. (1) Except as provided in ORS 339.141, authorizing tuition for courses not part of the regular school program, the district school board shall admit free of charge to the schools of the district all persons between the ages of 5 and 19 who reside within the school district. A person whose 19th birthday occurs during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year. A district school board may admit nonresident persons, determine who is not a resident of the district and fix rates of tuition for nonresidents.

(2) A district must admit an otherwise eligible person who has not yet attained 21 years of age prior to the beginning of the current school year if the person is:

(a) Receiving special education and has not yet received a regular high school diploma; or

(b) Shown to be in need of additional education in order to receive a diploma.

(3) The obligation to make a free appropriate public education available to individuals with disabilities 18 through 21 years of age who are incarcerated in an adult correctional facility applies only to those individuals who, in their last educational placement prior to their incarceration in the adult correctional facility:

(a) Were identified as being a child with a disability as defined in ORS 343.035; or

(b) Had an individualized education program as described in ORS 343.151.

(4) For purposes of subsection (3) of this section, “adult correctional facility” means:

(a) A local correctional facility as defined in ORS 169.005;

(b) A regional correctional facility as defined in ORS 169.620; or

(c) A Department of Corrections institution as defined in ORS 421.005.
(5) An otherwise eligible person under subsection (2) of this section whose 21st birthday occurs during the school year shall continue to be eligible for a free appropriate public education for the remainder of the school year.

(6) The person may apply to the board of directors of the school district of residence for admission after the 19th birthday as provided in subsection (1) of this section. A person aggrieved by a decision of the local board may appeal to the State Board of Education. The decision of the state board is final and not subject to appeal.

(7) Notwithstanding ORS 339.133 (1), a school district shall not exclude from admission a child located in the district solely because the child does not have a fixed place of residence or solely because the child is not under the supervision of a parent, guardian or person in a parental relationship.

(8) Notwithstanding subsection (1) of this section, a school district:

(a) May for the remaining period of an expulsion deny admission to the regular school to a resident student who is expelled from another school district; and

(b) Shall for at least one calendar year from the date of the expulsion and if the expulsion is for more than one calendar year, may for the remaining period of time deny admission to the regular school program to a student who is under expulsion from another school district for an offense that constitutes a violation of a school district policy adopted pursuant to ORS 339.260 (6).

(9) A child entering the first grade during the fall term shall be considered to be six years of age if the sixth birthday of the child occurs on or before September 1. A child entering kindergarten during the fall term shall be considered to be five years of age if the fifth birthday of the child occurs on or before September 1. 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 enter school even though the child has not attained the minimum age requirement but is a resident of the district. [1965 c.100 §285; 1971 c.410 §1; 1977 c.463 §1; 1983 c.193 §1; 1987 c.283 §2; 1989 c.132 §1; 1989 c.215 §1; 1991 c.693 §26; 1995 c.656 §1; 1995 c.660 §46; 1996 c.16 §1; 1999 c.989 §1; 2005 c.209 §29; 2005 c.662 §16] 339.120 [Amended by 1957 c.198 §5; repealed by 1965 c.100 §456]

339.125 Admission of nonresident pupils; costs. (1) The district school board may contract with the district school board of any other district for the admission of pupils in schools of the other district. The contract shall be in writing upon forms furnished by the Department of Education. Expense incurred shall be paid out of the school funds of the district sending such pupils. If the district sending the pupils fails to pay the expense so incurred according to the terms of the contract, the administrative office for the county containing such school district, after satisfactory proof of such failure, shall deduct the amount of the unpaid expense from the amount due the school district at the next regular apportionment. The county treasurer shall pay the amount of the reduced apportionment out of the county school fund.

(2) In case the school district sending the pupils is a joint district, jurisdiction shall be exercised by the administrative office for the county in which the most populous part of such district is situated, according to the latest school census. The office’s action in the matter is final. [1965 c.100 §26; 1983 c.45 §116]

339.129 Education for children in local or regional correctional facilities required; funding; notice to district; access. (1) A school district shall provide or cause to be provided appropriate education for children placed in a local or regional correctional facility located in the school district. The education may be provided by the school district or an education service district.

(2) The school district may claim State School Fund reimbursement under ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731 for each child who is in a local or regional correctional facility.

(3) A local or regional correctional facility shall notify the school district within which the facility is located of the name and date of birth of each school-age child placed in the facility, including a child with a disability under the age of 22 years who may be eligible for special education. The notice shall be in writing and shall be given within five business days of the child’s placement in the facility.

(4) The local or regional correctional facility shall allow the school district and education service district to have safe and reasonable access to children placed in that facility for whom the school district is required to provide education.

(5) As used in this section:

(a) “Local correctional facility” means a local correctional facility as defined in ORS 169.005.

(b) “Regional correctional facility” means a regional correctional facility as defined in ORS 169.620. [1996 c.19 §1; 1999 c.989 §2]

339.130 [Amended by 1957 c.198 §6; repealed by 1965 c.100 §456]
RESIDENCY

339.133 Residency of student for school purposes; how determined; transportation of student. (1) Except as provided in subsection (3), (4), (5) or (7) of this section, children between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, guardians or persons in parental relationship to them reside.

(2) Nonemancipated individuals between the ages of 4 and 18 living outside the geographic area of the school district for such reasons as attending college, military service, hospital confinement or employment away from home shall be considered resident in the district in which their parents, guardians or persons in parental relationship to them reside.

(3) Individuals considered legally emancipated from their parents shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, guardians or persons in parental relationship.

(4) Children placed by public or private agencies who are living in substitute care programs licensed, certified or approved shall be considered resident in the school district in which they reside by placement of the public or private agency.

(5)(a) Notwithstanding subsection (4) of this section, when a juvenile court determines that it is in a child’s best interest to continue to attend the school that the child attended prior to placement by a public agency, the child:

(A) Shall be considered resident for school purposes in the school district in which the child resided prior to the placement; and

(B) May continue to attend the school the child attended prior to the placement through the highest grade level of the school.

(b) The public agency that has placed the child shall be responsible for providing the child with transportation to and from school when the need for transportation is due to the placement by the public agency.

(c) Paragraph (b) of this subsection applies only to a public agency for which funds have been designated for the specific purpose of providing a child with transportation to and from school under this subsection.

(6) Persons living temporarily in a school district for the primary purpose of attending a district school may not be considered legally resident of the district in which they are living temporarily, but shall be considered resident in the district in which they, their parents, guardians or persons in parental relationship to them maintain residency.

(7) Except as provided in ORS 327.006 (7) and 335.090, persons whose legal residence is not within the district but who attend school in the district with the written consent of the affected district school boards shall be considered to be residents of the district in which the person attends school for purposes of the receipt by that district of State School Fund moneys for the person.

(8) For the purposes of subsection (4) of this section, “substitute care program” means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care. [Formerly 332.595; 1997 c.821 §21; 2005 c.521 §1]

Note: Section 4, chapter 521, Oregon Laws 2005, provides:

Sec. 4. Prior to February 1, 2007, the Department of Human Services shall report to the Legislative Assembly in the manner provided in ORS 192.245 on the implementation of and compliance by the department with ORS 339.133 as amended by section 1 of this 2005 Act. The report shall include the cost to the department of implementing ORS 339.133 as amended by section 1 of this 2005 Act. [2005 c.521 §4]

339.134 Residency of child with disability. (1) Notwithstanding ORS 339.133 (4), a child with a disability shall be considered a resident for school purposes in the school district in which the child’s parent or guardian resides if:

(a) The child is voluntarily placed outside the child’s home by the child’s parent or guardian;

(b) The child’s parent or guardian retains legal guardianship of the child;

(c) There is a plan for the child to return home;

(d) The placement is within 20 miles by the nearest traveled road from the original school building, unless there are physiographic conditions that make transportation to the original school building not feasible; and

(e) The child’s parent or guardian and the school staff can demonstrate that it is in the best interest of the child to continue to attend the school the child was attending prior to the placement. The best interest of the child may be demonstrated by factors, including but not limited to the following:

(A) The child’s siblings attend the school;

(B) A change in the child’s routine would be detrimental to the child; or

(C) The child has developed and maintained a network of personal contacts, support services and friends and a sense of community within the school.
(2) If a child qualifies under subsection (1) of this section, the child may continue to attend the school the child was attending prior to the placement in the child’s resident school district.

(3) Nothing in this section shall affect the ability of school districts to enter into agreements with other school districts for the transportation of students. [1965 c.567 §2]

339.135 [1965 c.100 §287; 1967 c.507 §6; repealed by 1993 c.45 §117]

339.137 Residency of student at youth care center. (1) A student described in ORS 336.580 shall be considered a resident of the school district in which the student resides by reason of the placement under ORS 336.580 for purposes of distribution of the State School Fund.

(2) A student described in subsection (1) of this section must be admitted to the public schools of the school district where the student is placed pursuant to ORS 336.580.

(3) Except as provided in ORS 343.261, 343.961 and 346.010, the school district shall provide or cause to be provided appropriate education to any student described in subsection (1) of this section, including the identification and evaluation of the student for purposes of determining eligibility as a child with disabilities to receive special education and related services enumerated in ORS 343.035 and services related to a disadvantaged child as defined in ORS 343.650. Suspension or expulsion of a student from the regular school program does not relieve the district of the obligation to provide instruction in the residential program in which the child resides or in another appropriate facility. [1993 c.45 §119; 1999 c.989 §34; 2001 c.900 §241]

339.140 [Repealed by 1965 c.100 §456]

TUITION AND FEES

339.141 Tuition prohibited for regular school program; other programs. (1) For the purposes of this section:

(a) “Public charter school” has the meaning given that term in ORS 338.005.

(b) “Regular school program” means the regular curriculum provided in the required full-time day sessions in the schools of the district, including public charter schools, for grades 1 through 12 and the school program for kindergarten during the period of approximately nine months each year when the schools of the district or public charter schools are normally in operation and does not include summer sessions or evening sessions.

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

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

(3) Except as provided in ORS 336.805 for traffic safety education:

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

(b) No program, class or course of study for which tuition is charged, except courses of study beyond the 12th grade, shall be eligible for reimbursement from state funds. [Formerly 336.165; 1999 c.200 §31; 1999 c.328 §12]

339.145 [1965 c.100 §288; 1967 c.67 §9; 1971 c.494 §2; repealed by 1993 c.45 §120]

339.147 When tuition authorized; waiver of tuition and fees. (1)(a) Notwithstanding ORS 339.141, no district school board or public charter school as defined in ORS 338.005 shall require tuition for courses not part of the regular school program, except for traffic safety education, from a pupil who is a member of a low-income family in an amount in excess of what the low-income family may receive as money specifically to be used for payment of such tuition.

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

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

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

(4) No district school board or public charter school shall impose or collect fees
authorized under ORS 339.155 from any student who is a ward of a juvenile court or of the Oregon Youth Authority or the Department of Human Services unless funds are available therefor in the court’s, authority’s or department’s budget.

(5) No district school board or public charter school is required to waive any fee imposed under ORS 339.155 (5)(a) or (d). [Formerly 336.168; 1997 c.249 §99; 1999 c.200 §32; 1999 c.328 §13]

339.150 [Amended by 1957 c.256 §1; repealed by 1965 c.100 §456]

339.155 Prohibitions of certain fees as condition of admission; allowable fees. (1) A district school board or public charter school as defined in ORS 338.005 may not require payment of fees as a condition of admission to those pupils entitled under the law to free admission. However, the following are not considered as conditions of admission:

(a) Pursuant to ORS 339.141, but subject to ORS 339.147, tuition may be charged for courses not part of the regular school program.

(b) A charge may not be made for a standard, prescribed textbook but a security deposit may be required, which may be refunded if the textbook is returned in usable condition. Supplemental texts shall be made available on loan.

(c) A deposit may be charged for a lock for a locker.

(2) A district school board or public charter school may require pupils who do not furnish their own attire for physical education classes to pay an appropriate fee for uniforms provided by the district or public charter school.

(3) A district school board or public charter school may require pupils who do not provide appropriate towels for physical education classes to pay a fee for use of towels provided by the district or public charter school.

(a) A district school board or public charter school may require payment of fees for the use of musical instruments owned or rented by the district or public charter school. The district school board or public charter school may not charge a fee that exceeds the rental cost of the instrument to the district or public charter school or the annual depreciation plus actual maintenance cost for each instrument.

(b) Notwithstanding paragraph (a) of this subsection, a district school board or public charter school may not require payment of fees for the use of a musical instrument from children exempt from tuition under ORS

339.147. The district school board or public charter school shall lend musical instruments, without charge, to children exempt from tuition under ORS 339.147.

(5) Subject to ORS 339.147, a district school board or public charter school may require payments of fees in any of the following:

(a) In any program where the resultant product, in excess of minimum course requirements and at the pupil’s option, becomes the personal property of the pupil.

(b) Admission fees or charges for extracurricular activities where pupil attendance is optional.

(c) A security deposit conditioned on the return of materials, supplies or equipment including athletic equipment.

(d) Items of personal use or products which a pupil may purchase such as student publications, class rings, annuals and graduation announcements.

(e) Field trips considered optional to a district’s or public charter school’s regular school program.

(f) Any authorized voluntary pupil health and accident benefit plan.

(g) As used in this subsection, “minimum course requirements” means any product required to be produced to meet the goals of the course. [1975 c.508 §1; 1977 c.99 §1; 1977 c.815 §3; 1987 c.200 §3; 2003 c.14 §149]

339.160 [Repealed by 1965 c.100 §456]

339.165 [1971 c.402 §1; 1973 c.327 §1; 1981 c.404 §1; 1987 c.553 §1; 1989 c.620 §1; repealed by 1991 c.780 §39]

339.170 [Repealed by 1965 c.100 §456]

339.175 [1971 c.402 §2; 1979 c.836 §7; 1985 c.264 §1; 1989 c.620 §2; 1991 c.780 §35; renumbered 336.375 in 1993]

339.180 [Repealed by 1965 c.100 §456]

339.185 [1971 c.402 §3; 1973 c.327 §2; 1979 c.836 §1; 1983 c.731 §8; 1985 c.553 §1; 1987 c.318 §1; 1987 c.553 §2; 1989 c.620 §3; 1991 c.785 §10; repealed by 1991 c.780 §30]

339.190 [Repealed by 1965 c.100 §456]


339.200 [Repealed by 1965 c.100 §456]

339.205 [1991 c.333 §1; 1993 c.18 §90; 1993 c.33 §323; renumbered 336.585 in 1993]

STUDENT CONDUCT AND DISCIPLINE

339.240 Rules of student conduct, discipline and rights; duties of state board and district school boards. (1) The State Board of Education in accordance with ORS chapter 183 shall adopt rules setting minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements. The rules shall be distributed by the Super-
intendent of Public Instruction to all school districts.

(2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with disabilities under ORS 343.035.

(3) Every district school board shall enforce consistently and fairly its written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with disabilities under ORS 343.035.

339.250 Duty of student to comply with rules; discipline, suspension, expulsion, removal and counseling; written information on alternative programs required. (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.

Pursuant to the written policies of a district school board, an individual who is a teacher, administrator, school employee or school volunteer may use reasonable physical force upon a student when and to the extent the individual reasonably believes it necessary to maintain order in the school or classroom or at a school activity or event, whether or not it is held on school property. The district school board shall adopt written policies to implement this subsection and shall inform such individuals of the existence and content of these policies.

(3) The district school board may authorize the discipline, suspension or expulsion of any refractory student and may suspend or expel any student who assaults or menaces a school employee or another student. The age of a student and the past pattern of behavior of a student shall be considered prior to a suspension or expulsion of a student. As used in this subsection “menace” means by word or conduct the student intentionally attempts to place a school employee or another student in fear of imminent serious physical injury.

(4) (a) Willful disobedience, willful damage or injury to school property, use of threats, intimidation, harassment or coercion against any fellow student or school employee, open defiance of a teacher’s authority or use or display of profane or obscene language is sufficient cause for discipline, suspension or expulsion from school.

(b) District school boards shall develop policies on managing students who threaten violence or harm in public schools. The policies adopted by a school district shall include staff reporting methods and shall require an administrator to consider:

(A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.

(B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal or counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.

(C) Requiring the student to be evaluated by a licensed mental health professional before allowing the student to return to the classroom setting.

(d) District school boards may enter into contracts with licensed mental health professionals to perform the evaluations required under paragraph (b) of this subsection.

(e) District school boards shall allocate any funds necessary for school districts to implement the policies adopted under paragraph (b) of this subsection.

(5) Expulsion of a student shall not extend beyond one calendar year and suspension shall not extend beyond 10 school days.

(6)(a) Notwithstanding subsection (5) of this section, a school district shall have a policy that requires the expulsion from school for a period of not less than one year of any student who is determined to have:

(A) Brought a weapon to a school, to school property under the jurisdiction of the district or to an activity under the jurisdiction of the school district;

(B) Possessed, concealed or used a weapon in a school or on school property or at an activity under the jurisdiction of the district; or

(C) Brought to or possessed, concealed or used a weapon at an interscholastic activity administered by a voluntary organization approved by the State Board of Education under ORS 339.430.

(b) The policy shall allow an exception for courses, programs and activities approved by the school district that are conducted on school property, including but not limited to hunter safety courses, Reserve Officer Training Corps programs, weapons-related sports or weapons-related vocational courses. In addition, the State Board of Education may
adopt by rule additional exceptions to be included in school district policies.

(c) The policy shall allow a superintendent to modify the expulsion requirement for a student on a case-by-case basis.

(d) The policy shall require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.

(e) For purposes of this subsection, “weapon” includes a:

(A) “Firearm” as defined in 18 U.S.C. 921;

(B) “Dangerous weapon” as defined in ORS 161.015; or

(C) “Deadly weapon” as defined in ORS 161.015.

7 The Department of Education shall collect data on any expulsions required pursuant to subsection (6) of this section including:

(a) The name of each school;

(b) The number of students expelled from each school; and

(c) The types of weapons involved.

8 Notwithstanding ORS 336.010, a school district may require a student to attend school during nonschool hours as an alternative to suspension.

9 Unless a student is under expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, a school district board shall consider and propose to the student prior to expulsion or leaving school, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:

(a) When a student is expelled pursuant to subsection (4) of this section;

(b) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with a student;

(c) When it has been determined that a student’s attendance pattern is so erratic that the student is not benefiting from the educational program; or

(d) When a parent or legal guardian applies for a student’s exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2).

10 A school district board may consider and propose to a student who is under expulsion or to a student prior to expulsion for an offense that constitutes a violation of a school district policy adopted pursuant to subsection (6) of this section, and document to the parent, legal guardian or person in parental relationship, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student.

11 Information on alternative programs provided under subsections (9) and (10) of this section shall be in writing. The information need not be given to the student and the parent, guardian or person in parental relationship more often than once every six months unless the information has changed because of the availability of new programs.

12(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, by-law, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.

(b) As used in this subsection, “corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a student.

(c) As used in this subsection, “corporal punishment” does not mean:

(A) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or

(B) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.

339.252 Child with disability continues to be entitled to free appropriate public education if removed for disciplinary reasons; due process procedures. (1) As used in this section, “child with a disability” has the meaning given that term in ORS 343.035.

(2) A child with a disability continues to be entitled to a free appropriate public education if the child has been removed for disciplinary reasons from the child’s current educational placement for more than 10 school days in a school year.

(3) A disciplinary removal is considered a change in educational placement and the school district shall follow special education due process procedures under ORS 343.155 (5) if:

(a) The removal is for more than 10 consecutive school days; or

(b) The child is removed for more than 10 cumulative school days in a school year, and those removals constitute a pattern
based on the length and total time of removals and the proximity of the removals to one another.

(4) A child with a disability shall not be removed for disciplinary reasons under subsection (3) of this section for misconduct that is a manifestation of the child's disability, except as provided under ORS 343.177.

(5) Notwithstanding ORS 339.250 (9) and (10), a school district shall provide a free appropriate public education in an alternative setting to a child with disabilities even if the basis for expulsion was a weapon violation pursuant to ORS 339.250 (6).

(6) School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct. [1999 c.989 §4; 2005 c.662 §12]

### 339.254 Suspension of student driving privileges; policy content

(1) A school district board may establish a policy regarding when a school superintendent or the board may file with the Department of Transportation a written request to suspend the driving privileges of a student or the right to apply for driving privileges. Such policy shall include:

(a) A provision authorizing the superintendent or the school district board to file a written request to suspend the driving privileges of a student or the right to apply for driving privileges only if the student is at least 15 years of age and:

(A) The student has been expelled for bringing a weapon to school;

(B) The student has been suspended or expelled at least twice for assaulting or menacing a school employee or another student, for willful damage or injury to school property or for use of threats, intimidation, harassment or coercion against a school employee or another student; or

(C) The student has been suspended or expelled at least twice for possessing, using or delivering any controlled substance or for being under the influence of any controlled substance at a school or on school property or at a school sponsored activity, function or event.

(b) A provision requiring the school superintendent to meet with the parent or guardian of the student before submitting a written request to the Department of Transportation.

(c) A provision authorizing the school superintendent or board to request that the driving privileges of the student or the right to apply for driving privileges be suspended for no more than one year.

(d) Notwithstanding paragraph (c) of this subsection, a provision stating that, if a school superintendent or the school district board files a second written request with the Department of Transportation to suspend the driving privileges of a student, the request is that those privileges be suspended until the student is 21 years of age.

(e) A provision that a student may appeal the decision of a school superintendent regarding driving privileges of a student under the due process procedures of the school district for suspensions and expulsions.

(2) If the driving privileges of a student are suspended, the student may apply to the Department of Transportation for a hardship driver permit under ORS 807.240. [1995 c.656 §5; 2003 c.695 §1; 2005 c.209 §30]

### 339.255 Documentation of enrollment status for students applying for driving privileges; notification of student withdrawal from school to Department of Transportation

(1) The principal or a designee of the principal of a secondary school shall provide documentation of enrollment status on a form provided by the Department of Transportation to any student at least 15 years of age who is properly enrolled in the school and who needs the documentation in order to apply for issuance or reinstatement of driving privileges. The form shall be available at the administrative offices of the school district for a student who applies for issuance or reinstatement of driving privileges during school holidays.

(2) A school district board may establish a policy authorizing the superintendent of the school district or the board to notify the department of the withdrawal from school of a student who is at least 15 years of age and under 18 years of age. For purposes of this subsection, a student shall be considered to have withdrawn from school after more than 10 consecutive school days of unexcused absences or 15 school days total of unexcused absences during a single semester. A policy adopted under this subsection shall include a provision allowing a student to appeal a decision to notify the department.

(3) The governing body of a private school may establish a policy authorizing a representative of the school to notify the department of a student’s withdrawal. Terms and conditions of the policy shall be the same as those described in subsection (2) of this section for a school district board. [1999 c.789 §4]
339.260 Withholding records until debt paid; liability of parent; waiver; notice; inspection. (1) A school district shall withhold the grade reports, diploma and records of any student or former student who owes a debt of $50 or more to the school district. A school district may withhold the grade reports, diploma and records of any student or former student who owes a debt of less than $50 to the school district. A school district shall release the grade reports, diploma and records upon payment of the debt.

(2) A school district board shall adopt policies about how the school district shall collect from a student or the parent or guardian of the student any amount that is owed to a school district that is $50 or more by a student or former student of the school district. In addition, the school district board may adopt policies for the collection of debt owed to the school district that is less than $50.

(3) The parent or guardian of such student shall be liable for damages as otherwise provided by law.

(4) Notwithstanding subsections (1) and (2) of this section, a school district board may adopt policies that allow the school district to waive all or a portion of a debt owed to the school district by a student if:

(a) The school district determines that the student or the parent or guardian of the student is unable to pay the debt;

(b) The payment of the debt could impact the health or safety of the student;

(c) The creation of the notice required by subsection (7) of this section would cost more than the potential total debt collected relating to the notice; or

(d) There are mitigating circumstances as determined by the superintendent of the school district that preclude the collection of the debt.

(5) Notwithstanding subsection (1) of this section, a school district shall not withhold the education records of a student in the circumstances described in ORS 326.575 and the education records of a student or former student who owes a debt of less than $50 to the school district. A school district shall release the grade reports, diploma and records upon payment of the debt.

(6) Before any grade reports, diplomas or records are withheld under subsection (1) of this section or any debt is collected under subsection (2) of this section, a school district board shall adopt policies that ensure that the rights of the student to due process are protected. The policies adopted under this subsection and subsection (2) of this section shall meet the requirements of subsections (7) and (8) of this section.

(7) Prior to pursuing the collection of a debt owed to the school district by a student or former student or withholding any grade reports, diploma or records of a student or former student, the school district must give written or oral notice to the student and the parent or guardian of the student. The notice must state the reason the student owes money to the school district and the amount owed. The notice must inform the student and the parent or guardian of the student that the school district intends to withhold the grade reports, diploma and records of the student until the debt is paid. The notice must also state that the school district may pursue the matter through a private collection agency or other method available to the school district. A school district may give more than one notice to the student and the parent or guardian of the student.

(8) Following a date that is at least 10 days after the date of the last notice given under subsection (7) of this section, if the student or the parent or guardian of the student has not paid the debt, the school district:

(a) Shall, if the debt is $50 or more, withhold the grade reports, diploma and records of the student;

(b) May, if the debt is less than $50, withhold the grade reports, diploma and records of the student; and

(c) May pursue the matter through a private collection agency or other method available to the school district.

(9) Nothing in this section is intended to prevent inspection of student education records by a parent or legal guardian pursuant to ORS 343.173, the rules of the State Board of Education and applicable state and federal law.

(10) Each school district shall notify students about the provisions of this section and ORS 339.270 at least once each school year.

(11) In any civil action by a school district against a student or parent or guardian of a student for the collection of a debt owed to the school district, if the school district is the prevailing party, the court shall award the school district costs and reasonable attorney fees. [1965 c.100 §290; 1971 c.561 §4; 1985 c.514 §1; 1993 c.806 §5; 1995 c.656 §3; 2003 c.690 §1]

339.270 Assessment of costs of school property damage against responsible student or parents or guardian; notice; action to recover. (1) If a school district finds that a student is responsible for damaging school district property, the school district shall determine the reasonable cost of repairing or replacing the school district property. If the cost is $50 or more, the school district shall notify the student and the par-
ent or guardian of the student about the cost and shall charge the student or the parent or guardian of the student for the cost of repairing or replacing the school district property. If the amount is not paid by the student or the parent or guardian of the student, or if other arrangements have not been made, within 10 days of receiving the notice under this subsection, the amount shall become a debt owed by the student or the parent or guardian of the student, and the school district shall withhold the grade reports, diploma and records of the student pursuant to ORS 339.260.

(2) If the cost of repairing or replacing school district property is less than $50, the school district may proceed under this section to collect the debt.

(3) If the debt owed to the school district is not paid as demanded, the school district board, in addition to any other remedy provided by law, may bring an action under this section against the student or parent or guardian of the student in a court of competent jurisdiction for the amount owed to the school district plus costs and reasonable attorney fees. [1971 c.561 §5; 1975 c.712 §2; 1977 c.419 §2; 1993 c.45 §124; 2003 c.690 §2]

339.280 Student grading policies; consideration of attendance allowed; policy content. Each school district board may establish student grading policies that permit teachers to consider a student’s attendance in determining the student’s grade or deciding whether the student should be granted or denied credit. A student’s attendance shall not be the sole criterion for the reduction of a student’s grade. Such policies shall provide that prior to reduction of grade or denial of credit:

(1) The teacher identifies how the student’s attendance and participation in class is related to the instructional goals of the particular subject or course and gives notice to the student and parents or guardian of the student.

(2) Procedures are in effect to ensure due process when the grade is reduced or credit is denied for attendance rather than academic reasons.

(3) The reasons for the nonattendance are considered and the grade is not reduced or credit is not denied based on absences due to:

(a) Religious reasons;

(b) A student’s disability; or

(c) An excused absence as determined by the policy of the school district. [1995 c.656 §4]

339.310 [1965 c.100 §291; repealed by 1973 c.728 §6]

339.312 Safe school alliance. School districts are encouraged to form a safe school alliance composed of schools, law enforcement agencies, juvenile justice agencies and district attorneys. The purpose of a safe school alliance is to provide the safest school environment possible. [1999 c.964 §2]

339.315 Report required if person has possession of unlawful firearm or destructive device; immunity; law enforcement investigation required. (1)(a) Any employee of a public school district, an education service district or a private school who has reasonable cause to believe that a person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382 shall report the person’s conduct immediately to a school administrator, school director, the administrator’s or director’s designee or law enforcement agency within the county. A school administrator, school director or the administrator’s or director’s designee, who has reasonable cause to believe that the person, while in a school, is or within the previous 120 days has been in possession of a firearm or destructive device as described in this paragraph more than 120 days previously, the school administrator, school director or employee may report the person’s conduct to a law enforcement agency within the county.

(b) Anyone participating in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. Any participant has the same immunity with respect to participating in any judicial proceeding resulting from the report.

(c) Except as required by ORS 135.805 to 135.873 and 419C.270 (5) or (6), the identity of a person participating in good faith in the making of a report under paragraph (a) of this subsection who has reasonable grounds for making the report is confidential and may not be disclosed by law enforcement agencies, the district attorney or any public or private school administrator, school director or employee.
(2) When a law enforcement agency receives a report under subsection (1) of this section, the law enforcement agency shall promptly conduct an investigation to determine whether there is probable cause to believe that the person, while in a school, did possess a firearm or destructive device in violation of ORS 166.250, 166.370 or 166.382.

(3) As used in this section, “school” means:

(a) A public or private institution of learning providing instruction at levels kindergarten through grade 12, or their equivalents, or any part thereof;

(b) The grounds adjacent to the institution; and

(c) Any site or premises that at the time is being used exclusively for a student program or activity that is sponsored or sanctioned by the institution, a public school district, an education service district or a voluntary organization approved by the State Board of Education under ORS 339.430 and that is posted as such.

(4) For purposes of subsection (3)(c) of this section, a site or premises is posted as such when the sponsoring or sanctioning entity has posted a notice identifying the sponsoring or sanctioning entity and stating, in substance, that the program or activity is a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370. [1999 c.577 §1]

339.317 Notice to school district of person charged with crime; immunity. (1) No later than 15 years after a person under 18 years of age is charged with a crime under ORS 137.707 or is waived under ORS 419C.349, 419C.352 or 419C.364, the district attorney or city attorney, if the person is waived to municipal court, shall notify the district attorney of the city in which the person resides of that fact. The district attorney or city attorney shall include in the notice the crime with which the person is charged.

(2) A district attorney, city attorney or anyone employed by or acting on behalf of a district attorney or city attorney who sends records under this section is not liable civilly or criminally for failing to disclose the information under this section. [1999 c.620 §1]

339.319 Notice to school district of person convicted of crime; immunity. (1) When a person under 18 years of age is convicted of a crime under ORS 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370 (1)(b), the agency supervising the person shall notify the school district in which the person resides of that fact within five days following sentencing.

The agency supervising the person shall include in the notice:

(a) The crime of conviction;

(b) The sentence imposed; and

(c) If the person is released on any type of release, whether school attendance is a condition of the release.

(2) An agency supervising a person or anyone employed by or acting on behalf of an agency supervising a person who sends records under this section is not liable civilly or criminally for failing to disclose the information under this section. [1999 c.620 §2]

339.320 [1965 c.100 §292; repealed by 1973 c.728 §6]

339.321 Notice to school district and law enforcement agencies of release or discharge of person; immunity. (1) No later than 15 days prior to the release or discharge of a person committed to the legal custody of the Department of Corrections or the supervisory authority of a county under ORS 137.707 or following waiver under ORS 419C.349, 419C.352, 419C.364 or 419C.370, the department or supervisory authority, as appropriate, shall notify the following of the release or discharge if the person is under 21 years of age at the time of the release:

(a) Law enforcement agencies in the community in which the person is going to reside; and

(b) The school district in which the person is going to reside.

(2) The department or supervisory authority shall include in the notification:

(a) The person’s name and date of release or discharge;

(b) The type of supervision under which the person is released; and

(c) Whether school attendance is a condition of release.

(3) The department, supervisory authority or anyone employed by or acting on behalf of the department or supervisory authority who sends records under this section is not liable civilly or criminally for failing to disclose the information under this section. [1999 c.620 §5]

339.323 Disclosure of information regarding person charged with or convicted of crime or regarding release or discharge of person; immunity. (1) When a school district receives notice under ORS 339.317, 339.319, 339.321 or 420A.122, the school district may disclose the information only to those school employees the district determines need the information in order to safeguard the safety and security of the school, students and staff. A person to whom personally identifiable information is disclosed under this subsection may not disclose...
the information to another person except to carry out the provisions of this subsection.

(2) A school district or anyone employed by or acting on behalf of a school district who receives notice under ORS 339.317, 339.319, 339.321 or 420A.122 is not liable civilly or criminally for failing to disclose the information. [1999 c.620 §6]

339.325 [1999 c.576 §2; repealed by 2005 c.209 §40]

339.327 Notification required if person possesses threatening list or when threats of violence or harm made; immunity. (1) A superintendent of a school district or a superintendent’s designee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a list that threatens harm to other persons, shall notify:

(a) The parent or guardian of any student whose name appears on the list as a target of the harm; and

(b) Any teacher or school employee whose name appears on the list as a target of the harm.

(2) A superintendent or superintendent’s designee who has reasonable cause to believe that a student, while in a school, has made threats of violence or harm to another student shall notify the parent or guardian of the threatened student.

(3) The superintendent or superintendent’s designee shall attempt to notify the persons specified in subsections (1) and (2) of this section by telephone or in person promptly but not later than 12 hours after discovering the list or learning of the threat. The superintendent or superintendent’s designee shall follow up the notice with a written notification sent within 24 hours after discovering the list or learning of the threat.

(4) Any school district or person participating in good faith in making the notification required by this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the notification.

(5) As used in this section, “school” has the meaning given that term in ORS 339.315. [1999 c.577 ¶13; 2005 c.209 ¶31]

339.330 [1965 c.100 §293; repealed by 1973 c.728 ¶6]

(Center for School Safety)

339.331 Mission; duties; annual report; staff; funding. (1) There is created the Center for School Safety within the Department of Higher Education. The mission of the center shall be to:

(a) Serve as the central point for data analysis;

(b) Conduct research;

(c) Disseminate information about successful school safety programs, research results and new programs; and

(d) Provide technical assistance for improving the safety of schools in collaboration with the Department of Education and others.

(2) To fulfill its mission, the Center for School Safety shall:

(a) Establish a clearinghouse for information and materials concerning school violence prevention and intervention services. As used in this paragraph, “intervention services” means any preventive, developmental, corrective or supportive service or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime or has been expelled from the school district. “Intervention services” may include, but is not limited to:

(A) Screening to identify students at risk for emotional disabilities or antisocial behavior;

(B) Direct instruction in academic, social, problem-solving and conflict resolution skills;

(C) Alternative education programs;

(D) Psychological services;

(E) Identification and assessment of abilities;

(F) Counseling services;

(G) Medical services;

(H) Day treatment;

(I) Family services; and

(J) Work and community service programs.

(b) Provide program development and implementation expertise and technical support to schools, law enforcement agencies and communities. The expertise and support may include coordinating training for administrators, teachers, students, parents and other community representatives.

(c) Analyze the data collected in compliance with section 5, chapter 618, Oregon Laws 2001.

(d) Research and evaluate school safety programs so schools and communities are better able to address their specific needs.

(e) Promote interagency efforts to address discipline and safety issues within communities throughout the state.

(f) Prepare and disseminate information regarding the best practices in creating safe and effective schools.

(g) Advise the State Board of Education on rules and policies.
(h) Provide an annual report on the status of school safety in Oregon by July 1 of each year to:
   (A) The Governor;
   (B) The Attorney General;
   (C) The State Board of Education; and
   (D) All relevant legislative committees.

(3) The University of Oregon Institute on Violence and Destructive Behavior shall provide staff support to the Center for School Safety board of directors and shall manage the center.

(4) The Center for School Safety board of directors may seek and accept public and private funds for the center. [2001 c.618 §1]

339.333 Board of directors. (1) The Center for School Safety shall be governed by a board of directors. The board of directors shall consist of:
   (a) The Superintendent of Public Instruction or a designee of the superintendent;
   (b) The Director of the Oregon Youth Authority or a designee of the director;
   (c) The Attorney General or a designee of the Attorney General;
   (d) The Superintendent of State Police or a designee of the superintendent;
   (e) The Director of Human Services or a designee of the director;
   (f) Nine members appointed by the Governor, as follows:
      (A) One member representing the Oregon School Boards Association;
      (B) One member representing the Confederation of Oregon School Administrators;
      (C) One member representing the Oregon Education Association;
      (D) One member representing the Oregon School Employees Association;
      (E) One member representing the Oregon Sheriffs’ Association;
      (F) One member representing the Oregon Association Chiefs of Police;
      (G) One member representing the Oregon District Attorneys Association;
      (H) One member representing the National Resource Center for Safe Schools on the Northwest Regional Educational Laboratory; and
      (I) One member representing the Oregon School Safety Officers Association; and
   (g) Other members that the board may appoint.

(2) When making appointments to the board of directors, the Governor shall solicit recommendations from professional organizations that represent school employees, school district boards, school administrators and other education providers.

(3) The term of office of each board member appointed by the Governor is two years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a board member, the Governor shall appoint a successor. A board member is eligible for reappointment but shall not serve for more than two consecutive terms. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) A member of the board of directors is entitled to compensation and expenses as provided in ORS 292.495.

(5) The board of directors shall meet a minimum of four times per year.

(6) The board of directors shall annually elect a chairperson and vice chairperson from the membership. The board of directors may form committees as needed. [2001 c.618 §2; 2003 c.791 §29]

339.336 Funding; Center for School Safety Account. (1) The Department of Higher Education may seek and accept contributions of funds and assistance from the United States, its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with ORS 339.331, 339.333 and 339.339. All such funds are to aid in financing the functions of the Center for School Safety and shall be deposited in the Center for School Safety Account and shall be disbursed for the purpose for which contributed.

(2) The Center for School Safety Account is established in the General Fund of the State Treasury. Except for moneys otherwise designated by statute, all federal funds or other moneys received by the department for the center shall be paid into the State Treasury and credited to the account. All moneys in the account are appropriated continuously to the department and shall be used by the department for the purposes of carrying out ORS 339.331, 339.333 and 339.339. [2001 c.618 §8]

339.339 Collaboration between center and Department of Education. The Department of Education, in collaboration with the Center for School Safety, shall:

(1) Develop recommendations and statewide guidelines designed to improve the learning environment and student achievement and to reduce the dropout rate in the state’s public schools.

(2) Identify successful strategies that are used in Oregon and other states to improve the learning environment and student achievement and to reduce the dropout rate.
(3) Provide technical assistance to those school districts requesting assistance in reducing the dropout rate. [2001 c.618 §6]

339.340 [1965 c.100 §294; repealed by 1973 c.728 §6]

339.350 [1965 c.100 §295; repealed by 1973 c.728 §6]

(Harassment, Intimidation and Bullying)

339.351 Definitions for ORS 339.351 to 339.364. As used in ORS 339.351 to 339.364, “harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

1. Physically harming a student or damaging a student’s property;

2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or

3. Creating a hostile educational environment. [2001 c.617 §2]

339.353 Findings. (1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying, like other disruptive or violent behavior, is conduct that disrupts a student’s ability to learn and a school’s ability to educate its students in a safe environment.

(c) Students learn by example.

(2) The legislature commends school administrators, faculty, staff and volunteers for demonstrating appropriate behavior, treating others with dignity and respect and refusing to tolerate harassment, intimidation or bullying. [2001 c.617 §1; 2005 c.209 §32]

339.356 District policy on harassment, intimidation and bullying required. (1) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying. School districts are encouraged to develop the policy after consultation with parents and guardians, school employees, volunteers, students, administrators and community representatives.

(2) School districts are encouraged to include in the policy:

(a) A statement prohibiting harassment, intimidation or bullying;

(b) A definition of harassment, intimidation or bullying that is consistent with ORS 339.351;

(c) A description of the type of behavior expected from each student;

(d) A statement of the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;

(e) A procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously. Nothing in this paragraph may be construed to permit formal disciplinary action solely on the basis of an anonymous report;

(f) A procedure for prompt investigation of a report of an act of harassment, intimidation or bullying;

(g) A statement of the manner in which a school district will respond after an act of harassment, intimidation or bullying is reported, investigated and confirmed;

(h) A statement of the consequences and appropriate remedial action for a person found to have committed an act of harassment, intimidation or bullying;

(i) A statement prohibiting reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and stating the consequences and appropriate remedial action for a person who engages in such reprisal or retaliation;

(j) A statement of the consequences and appropriate remedial action for a person found to have falsely accused another of having committed an act of harassment, intimidation or bullying as a means of reprisal or retaliation or as a means of harassment, intimidation or bullying;

(k) A statement of how the policy is to be publicized within the district, including a notice that the policy applies to behavior at school-sponsored activities; and

(L) The identification by job title of school officials responsible for ensuring that policy is implemented. [2001 c.617 §3]

339.359 Prevention task forces, programs and other initiatives. School districts are encouraged to form harassment, intimidation or bullying prevention task forces, programs, and other initiatives involving school employees, students, administrators, volunteers, parents, guardians, law enforcement and community representatives. [2001 c.617 §6]

339.360 [1965 c.100 §296; repealed by 1973 c.728 §6]

339.362 Retaliation against victims and witnesses prohibited; school employee immunity. (1) A school employee, student or volunteer may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation or bullying.
(2) A school employee, student or volunteer who witnesses or has reliable information that a student has been subjected to an act of harassment, intimidation or bullying is encouraged to report the act to the appropriate school official designated by the school district’s policy.

(3) A school employee who promptly reports an act of harassment, intimidation or bullying to the appropriate school official in compliance with the procedures set forth in the school district’s policy is immune from a cause of action for damages arising from any failure to remedy the reported act. [2001 c.617 §5]

ORS 339.364 Victim may seek redress under other laws. ORS 339.351 to 339.364 may not be interpreted to prevent a victim of harassment, intimidation or bullying from seeking redress under any other available law, whether civil or criminal. ORS 339.351 to 339.364 do not create any statutory cause of action. [2001 c.617 §7]

(Child Abuse Reporting)
ORS 339.370 Definitions for ORS 339.372 and 339.375. As used in this section and ORS 339.372 and 339.375:

(1) “Abuse” has the meaning given that term in ORS 419B.005.

(2) “Disciplinary records” means the records related to a personnel discipline action or materials or documents supporting that action.

(3) “Education provider” means:
(a) A school district as defined in ORS 332.002.
(b) The Oregon State School for the Blind.
(c) The Oregon State School for the Deaf.
(d) An educational program under the Youth Corrections Education Program.
(e) A public charter school as defined in ORS 338.005.
(f) An education service district as defined in ORS 334.003.
(g) Any state-operated program that provides educational services to kindergarten through grade 12 students.
(h) A private school.

(4) “Law enforcement agency” has the meaning given that term in ORS 419B.005.

(5) “Private school” means a school that provides educational services as defined in ORS 345.505 to kindergarten through grade 12 students.

(6) “School board” means the governing board or governing body of an education provider.

(7) “School employee” means an employee of an education provider. [2005 c.367 §1]

ORS 339.372 Policies of school boards on reporting of child abuse. Each school board shall adopt policies on the reporting of child abuse. The policies shall:

(1) Specify that child abuse by school employees is not tolerated;

(2) Specify that all school employees are subject to the policies;

(3) Require that all school employees report suspected child abuse to a law enforcement agency, the Department of Human Services or a designee of the department as required by ORS 419B.010 and 419B.015 and report suspected child abuse to the employees’ supervisors or other persons designated by the school board;

(4) Designate a person to receive reports of suspected child abuse by school employees and specify the procedures to be followed by that person upon receipt of a report;

(5) Require the posting in each school building of the name and contact information for the person designated for the school building to receive reports of suspected child abuse by school employees and the procedures the person will follow upon receipt of a report;

(6) Specify that the initiation of a report in good faith about suspected child abuse may not adversely affect any terms or conditions of employment or the work environment of the complainant;

(7) Specify that the school board or any school employee will not discipline a student for the initiation of a report in good faith about suspected child abuse by a school employee; and

(8) Require notification by the education provider to the person who initiated the report about actions taken by the education provider based on the report. [2005 c.367 §2]

ORS 339.375 Report of child abuse by school employees; disclosure of records.

(1) Any school employee having reasonable cause to believe that any child with whom the employee comes in contact has suffered abuse by another school employee, or that another school employee with whom the employee comes in contact has abused a child, shall immediately report the information to:

(a) A supervisor or other person designated by the school board; and

(b) A law enforcement agency, the Department of Human Services or a designee of the department as required by ORS 419B.010 and 419B.015.

(2) A supervisor or other person designated by the school board who receives a re-
port under subsection (1) of this section, shall follow the procedures required by the policy adopted by the school board under ORS 339.372.

(3) Except as provided in subsection (4) of this section, when an education provider receives a report of suspected child abuse by one of its employees, and the education provider’s designee determines that there is reasonable cause to support the report, the education provider shall place the school employee on paid administrative leave until either:

(a) The Department of Human Services or a law enforcement agency determines that the report is unfounded or that the report will not be pursued; or

(b) The Department of Human Services or a law enforcement agency determines that the report is founded and the education provider takes the appropriate disciplinary action against the school employee.

(4) If the Department of Human Services or a law enforcement agency is unable to determine, based on a report of suspected child abuse, whether child abuse occurred, an education provider may reinstate a school employee placed on paid administrative leave under subsection (3) of this section or may take the appropriate disciplinary action against the employee.

(5) Upon request from a law enforcement agency, the Department of Human Services or the Teacher Standards and Practices Commission, a school district shall provide the records of investigations of suspected child abuse by a school employee.

(6) The disciplinary records of a school employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502. When a school employee is convicted of a crime listed in ORS 342.143, the education provider that is the employer of the employee shall disclose the disciplinary records of the employee to any person upon request.

(7) Prior to disclosure of a disciplinary record under subsection (6) of this section, an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record. [2005 c.367 §3]

RELIGIOUS INSTRUCTION

339.420 Child excused to receive religious instruction. Upon application of the parent or guardian of the child, or, if the child has attained the age of majority, upon application of the child, a child attending the public school may be excused from school for periods not exceeding two hours in any week for elementary pupils and five hours in any week for secondary pupils to attend weekday schools giving instruction in religion. [1965 c.100 §298; 1973 c.827 §32; 1977 c.276 §1]

INTERSCHOLASTIC ACTIVITIES

339.430 Approval of voluntary organizations to administer interscholastic activities required; rule review; suspension or revocation of approval; appeal of organization’s ruling. (1) Voluntary organizations that desire to administer interscholastic activities shall apply to the State Board of Education for approval.

(2) The board shall review the rules and bylaws of the voluntary organization to determine that the rules and bylaws do not conflict with state law or rules of the board.

(3) A voluntary organization must submit to the board for review any rules, or changes in rules, that specify the criteria for the placement of a school into an interscholastic activity district. A voluntary organization may not establish or change an interscholastic activity district until the board has approved the rules of the voluntary organization.

(4) If a voluntary organization meets the standards established under ORS 326.051 and its rules and bylaws do not conflict with state law or rules of the board, the board shall approve the organization. An approved voluntary organization is qualified to administer interscholastic activities.

(5) The board may suspend or revoke its approval if an approved organization is found to have violated state law, rules of the board or subsection (3) of this section. If a voluntary organization is not approved or its approval is suspended or revoked, it may appeal the denial, suspension or revocation as a contested case under ORS chapter 183.

(6) A voluntary organization’s decisions concerning interscholastic activities may be appealed to the board, which may hear the matter or by rule may delegate authority to a hearing officer to hold a hearing and enter a final order under ORS chapter 183. Such decisions may be appealed under ORS 183.482. [Formerly 326.058; 2001 c.104 §114; 2001 c.368 §1; 2003 c.184 §1]
339.450 Prohibited grounds for denying participation in interscholastic athletics. No school, school district or association, whether public or private, shall deny any grade or high school student the right to participate in interscholastic athletics solely on the ground that the student transferred between schools or participated in athletics at another school. [1983 c.623 §2]

339.460 Homeschooled students’ participation in interscholastic activities; conditions. (1) Homeschooled students shall not be denied by a school district the opportunity to participate in all interscholastic activities if the student fulfills the following conditions:

(a) The student must meet all school district eligibility requirements with the exception of:

(A) The school district’s school or class attendance requirements; and

(B) The class requirements of the voluntary association administering interscholastic activities.

(b)(A) The student must achieve a minimum score on an examination from the list adopted by the State Board of Education pursuant to ORS 339.035. The examination shall be taken at the end of each school year and shall be used to determine eligibility for the following year. The minimum, composite test score that a student must achieve shall place the student at or above the 23rd percentile based on national norms. The parent or legal guardian shall submit the examination results to the school district; or

(B) A school district may adopt alternative requirements, in consultation with the parent or legal guardian of a homeschooled student, that a student must meet to participate in interscholastic activities, including but not limited to a requirement that a student submit a portfolio of work samples to a school district committee for review to determine whether a student is eligible to participate in interscholastic activities.

(c) Any public school student who chooses to be homeschooled must also meet the minimum standards as described in paragraph (b) of this subsection to become eligible for the third year.

(e) The homeschooled student shall be required to fulfill the same responsibilities and standards of behavior and performance, including related class or practice requirements, of other students participating in the interscholastic activity of the team or squad and shall be required to meet the same standards for acceptance on the team or squad. The homeschooled student must also comply with all public school requirements during the time of participation.

(f) A homeschooled student participating in interscholastic activities must reside within the attendance boundaries of the school for which the student participates.

(2) As used in this section:

(a) “Board” means the State Board of Education.

(b) “Homeschooled students” are those children taught by private teachers, parents or legal guardians as described in ORS 339.030.

(c) “Interscholastic activities” includes but is not limited to athletics, music, speech, and other related activities. [1991 c.914 §§1,2; 1999 c.717 §2; 2003 c.14 §150]

STUDENT ACCOUNTING SYSTEM

339.505 Definitions for ORS 339.505 to 339.520; rules. (1) For purposes of the student accounting system required by ORS 339.515, the following definitions shall be used:

(a) “Graduate” means an individual who has:

(A) Not reached 21 years of age or whose 21st birthday occurs during the current school year;

(B) Met all state requirements and local requirements for attendance, competence and units of credit for high school; and

(C) Received one of the following:

(i) A high school diploma issued by a school district.

(ii) An adult high school diploma issued by an authorized community college.

(iii) A modified high school diploma based on the successful completion of an individual education plan.

(b) “School dropout” means an individual who:

(A) Has enrolled for the current school year, or was enrolled in the previous school year and did not attend during the current school year;

(B) Is not a high school graduate;
339.510 Student accounting system: goals. Pursuant to rules of the State Board of Education, the Department of Education shall establish and maintain a student accounting system that has as its minimum goals:

1. Providing a timely accounting of students who withdraw from school before graduating or completing the normal course of study;

2. Providing reasons why students withdraw from school;

3. Identifying patterns in the information and assessment of factors that may assist the department and the school district to develop programs addressing the problems of dropouts; and

4. Providing school districts with management tools for assessing which students are dropouts and why they drop out. [1991 c.805 §1]

339.515 Uniform reporting system; training and technical assistance in using system. (1) In order to meet the goals described in ORS 339.510, the Department of Education shall develop a system of uniform reporting and shall assist school districts in establishing such systems, with appropriate allowances being made for the size of districts and their existing reporting systems.

(2) The department shall provide training and technical assistance to school district personnel so that, statewide, the student accounting system produces uniform and accurate reports. [1991 c.805 §2]

339.520 Information required on certain students who withdraw from school. The minimum information to be reported on students who withdraw from school prior to becoming graduates and who do not transfer to another educational system is:

1. Age, sex and racial-ethnic designation of the student;

2. Date of withdrawal;

3. Reason for withdrawal, including but not limited to expulsion, work or death;

4. Number of credits earned toward meeting graduation requirements, if applicable, or grade level, of the reporting district;

5. Length of time the student was enrolled in the reporting district;

6. Information relating to the disposition of the student after withdrawing, including but not limited to General Educational Development (GED) participation, alternative certificate of participation, transfer to mental health or youth correction facility or participation in a substance abuse program or other dispositions listed in ORS 339.505 (1)(b) and (c); and

7. Information on why the student withdrew as such information relates to academics, conduct standards, interpersonal relationships, relation with school personnel, personal characteristics such as illness, lack of motivation, home and family characteristics, alternative education participation and employment information. [1991 c.805 §3; 1997 c.249 §101; 2005 c.209 §33]
TRAFFIC PATROL

339.650 “Traffic patrol” defined. As used in ORS 339.650 to 339.665 “traffic patrol” means one or more individuals appointed by a public, private or parochial school to protect pupils in their crossing of streets or highways on their way to or from the school by directing the pupils or by cautioning vehicle operators. [Formerly 339.255; renumbered 336.655 in 1993]

339.655 Traffic patrols authorized; medical benefits; rules. (1) A district school board may do all things necessary, including the expenditure of district funds, to organize, supervise, control or operate traffic patrols. A district school board may make rules relating to traffic patrols which are consistent with rules under ORS 339.660 (1).

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

(3) A district school board may provide medical or hospital care for an individual who is injured or disabled while acting as a member of a traffic patrol. [Formerly 336.460]

339.660 Rules on traffic patrols; eligibility; authority. (1) To promote safety the State Board of Education after consultation with the Department of Transportation and the Department of State Police, shall make rules relating to traffic patrols.

(2) A member of a traffic patrol:

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

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

(c) May display a directional sign or signal in cautioning drivers where students use a school crosswalk of the driver’s responsibility to obey ORS 811.015. [Formerly 336.470]

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

(2) The Department of State Police, the sheriff of each county or the police of each city may assist any public, private or parochial school in the organization, supervision, control or operation of its traffic patrol. [Formerly 336.480]

MISCELLANEOUS

339.860 Issuance of diploma for work completed at certain state institutions. (1) Any person other than a student at the Oregon State School for the Deaf or the Oregon State School for the Blind upon successful completion of an educational program at elementary or secondary level at a state institution shall receive a diploma evidencing such completion issued by the common or union high school district in which the person last resided prior to commitment to the state institution.

(2) All educational records for the person shall be sent to the common or union high school district issuing the diploma. The school district may make a transcript of such records available upon request in the same manner and in the same form as it makes any other transcript available and shall not therein indicate that any of the educational program was completed in any state institution. [Formerly 332.790]

339.865 Possession of tobacco products by person under 18 prohibited at facilities; “facility” defined to include public schools. (1) A facility shall not permit any person under 18 years of age to possess tobacco products, as defined in ORS 431.840, while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.

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

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

(4) As used in this section, “facility” means public or private schools, youth correction facilities or juvenile detention facilities. “Facility” does not include colleges or universities, professional technical schools or community colleges. [Formerly 336.660]

339.867 “Medication” defined. As used in ORS 339.869 and 339.870, “medication” means noninjectable medication. [1997 c.144 §1]

339.869 Administration of medication to students; rules. (1) The State Board of Education, in consultation with the Department of Human Services, the Oregon State Board of Nursing and the State Board of
Pharmacy, shall adopt rules for the administration of prescription and nonprescription medication to students by trained school personnel and for student self-medication. The rules shall include age appropriate guidelines and training requirements for school personnel.

(2) School district boards shall adopt policies and procedures that provide for the administration of prescription and nonprescription medication to students by trained school personnel and for student self-medication. Such policies and procedures shall be consistent with the rules adopted by the State Board of Education under subsection (1) of this section. A school district board shall not require school personnel who have not received appropriate training to administer medication.  

339.870 Liability of school personnel administering medication. (1) A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of nonprescription medication, if the school administrator, teacher or other school employee in good faith administers nonprescription medication to a pupil pursuant to written permission and instructions of the pupil’s parents or guardian.

(2) A school administrator, teacher or other school employee designated by the school administrator is not liable in a criminal action or for civil damages as a result of the administration of prescription medication, if the school administrator, teacher or other school employee in compliance with the instructions of a physician, physician assistant, nurse practitioner or clinical nurse specialist, in good faith administers prescription mediation to a pupil pursuant to written permission and instructions of the pupil’s parents or guardian.

(3) The civil and criminal immunities imposed by subsections (1) and (2) of this section do not apply to an act or omission amounting to gross negligence or willful and wanton misconduct.  

339.873 Recommendations on medication to affect or alter thought processes, mood or behavior prohibited; exceptions. (1) A preschool through grade 12 public school administrator, teacher, counselor or nurse may not recommend to a parent or legal guardian of a student that the student seek a prescription for a medication that is prescribed with the intent of affecting or altering the thought processes, mood or behavior of the student.

(2) Preschool through grade 12 public school teachers and other school personnel may not require a child to obtain a prescription for a substance covered by the Controlled Substances Act, 21 U.S.C. 801 et seq., as a condition of attending school, receiving an evaluation to determine eligibility for early childhood special education or special education under ORS chapter 343 or receiving early childhood special education or special education services.

(3) Nothing in this section:

(a) Prohibits a preschool through grade 12 public school teacher or other school personnel from consulting or sharing classroom-based observations with a parent or legal guardian of a student concerning the student’s academic and functional performance, behavior at school or need for evaluation for special education or related services; or

(b) Relieves a school district of the duty to identify, locate and evaluate students with disabilities.  

339.875 Procurement, display and salute of flags. (1) Each district school board shall:

(a) Procure a United States flag and an Oregon State flag of suitable sizes and shall cause such flags to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as the board deems proper.

(b) Provide students with the opportunity to salute the United States flag at least once each week of the school year by reciting: “I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.”

(2) Students who do not participate in the salute provided for by this section must maintain a respectful silence during the salute.  

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

339.885 Secret societies in public schools prohibited; membership grounds for suspension or expulsion. (1) No secret society of any kind, including a fraternity or sorority, shall be permitted in any public school.
(2) The district school board may order the suspension or expulsion of any pupil who belongs to a secret society.

(3) This section does not apply to any institution of higher education under the jurisdiction of the State Board of Higher Education. [Formerly 336.440 and then 336.610]

ENFORCEMENT

339.925 Compulsory school attendance violation procedure; rules. (1) In addition to any other persons permitted to enforce violations, the school district superintendent or education service district superintendent, or any employee specifically designated by either superintendent, may issue citations for violations established under ORS 339.990 in the manner provided by ORS chapter 153.

(2) Prior to issuing the citation described in subsection (3) of this section to the parent or guardian of a student not regularly attending full-time school, a school district superintendent or education service district superintendent shall:

(a) Provide a parent or guardian of the student and the student with written notification that:

(A) States that the student is required to attend regularly a full-time school;

(B) Explains that the failure to send the student and maintain the student in regular attendance is a Class C violation;

(C) States that the superintendent may issue a citation;

(D) Requires the parent or guardian of the student and the student to attend a conference with a designated official; and

(E) Is written in the native language of the parent or guardian of the student.

(b) Schedule the conference described in paragraph (a)(D) of this subsection.

(3) Notwithstanding ORS 1.525 or any provision of ORS chapter 153, the State Board of Education by rule shall establish the citation form to be used by superintendents in citing violations established under ORS 339.990. Notwithstanding ORS 153.045, each of the parts of the citation shall contain the information required by the state board.

(4) All fines and court costs recovered from compulsory school attendance violations shall be paid to the clerk of the court involved. After deductions of court costs provided by law for the proceeding, the clerk shall pay the remainder of the money to the State Treasurer to be deposited in the Criminal Fine and Assessment Account in the General Fund.

[1993 c.413 §4; 1995 c.116 §1; 1999 c.1051 §112]

PENALTIES

339.990 Penalties. Violation of ORS 339.020 or the requirements of ORS 339.035 is a Class C violation. [Amended by 1965 c.100 §299; 1967 c.67 §10; 1985 c.597 §3; 1993 c.413 §1; 1999 c.1051 §113]
## Chapter 340
### 2005 EDITION
### Expanded Options Program

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>340.005</td>
<td>Definitions</td>
</tr>
<tr>
<td>340.010</td>
<td>Purposes</td>
</tr>
<tr>
<td>340.015</td>
<td>Notification to students and parents or guardians; rules</td>
</tr>
<tr>
<td>340.020</td>
<td>High school students who have dropped out; identification; information</td>
</tr>
<tr>
<td>340.025</td>
<td>Notification by student to school district; review of graduation requirements; educational learning plan</td>
</tr>
<tr>
<td>340.030</td>
<td>Application; acceptance; appeal; academic progress</td>
</tr>
<tr>
<td>340.035</td>
<td>Enrollment in eligible post-secondary courses</td>
</tr>
<tr>
<td>340.037</td>
<td>Limitations on enrollment in post-secondary courses</td>
</tr>
<tr>
<td>340.040</td>
<td>Credits for post-secondary courses; notification; appeal</td>
</tr>
<tr>
<td>340.045</td>
<td>Calculation of State School Fund grant; payment of instructional costs; waiver</td>
</tr>
<tr>
<td>340.050</td>
<td>Students not eligible for financial aid; reimbursement for educational expenses</td>
</tr>
<tr>
<td>340.055</td>
<td>Charging student for instructional costs prohibited</td>
</tr>
<tr>
<td>340.060</td>
<td>Textbooks, fees, equipment and materials property of school district</td>
</tr>
<tr>
<td>340.065</td>
<td>Transportation; costs</td>
</tr>
<tr>
<td>340.070</td>
<td>Special education and related services; contract</td>
</tr>
<tr>
<td>340.075</td>
<td>Applicability of chapter to additional courses</td>
</tr>
<tr>
<td>340.080</td>
<td>Limitation on credit hours awarded to students; rules</td>
</tr>
<tr>
<td>340.085</td>
<td>Report to legislative committees and joint boards</td>
</tr>
<tr>
<td>340.090</td>
<td>Alternative programs</td>
</tr>
</tbody>
</table>
340.005 Definitions. For purposes of this chapter:

1. “Accelerated college credit program” has the meaning given that term by rules adopted by the State Board of Education.

2. “At-risk student” means:
   a. A student who qualifies for a free or reduced lunch program; or
   b. An at-risk student as defined by rules adopted by the board if the board has adopted rules to define an at-risk student.

3. “Duplicate course” means a course with a scope that is identical to the scope of another course.

4. (a) “Eligible post-secondary course” means any nonsectarian course or program offered through an eligible post-secondary institution if the course or program may lead to high school completion, a certificate, professional certification, associate degree or baccalaureate degree.
   (b) “Eligible post-secondary course” does not include a duplicate course offered at the student’s resident school.
   (c) “Eligible post-secondary course” includes:
      (A) Academic and professional technical courses; and
      (B) Distance education courses.

5. “Eligible post-secondary institution” means:
   a. A community college;
   b. A state institution of higher education listed in ORS 352.002; and
   c. The Oregon Health and Science University.

6. (a) “Eligible student” means a student who is enrolled in an Oregon public school and who:
      (A) Is in grade 11 or 12 or who is 16 years of age or older at the time of enrollment in a course under the Expanded Options Program;
      (B) Has developed an educational learning plan as described in ORS 340.025; and
      (C) Has not successfully completed four years of high school.
   (b) “Eligible student” does not include a foreign exchange student enrolled in a school under a cultural exchange program.

7. “Expanded Options Program” means the program created under this chapter. [2005 c.674 §1]

340.010 Purposes. The Legislative Assembly declares that the purposes of this chapter are to:

1. Create a seamless education system for students enrolled in grades 11 and 12 to:
   a. Have additional options to continue or complete their education;
   b. Earn concurrent high school and college credits; and
   c. Gain early entry into post-secondary education.

2. Promote and support existing accelerated college credit programs, and support the development of new programs that are unique to a community’s secondary and post-secondary relationships and resources.

3. Allow eligible students who participate in the Expanded Options Program to enroll full-time or part-time in an eligible post-secondary institution.

4. Provide public funding to the eligible post-secondary institutions for educational services to eligible students to offset the cost of tuition, fees, textbooks, equipment and materials for students who participate in the Expanded Options Program. [2005 c.674 §2]

340.015 Notification to students and parents or guardians; rules. (1) Prior to February 1 of each year, each school district shall notify all high school students and the students’ parents or guardians of the Expanded Options Program.

2. Each school district shall establish a process to ensure that all at-risk students and their parents are notified about the Expanded Options Program.

3. The State Board of Education shall establish by rule the required components of the notice. The notice must include, but not be limited to, information about:
   a. Financial arrangements for tuition, textbooks, equipment and materials;
   b. Available transportation services;
   c. The effect of enrolling in the Expanded Options Program on the eligible student’s ability to complete the required high school graduation requirements;
   d. The consequences of failing or not completing an eligible post-secondary course; and
   e. The requirement that participation in the Expanded Options Program is contingent on acceptance by an eligible post-secondary institution. [2005 c.674 §5]

340.020 High school students who have dropped out; identification; information. (1) It shall be a priority for school districts to provide information about the Expanded Options Program to high school students who have dropped out of school.

2. School districts shall establish a process to identify high school students who have dropped out of school and provide those students with information about the program.
A school district shall send information about the program to the last-known address of the family of the student. [2005 c.674 §6]

340.025 Notification by student to school district; review of graduation requirements; educational learning plan. (1) Prior to March 1 of each year, a student who is interested in participating in the Expanded Options Program shall notify the student’s resident school district of the student’s intent to enroll in eligible post-secondary courses during the following school year.

(2) The resident school district shall review with the student and the student’s parent or guardian the student’s current status toward meeting all state and school district graduation requirements and the applicability of the proposed eligible post-secondary course with respect to fulfilling the student’s remaining graduation requirements.

(3)(a) An eligible student who intends to participate in the Expanded Options Program shall develop an educational learning plan in cooperation with an advisory support team.

(b) The educational learning plan may include:

(A) The student’s short-term and long-term learning goals and proposed activities; and

(B) The relationship of the eligible post-secondary courses proposed under the Expanded Options Program and the student’s learning goals.

(c) An advisory support team may include the student, the student’s parent or guardian and a teacher or a counselor. [2005 c.674 §7]

340.030 Application; acceptance; appeal; academic progress. (1) An eligible student may apply to an eligible post-secondary institution to enroll in eligible post-secondary courses offered by the eligible post-secondary institution.

(2) If an eligible post-secondary institution accepts an eligible student for enrollment under this section pursuant to ORS 341.505 or other admissions standards, the eligible post-secondary institution shall send written notice to the student, the student’s resident school district and the Department of Education within 20 days of acceptance. The notice shall indicate the eligible post-secondary courses and hours of enrollment offered to the student.

(3) If an eligible post-secondary institution accepts an eligible student for enrollment under this section, the eligible post-secondary institution shall provide academic advising to the student as appropriate.

(4) An eligible post-secondary institution may designate individual programs in which eligible students may enroll under this section.

(5)(a) If an eligible student wishes to take a course at an eligible post-secondary institution that a school district determines is a duplicate course, the student may appeal the determination of the school district to the Superintendent of Public Instruction or the superintendent’s designee.

(b) The Department of Education shall create a process for students to appeal the decision of a school district under paragraph (a) of this subsection.

(c) The superintendent or the superintendent’s designee shall issue a decision on the appeal within 30 days of receipt of the appeal. If the superintendent or the superintendent’s designee fails to issue a decision within 30 days of receipt of the appeal, the course shall be deemed to not be a duplicate course and the student may enroll in the course under the Expanded Options Program if the course and the student meet all other eligibility requirements for the program.

(6) Once participating in the Expanded Options Program, an eligible student must maintain satisfactory academic progress as defined by the eligible post-secondary institution.

(7) An eligible post-secondary institution may not be required to accept a student for enrollment under this section. [2005 c.674 §3]

Note: Section 21, chapter 674, Oregon Laws 2005, provides:

Sec. 21. The Expanded Options Program created by sections 1 to 20 of this 2005 Act [ORS chapter 340] shall first be made available to students for the 2006-2007 school year. [2005 c.674 §21]

340.035 Enrollment in eligible post-secondary courses. An eligible post-secondary institution may enroll an eligible student participating in the Expanded Options Program only in eligible post-secondary courses under the program. [2005 c.674 §4]

340.037 Limitations on enrollment in post-secondary courses. (1) An eligible student who enrolls in the Expanded Options Program may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of two academic years. An eligible student who first enrolls in the Expanded Options Program in grade 12 may not enroll in eligible post-secondary courses under ORS 340.030 for more than the equivalent of one academic year. If an eligible student first enrolls in an eligible post-secondary course in the middle of the school year, the time of participation shall be reduced proportionately. If an eligible student is enrolled in a year-round program and begins each grade in the summer session, summer sessions are not counted against the time of participation.
(2) A student who has graduated from high school may not participate in the Expanded Options Program. However, an eligible student who has completed course requirements for graduation, but who has not received a diploma, may participate in the Expanded Options Program. [2005 c.674 §8]

340.040 Credits for post-secondary courses; notification; appeal. (1) The State Board of Education shall establish a procedure for a school district to award credits to eligible students for eligible post-secondary courses completed under the Expanded Options Program.

(2) Prior to an eligible student’s beginning an eligible post-secondary course, the school district shall notify the student of the number and type of credits that the student will be granted upon successful completion of the eligible post-secondary course.

(3) If there is a dispute between the school district and the eligible student regarding the number or type of credits that the school district will grant to a student or that the school district has granted for a particular eligible post-secondary course, the student may appeal the school district’s decision using an appeals process adopted by the school district board.

(4) Credits granted to an eligible student shall be counted toward high school graduation requirements and subject area requirements of the state and the school district. Evidence of successful completion of each eligible post-secondary course and credits granted shall be included in the student’s education record. A student shall provide the school district with a copy of the student’s grade in each eligible post-secondary course taken for credit under the Expanded Options Program. The student’s education record shall indicate that the credits were earned at an eligible post-secondary institution.

(5) The eligible post-secondary institution shall award post-secondary credit for any eligible post-secondary course successfully completed for credit at the institution if the course is considered by the institution to be a college-level course. Other post-secondary institutions may award, after a student leaves secondary school, post-secondary credit for any eligible post-secondary course successfully completed under the Expanded Options Program. A post-secondary institution may not charge a student for the award of credit. [2005 c.674 §9]

340.045 Calculation of State School Fund grant; payment of instructional costs; waiver. (1) An eligible student enrolled in an eligible post-secondary course at an eligible post-secondary institution pursuant to ORS 340.030 shall continue to be considered a resident pupil of the student’s school district for purposes of calculation of the State School Fund grant under ORS 327.006 to 327.133, 327.348, 327.355, 327.357, 327.360 and 327.731.

(2) A school district shall negotiate a financial agreement with any eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course pursuant to ORS 340.030 for the payment of actual tuition, fees and other required instructional costs associated with the enrollment of the student in eligible post-secondary courses.

(3)(a) The amount of each school district’s general purpose grant per extended ADMw as calculated under ORS 327.013 shall be determined each fiscal year by the Department of Education and made available to all school districts and, upon request, to any eligible post-secondary institution.

(b) Each fiscal year, a school district shall expend per student participating in the Expanded Options Program a minimum of 50 percent of the school district’s general purpose grant per extended ADMw. Expenditures that qualify under this paragraph include amounts expended on tuition, fees, textbooks, equipment and materials required for an eligible post-secondary course.

(c) A school district may request a waiver from the Superintendent of Public Instruction or the superintendent’s designee of the requirements of paragraph (b) of this subsection. The superintendent or the superintendent’s designee shall grant the waiver if:

(A) Compliance with the requirements of paragraph (b) of this subsection would cause the school district extreme financial distress; or

(B) The school district offers dual credit technical preparation programs, such as two-plus-two programs, advanced placement or International Baccalaureate programs and other accelerated college credit programs, and:

(i) The programs offered by the school district serve all qualified applicants; and

(ii) There are no charges to at-risk students.

(4) In addition to any financial agreement entered into under subsection (2) of this section, the resident school district of the eligible student shall enter into an agreement with an eligible post-secondary institution that accepts a student for enrollment in an eligible post-secondary course that is a non-tuition course or noncredit course pursuant to ORS 340.030 for the payment of the actual instructional costs associated with the stu-
§10

340.050 Students not eligible for financial aid; reimbursement for educational expenses. (1) An eligible student enrolled in an eligible post-secondary course pursuant to this chapter is not eligible for any state student financial aid under ORS 348.040 to 348.280 and 348.505 to 348.695.

(2) The eligible student may apply to the resident school district of the student for reimbursement for any textbooks, fees, equipment or materials purchased by the student that are required for an eligible post-secondary course. [2005 c.674 §11]

340.055 Charging student for instructional costs prohibited. An eligible post-secondary institution that receives payment for an eligible student under ORS 340.045 may not charge that student for tuition, fees and other required instructional costs associated with the enrollment of the student in an eligible post-secondary course. [2005 c.674 §12]

340.060 Textbooks, fees, equipment and materials property of school district. All textbooks, fees, equipment and materials provided to an eligible student and paid for under ORS 340.045 are the property of the resident school district of the student. [2005 c.674 §13]

340.065 Transportation; costs. (1) A resident school district may provide transportation services to eligible students who attend eligible post-secondary institutions within the boundaries of the school district pursuant to ORS 327.043.

(2) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013 (9). [2005 c.674 §14]

340.070 Special education and related services; contract. (1) The resident school district of an eligible student participating in the Expanded Options Program shall be responsible for providing any required special education and related services to the student. A student who requires special education and related services shall be considered, for school purposes, a resident in the school district in which the student’s participation in the program at the institution.

(2) If an eligible post-secondary institution intends to provide special education and related services to an eligible student participating in the Expanded Options Program, the institution shall enter into a written contract with the resident school district of the student. The contract shall include at least the following:

(a) Allowance for the student to remain in the program during the pendency of any special education due process hearing unless the parents or guardians and school district agree otherwise;

(b) Immediate notification to the resident school district if the institution suspects that a student participating in the program may have a disability and requires special education or related services;

(c) Immediate notification to the resident school district if the student who is receiving special education and related services has engaged in conduct that may lead to suspension or expulsion; and

(d) Immediate notification to the resident school district of any complaint made by the parents or guardians of the student regarding the student’s participation in the program at the institution.

340.075 Applicability of chapter to additional courses. The provisions of this chapter do not apply to any post-secondary courses in which a student is enrolled in addition to being enrolled full-time in the student’s resident school district. For purposes of this section, a student is considered enrolled full-time if the student attends classes for credit in the secondary school for all available hours of instruction. [2005 c.674 §16]
340.080 Limitation on credit hours awarded to students; rules. (1) For a high school with an enrollment of 1,000 students, each school year no more than 330 quarter credit hours may be awarded to eligible students at the high school under the Expanded Options Program.

(2) The State Board of Education by rule shall establish separate credit hour caps for high schools that have enrollment greater than 1,000 students and those that have less than 1,000 students. The caps shall be proportional to the credit hour caps established under subsection (1) of this section.

(3) A school district may choose to exceed the credit hour caps established in subsections (1) and (2) of this section.

(4) If a school district has not chosen to exceed the credit hour caps and has more eligible students who wish to participate in the Expanded Options Program than are allowed under the credit hour cap established under this section, the school district board shall establish a process for selecting eligible students to participate in the program. A school district shall give priority for program participation to at-risk students. [2005 c.674 §17]

340.085 Report to legislative committees and joint boards. The Department of Education shall annually report on the Expanded Options Program to the Joint Boards of Education and the House and Senate committees relating to education. The report shall include:

(1) The types of accelerated college credit programs offered.

(2) The number of waivers of requirements granted under the Expanded Options Program and the reasons for issuance of the waivers.

(3) The number of college and high school credits earned under the Expanded Options Program.

(4) The estimated college tuition cost savings for students participating in the Expanded Options Program.

(5) The number of students who had dropped out of high school but returned to high school to participate in the Expanded Options Program and earned a diploma.

(6) The number of students who participated in the Expanded Options Program, categorized by ethnicity and financial status.

(7) The number of talented and gifted students who participated in the Expanded Options Program.

(8) The level of participation in the Expanded Options Program by rural communities, and the number of students living in rural communities who participated in the program.

(9) Recommendations for changes to the Expanded Options Program to better serve students, including changes to the age limit restrictions for eligible students.

(10) Recommendations for funding changes to better serve students who wish to participate in the Expanded Options Program.

(11) The number of appeals of students under ORS 340.030 to the Superintendent of Public Instruction or the superintendent’s designee and the disposition of the students’ appeals.

(12) The number of small school districts with more eligible students who wish to participate in the program than are allowed under the credit hour caps established in ORS 340.080. [2005 c.674 §18]

Note: Section 19, chapter 674, Oregon Laws 2005, provides:

Sec. 19. The Department of Education shall issue the first report required by section 18 of this 2005 Act [340.085] prior to January 1, 2008. [2005 c.674 §19]

340.090 Alternative programs. (1) Notwithstanding this chapter, any program, agreement or plan in effect on January 1, 2006, that provides access for public high school students to a post-secondary course is not affected by this chapter and may be continued or renewed at the discretion of the parties to the program, agreement or plan.

(2) Any new program, agreement or plan that is developed after January 1, 2006, and that is intended to provide access for public high school students to a post-secondary course may be initiated at the discretion of a school district and a post-secondary institution. [2005 c.674 §20]
Chapter 341
2005 EDITION

Community Colleges

GENERAL PROVISIONS
341.005 Definitions
341.009 Policy
341.015 Guidelines for districts

DIRECT AND CONTRACT SERVICES
341.019 All areas in state to be served by district; procedure; responsibility; rules; local advisory committees; duties
341.021 Provision of service outside districts; proposals; costs
341.022 Maximum reimbursable enrollments in nondistrict areas
341.024 Rules

COMMUNITY COLLEGE DISTRICTS
(Formation)
341.025 Petition for formation of district
341.039 Community college service district; petition; powers; question for electors; method of change
341.041 Conversion of certain community college service districts to community college districts
341.045 Feasibility study; hearing
341.055 Hearing; alteration of proposed boundaries
341.065 Dismissal of petition
341.076 State board recommendation to legislature; appeal; revision of recommendation; hearing; effect of legislative action
341.085 Election for formation of district
341.086 Election shall include question of rate limit for operating taxes and may include question of organizational expense
341.102 Payment of formation election expenses
341.105 List of electors
341.115 Effect of election results
341.125 First board

(Zones)
341.175 Adjustment of zone boundaries
341.185 Review of zone boundaries

BOARD OF EDUCATION
(Composition)
341.275 Community college district board; qualifications

(Organization)
341.283 Organization; meetings; quorum; rules; journal; expenses

(Status)
341.287 Status; official title of board

(Powers)
341.290 General powers; rules
341.300 Traffic control; conditions on parking privileges; rules; penalty
341.305 Tax levy
341.308 Authority to certify operating taxes
341.309 Establishment of interstate taxing authority
341.311 Eminent domain
341.312 Self-insurance program
341.315 Contract for educational services
341.317 Educational services to inmates at correctional institutions; reimbursement
341.319 Intellectual property
341.321 Reserve fund; establishment and termination procedures

(Nomination and Election)
341.326 Qualification
341.327 Mode of election of board
341.331 Change in method of nominating and electing board
341.335 Vacancy; filling of vacancy; term of appointed member
341.339 Position numbers required for at-large positions
341.341 Assigning position numbers

ELECTIONS GENERALLY
341.356 Election laws applicable
341.357 Publication of notices
341.369 Special elections
341.371 Board resolution required to submit question to electors
341.379 Eligibility of electors following certain events

ESTABLISHMENT AND OPERATION OF COMMUNITY COLLEGES
(Establishment)
341.405 Establishment of community college
341.415 Official name of college
341.420 Procedure for name changes for district or college

(Programs and Courses)
341.425 Approval required to commence or change program and for transfer credits
341.440 Contracts with other districts, state department, university or private schools for educational services
341.450 Two-plus-two programs and other related programs
341.455 Credit for private career school courses; transcripting fee
341.460 Credit for traffic safety education course not permitted
341.463 Courses in American Sign Language
341.465 Certificates and associate degrees
EDUCATION AND CULTURE

(Students)
341.475 Student loan fund
341.485 Scholarships
341.505 Admission of students
341.525 Contracts for reimbursement between college districts; effect of high school student's enrollment on school funding
341.527 Admission of nonresident students at resident tuition rate under certain conditions; exchange procedures; rules
341.528 Residency for purpose of distribution of state aid
341.529 Admission of members of Armed Forces, spouses and dependent children; fee and tuition rate
341.531 Rights of student in military ordered to active duty; rules
341.532 Credit for room, board, tuition and fees for student ordered to active duty; rules
341.533 Credit for education and training received in Armed Forces

(Employees)
341.535 Qualifications of faculty; appraisal
341.541 Affirmative action plans, goals when faculty, staff reductions required
341.547 Notice of reasonable assurance of continued employment; effect of failure to give notice
341.551 Optional retirement plan for administrative employees

BOUNDARY CHANGES
341.565 State board as boundary board; petition, hearings; legislative approval required; effective date of change; filing of change
341.569 When election on change required
341.573 Division of assets and liabilities
341.575 Liability of annexed or merged territory
341.577 Procedure when district annexes new territory that is greater in population than original district
341.579 Vote on proposed boundary change subject to ORS 341.577; state board's order

EXPANSION OF COMMUNITY COLLEGE DISTRICTS
341.601 "District" defined
341.604 Classification and designation of service areas
341.608 Service area financing; bonded indebtedness
341.611 Election on bonded indebtedness
341.613 Bonded indebtedness restrictions
341.616 Levy of direct ad valorem tax to pay bonds; procedure for advertisement and sale of bonds
341.618 Application of ORS 341.675 to 341.715 to bonds
341.619 New territory in Blue Mountain and Columbia Gorge Community College Districts not liable for existing debt

Note Provisions governing annexation of new territory into Blue Mountain Community College District--1999 c.1027 §4

AID FOR OPERATION
Community College Support Fund
Distribution of state aid; rules
Effect on state aid of scholarships and of certain admissions
Distribution of federal funds for professional technical education
Treatment of public library costs in computing state aid
Receipt of funds for apprenticeship programs

FINANCE
(Bonds Issued by Districts)
Authority to incur bonded indebtedness; aggregate amount
Election on bonded indebtedness
Issuance of bonds
Registration of bonds; disposition of proceeds
Tax levy to meet annual bonded indebtedness; bond sinking fund
Payment of bond principal and interest
Bond redemption procedure
Refunding bonds
Advertisement and sale of bonds

(Custody and Expenditure of Funds)
 Custodian of funds; depositories; signature on checks; warrants as checks
Warrant procedure

(Audits)
Annual audit required
Short-term promissory notes
Issue by State Treasurer
Community College Capital Construction Fund

(Note)
Columbia Gorge Community College Facilities Account--2005 c.787 §26
Oregon Coast Community College Facilities Account--2005 c.787 §27
Rogue Community College Medford Instructional Facility Account--2005 c.787 §28
Clatsop Community College Facilities Account--2005 c.787 §29
Tillamook Bay Community College Facilities Account--2005 c.787 §30
Klamath Community College Facilities Account--2005 c.787 §31
Southwestern Oregon Community College Curry County Facilities Account--2005 c.787 §32
Community College Bond Building Fund
Community College Bond Sinking Fund
Grant agreements for distribution of funds to community college districts; fees
Bond counsel services; financial advisory services
<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>341.933</td>
<td>Distribution of state funds for capital construction; standards; limitations; rules</td>
</tr>
<tr>
<td>341.937</td>
<td>Capital improvements for access for persons with disabilities</td>
</tr>
</tbody>
</table>
GENERAL PROVISIONS

341.005 Definitions. As used in this chapter, unless the context otherwise requires:

(1) “Academic year” means the year beginning July 1 of each year and ending June 30 of the following year running concurrently with the fiscal year.

(2) “Board” means the board of education of a community college district.

(3) “Board member” means a member of the board of education of a community college district.

(4) “Commissioner” means the Commissioner for Community College Services appointed under ORS 326.375.

(5) “Community college” means a public institution operated by a community college district for the purposes of providing courses of study limited to not more than two years’ full-time attendance, with the exception of technical programs in which the curriculum may require more than two years of attendance but less than four years, and designed to meet the needs of a geographical area by providing educational services, including but not limited to professional technical education programs or lower division collegiate programs.

(6) “Community college district” or “district” means a district formed under this chapter to operate one or more community colleges or to secure educational services available at a community college. “Community college district” includes a community college service district.

(7) “Full-time equivalent student” means a student or combination of several students who carries or carry among them, within a single academic year, a minimum number of clock hours of instruction, in any program, to be specified by rule by the State Board of Education.

(8) “Operating expenses” means the sum of the expenditures of a community college district for administration, instruction, necessary student services, operation and maintenance of plant and fixed charges, as determined in accordance with the rules of the State Board of Education.

(9) “Paying agent and registrar” means the county treasurer or county fiscal officer of the county in which the chief administrative officer of the community college district maintains the administrative office.

(10) “Petitioning territory” means a community college district petitioning to have an area outside the district included in the district or to have an area inside the district excluded from the district, or an area outside the district petitioning to be included within the district.

(11) “Principal county” means the county in which the chief administrative officer of the community college district maintains the administrative office.

(12) “State board” means the State Board of Education. [Formerly 341.510; 1971 c.513 §1; 1981 c.173 §52; 1987 c.474 §4; 1993 c.45 §§127,128; 1995 c.67 §1; 1997 c.271 §3]

341.009 Policy. The Legislative Assembly finds that:

(1) The community college is an educational institution which is intended to fill the institutional gap in education by offering broad, comprehensive programs in academic as well as professional technical subjects. It is primarily designed to provide associate or certificate degree programs for some, serve a transitional purpose for others who will continue baccalaureate or other college work, provide the ability to enter the workforce immediately and serve to determine future educational needs for other students. It can provide means for continuation of academic education, professional technical training or the attainment of entirely new skills as demands for old skills and old occupations are supplanted by new technologies. It may also provide the means to coordinate courses and programs with high schools to enhance the Certificate of Advanced Mastery and to accommodate successful transition to college degree programs.

(2) Each community college should be so located as to be within commuting time of a substantial majority of its students. As an economical method of providing education close to the student’s home, the community college should remain a commuting institution.

(3) The community college should establish its organizational patterns to maintain a unique quality of flexibility and the ability to change to meet changing needs.

(4) The community college is a post-high school institution under the general supervision of the State Board of Education. It should not be a “starter” institution intended to evolve into a four-year baccalaureate institution. It should be concerned with programs terminating before reaching the baccalaureate degree.

(5) The community college should continue to be prohibited by law from becoming a baccalaureate degree granting institution.

(6) Admission to the community college should be open to high school graduates or to non-high school graduates who can profit from the instruction offered.

(7) There should be close cooperation between those directing the community college
program and those responsible for higher education, so that lower-division college transfer programs of the community college will provide adequate preparation for entering baccalaureate degree granting programs, and so that students will be able to transfer with a minimum of difficulty.

(8) The community college should offer as comprehensive a program as the needs and resources of the area which it serves dictate. Cost to student and quality of instruction in established private institutions should be among the factors in determining necessary duplication of effort.

(9) It should be the policy of the community college to open its facilities and make available its resources to the high schools of its area on a sound contractual basis, for appropriate secondary or transitional courses, either academic or professional technical, when it is within its ability to provide facilities and it is determined that the high school cannot or does not offer them.

(10) Programs designed to meet the needs of the area served should be based on the actual educational and service needs of the district. Specific professional technical courses should be related not only to the employment opportunities of the area but of the state and nation as well. Such determination should be made in consultation with representatives of labor, business, industry, agriculture and other interested groups.

(11) The State Board of Education should be responsible for coordinating the community college program of the state and should have general supervisory responsibilities for that program. The State Board of Education should prepare estimates and make the requests for legislative appropriations for a reasonable and consistent basis of support and establish standards for the distribution of that support.

(12) The initiative for the establishment of new community colleges should come from the localities to be served, as a response to demonstrated educational needs of an area. However, these localities must not only be willing to assume the responsibility for the institutions but must be able to provide resources needed for an adequate educational and service program.

(13) The governing board of the community college should be charged with the policy-making function. With respect to educational programming, the governing board should in cooperation with the State Board of Education:

(a) Identify educational needs of the district; and
(b) Bring together the resources necessary to meet the needs.

(14) The state should maintain a policy of substantial state participation in community college building costs and the maintenance of an adequate level of state support for operation. However, no state funds should be appropriated for buildings such as dormitories or athletic facilities for spectator sports. The district should provide a substantial portion of the funds for capital improvement as well as for operation of a community college.

(15) State appropriations for community colleges shall be made separately from those for other segments of education.

(16) The formula for the distribution of funds for operating costs should reflect the heavier operating costs and capital outlay for certain professional technical courses. Federal funds received for professional technical training, adult basic education, workforce development or other federal initiatives should be used for those purposes only and be distributed separately from funds appropriated by the state and should be exempted from the computations of the present distribution formula for operating costs.

(17) The cost of education to the individual should be sufficiently low to permit students of low-income families to attend. This is particularly true of tuition costs. However, students should pay an amount sufficient to provide an incentive to profit from the instructional program offered.

(18) Any eligible Oregon resident should have the right to attend a community college even though not residing in a district operating one, subject to the right of the governing board to limit the size of classes and to give preference to students residing in the district. Local school districts and education service districts should have the authority to negotiate the terms and conditions with the governing boards for the enrollment of students residing in such areas. [1971 c.513 §97; 1993 c.65 §130; 1995 c.67 §2]

341.010 [Repealed by 1965 c.100 §456]

341.015 Guidelines for districts. The State Board of Education shall adopt guidelines for the orderly development and management of community college districts, including guidelines for personnel policy formulation, accounting procedures and student record keeping and privacy procedures. [1971 c.293 §§1.2; 1987 c.474 §5; 1995 c.67 §3]

341.018 [1975 c.553 §10; 1993 c.45 §131; repealed by 1995 c.67 §42]
COMMUNITY COLLEGES 341.024

DIRECT AND CONTRACT SERVICES

341.019 All areas in state to be served by district; procedure; responsibility; rules; local advisory committees; duties.
(1) All areas within this state shall be served by a community college district. Such services may be provided either:
   (a) Directly by formation of a community college district; or
   (b) Indirectly by contract with an existing community college district.
(2) The Department of Community Colleges and Workforce Development shall fix responsibility for serving each area that is not within a community college district. Where feasible, each area shall be a whole county or a group of counties or that part of a county not already in a community college district.
(3) In order to obtain the services described in subsection (1)(b) of this section, residents of a nondistrict area must indicate their interest in receiving services by requesting formation of a local advisory committee and seeking the advice and counsel of the Department of Community Colleges and Workforce Development.
(4) The State Board of Education by rule shall establish standards for determining when there is sufficient interest among the residents of a nondistrict area to warrant appointment of a local advisory committee.
(5) When the Department of Community Colleges and Workforce Development has made the determination under subsection (4) of this section, the department and the interested residents of the nondistrict area shall apply jointly to the governing body of the county for the appointment of a local advisory committee.
(6) Upon application, the governing body of the county shall appoint a local advisory committee and shall insure that the committee is broadly representative of the nondistrict area.
(7) If the nondistrict area involves two or more counties, the governing body of each county shall appoint members to the local advisory committee in proportion to the number of county residents within the nondistrict area.
(8) The governing body of a county making appointments under subsection (6) or (7) of this section shall not be obligated to fund any part of the budget described in ORS 341.021 (3).
(9) The duties of the local advisory committee shall include, but need not be limited to, advising the officials of the community college district serving the nondistrict area on the educational needs of the area.
(10) As used in ORS 341.019 to 341.022, “community college district” includes a community college service district. [1987 c.191 §2; 1991 c.757 §3]

341.020 [Repealed by 1965 c.100 §456]

341.021 Provision of service outside districts; proposals; costs.
(1) The Department of Community Colleges and Workforce Development shall invite existing community college districts to submit proposals for the provision of service to an area that has officially indicated its interest in receiving service.
(2) The responsibilities of the host community college district shall include:
   (a) Preparing a written agreement for services to be provided to nondistrict areas using a format specified by the Department of Community Colleges and Workforce Development; and
   (b) Acting as the fiscal agent for agreements including establishing tuition and fees for services offered under terms of an agreement.
(3) Agreements between the community college district and nondistrict entities as listed in ORS 341.315 shall include an annual budget setting forth both revenue and expenditures. The budget shall be based upon the following conditions:
   (a) Subject to ORS 341.022, eligible full-time equivalent student enrollment produced under the agreement may be claimed for state reimbursement purposes by the community college district. Such reimbursement shall come from the Community College Support Fund established in ORS 341.620 and shall be distributed as directed in ORS 341.626 and the rules of the State Board of Education.
   (b) A share of the budget shall be provided by those individuals or agencies receiving service under this agreement as specified by rule of the State Board of Education adopted under ORS 341.024 (3).
(4) Agreements developed under this section shall be wholly supported by Community College Support Fund reimbursement, nondistrict student tuition and nondistrict resources. [1987 c.191 §3; 1991 c.757 §4; 1995 c.67 §4]

341.022 Maximum reimbursable enrollments in nondistrict areas. Annual state reimbursable enrollments under an agreement with a nondistrict area shall not exceed 300 full-time equivalent students. [1987 c.191 §4]

341.023 [1987 c.191 §5; 1991 c.757 §5; repealed by 1995 c.67 §42]

341.024 Rules. The State Board of Education shall adopt rules to implement ORS 341.019 to 341.024. The rules shall provide:
The formation of a community college service district shall comply with the provisions of ORS 341.025 to 341.125. A petition affecting a territory that, in the judgment of the Commissioner for Community College Services, will not generate an annual enrollment in excess of 1,000 full-time equivalent students after three years of operation shall be considered to be a petition for the formation of a community college service district.

(2) If formed, a community college service district shall in all respects be governed by the laws applicable to community college districts with the following exceptions:

(a) Notwithstanding ORS 341.675, community college service districts formed after July 1, 1997, may not incur bonded indebtedness for any purpose. This limitation shall not be construed to prohibit lease-purchase arrangements or other lawful forms of capital financing. A community college service district may hold and own buildings and grounds acquired through gifts or financing methods authorized by this section.

(b) The board of education for a community college service district shall annually review the programs and services of the service district. This review shall have as its purpose a determination of which services can most effectively and economically be delivered directly and which services can best be delivered through contracting arrangements. The direct hiring of faculty and staff is expressly permitted.

(3) After having been in operation for at least three years, a community college service district may submit to the electors of the district the question of whether the district shall operate as a community college district.

(4) Prior to submitting the question to the electors, the community college service district must have been in operation for three years, and must have secured the approval of the State Board of Education to hold the election. Before granting approval, the state board must find:

(a) The service district has acquired stability as demonstrated by a continuity of management, regularly adopted policies and procedures and adequate financial resources; and

(b) The service district has adopted a sound comprehensive plan that sets out the district’s instructional and capital plans for five years. [1989 c.261 §3; 1997 c.249 §105; 1997 c.271 §1; 1999 c.21 §67, 1999 c.211 §1]

Note: ORS 341.039 was added to and made a part of ORS chapter 341 by legislative action but was not added to any series therein. See Preface to Oregon Revised Statutes for further explanation.
341.041 Conversion of certain community college service districts to community college districts. Notwithstanding ORS 341.039 (3) and (4), on July 1, 2001, all community college service districts formed prior to July 1, 1997, shall become community college districts and on and after July 1, 2001, shall operate as community college districts. [2001 c.168 §2]

341.045 Feasibility study; hearing. (1) The State Board of Education shall examine the petition to determine whether it is complete. If the petition is complete and if formation of the district is consistent with the overall plan for all education in the state, the state board shall undertake a study of the feasibility of a community college in the geographical area proposed by the petition, including but not limited to:

(a) Educational needs of the area.
(b) Potential enrollment levels.
(c) The rate of operating taxes that is required to meet the local share of operating and capital expenses and that would, if adopted, be the district’s permanent rate limit for operating taxes, including whether the proposed rate bears a reasonable relationship to the permanent rate limit of operating community college districts of similar size and circumstance to the proposed new district. If the proposed rate is substantially below the rate of similar operating districts, the feasibility study shall explicitly detail how the proposed new district intends to provide a comprehensive community college program.
(d) Relationship of the proposed district to the overall plan for all education in the state.
(e) Boundaries of the proposed district.
(f) The appropriateness of the proposed name of the community college district or the community college, if a name is proposed, in order to determine that the proposed name is not misleading, confusing or grossly inappropriate.

(2) Upon completion of its study, the state board shall set a date for a public hearing on the petition and study and shall give notice of the hearing in the manner provided in ORS 341.357.

(3) The notice of hearing shall state:

(a) A study has been conducted on a proposed district.
(b) The boundaries of the proposed district.
(c) Whether the proposed community college district specifies providing its courses through contract with agencies authorized to enter into such contracts.

(d) The time and place set for the hearing on the petition. [Formerly 347.730; 1967 c.465 §1; 1969 c.673 §2; 1971 c.513 §74; 1991 c.397 §1; 1997 c.541 §378]

341.050 [Repealed by 1965 c.100 §456]

341.055 Hearing; alteration of proposed boundaries. (1) At the time designated in the notice, the State Board of Education or its authorized representative shall conduct a public hearing on the study and may adjourn the hearing from time to time. The state board may alter the boundaries set forth in the petition submitted under ORS 341.025 to include all territory of the residents of which will be materially benefited by formation of the community college district as determined by its study. The state board shall not modify the boundaries of the district as set forth in the petition so as to exclude from the district any territory the residents of which will be materially benefited by formation of the district, nor may there be included in the proposed district any territory the residents of which will not be materially benefited.

(2) If the board concludes that any territory has been improperly included or omitted from the proposed community college district and that electors within the included or omitted territory have not appeared at the hearing, the board shall continue further hearing on the study and shall order notice given to the nonappearing electors requiring them to appear and show cause why their territory should not be excluded or included in the proposed district. The notice shall be given either in the same manner as notice of the original hearing was given or by personal service on each nonappearing elector. If notice is given by personal service, such service shall be made at least 10 days prior to the date fixed for the hearing. [Formerly 341.740; 1967 c.465 §2; 1969 c.673 §§3]

341.060 [Repealed by 1965 c.100 §456]

341.065 Dismissal of petition. If, in the opinion of the State Board of Education, the study and the testimony presented at the hearing or hearings held under ORS 341.055 indicate that the formation of a community college district as petitioned is not warranted under the policies set forth by ORS 341.009, the state board shall order dismissal of the petition. An appeal from this order may be taken within 60 days in the manner provided in ORS 183.480. [1965 c.238 §2; 1967 c.465 §3; 1969 c.673 §4; 1991 c.397 §2]

341.070 [Repealed by 1957 c.723 §28]

341.075 [Formerly 341.750; repealed by 1969 c.673 §5 (341.076 enacted in lieu of 341.075)]

341.076 State board recommendation to legislature; appeal; revision of recommendation; hearing; effect of legislative action. (1) If, upon final hearing of the study
under ORS 341.055, the State Board of Education approves formation of a community college district, with boundaries either as originally presented or as altered pursuant to the hearing, the state board shall make its recommendation to the Legislative Assembly in an order describing the exterior boundaries and the zone boundaries for the election of members of the board of education of the community college district, if any. An appeal from the recommendation may be taken within 60 days in the manner provided in ORS 183.480. If no appeal from this recommendation is filed within 60 days after the date of the recommendation, the recommendation becomes final.

(2) If an appeal is filed, the recommendation becomes final on the date the recommendation is affirmed by the court. However, if the recommendation is not affirmed, the state board may not submit its recommendation to the Legislative Assembly but may reconsider the conclusions of its study and if the state board revises those conclusions, the state board may set a date for a new hearing.

(3) Upon receipt of the final recommendation, the Legislative Assembly shall approve or disapprove the recommendation. If the recommendation is approved, an election to the Legislative Assembly shall be held on the same date as the next primary election or the next general election, as determined by the state board.

(2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election under this section. The state board shall be the district elections authority for an election conducted under this section. Notwithstanding ORS 255.305, the state board shall pay the expenses incurred for the election.

(3) An elector registered in a precinct or in the portion of a precinct which is located within the boundaries of the proposed district may vote on any matter arising at the election under subsection (1) of this section. [Formerly 341.760; 1967 c.605 §18; 1969 c.673 §9; 1971 c.513 §76; 1973 c.796 §51a; 1983 c.83 §72; 1983 c.350 §195; 1987 c.267 §77; 1985 c.67 §6; 1985 c.79 §184; 1995 c.712 §108; 1997 c.541 §79; 2001 c.114 §50]

### 341.085 Election for formation of district

#### (1) Election for the purpose of presenting the question of formation of a district and establishing a permanent rate limit for operating taxes and boundaries of the zones, if the zones were recommended by the State Board of Education, shall be held to submit the question to the electors registered in the proposed district designated in the recommendation of the state board. The election shall be held not sooner than the 90th day after the effective date of the appropriation required by ORS 341.102. The election date shall be uniform throughout the proposed district, and shall be set by the state board on a date specified in ORS 255.345. However, if the question of establishing a permanent rate limit for operating taxes is to be submitted, the election must be held on the same date as the next primary election or the next general election, as determined by the state board.

(2) ORS chapter 255 and ORS 250.035 and 250.036 govern the notice and conduct of an election under this section. The state board shall be the district elections authority for an election conducted under this section. Notwithstanding ORS 255.305, the state board shall pay the expenses incurred for the election.

(3) An elector registered in a precinct or in the portion of a precinct which is located within the boundaries of the proposed district may vote on any matter arising at the election under subsection (1) of this section. [Formerly 341.760; 1967 c.605 §18; 1969 c.673 §9; 1971 c.513 §76; 1973 c.796 §51a; 1983 c.83 §72; 1983 c.350 §195; 1987 c.267 §77; 1985 c.67 §6; 1985 c.79 §184; 1995 c.712 §108; 1997 c.541 §79; 2001 c.114 §50]

#### 341.085 Election for formation of district

(2) In preparing its first budget, the board of the district shall provide for the repayment of the indebtedness incurred for organizational expenses under subsection (1) of this section. [1965 c.129 §2; 1969 c.673 §10; 1971 c.513 §77; 1985 c.67 §7; 1987 c.541 §380]

#### 341.095 Election for formation of district

(1) The State Board of Education shall include as a part of the election called for formation of a district the question of a permanent rate limit for operating taxes to finance the district's share of operating and capital expenses. The rate limit shall be specified by the state board as a result of its study and the hearing held under ORS 341.055. The state board may also include the question of incurring indebtedness to pay organizational expenses of the district between the time the district is approved and the first budget is adopted. If the question of incurring indebtedness is approved, the district may borrow money on its negotiable, short-term, promissory notes in an aggregate amount not to exceed the limit approved at the election and may, notwithstanding ORS 294.326, expend such money without the preparation and adoption of a budget.

(2) In preparing its first budget, the board of the district shall provide for the repayment of the indebtedness incurred for organizational expenses under subsection (1) of this section. [1965 c.129 §2; 1969 c.673 §10; 1971 c.513 §77; 1985 c.67 §7; 1987 c.541 §380]
341.105 List of electors. When at the request of the State Board of Education the county clerk of the principal county, in consultation with county clerks of the affected counties, prepares a list or lists of names and addresses of the electors registered in the proposed district, the Department of Community Colleges and Workforce Development is authorized to pay the charge as determined under ORS 255.305. [Formerly 341.770; 1969 c.673 §11; 1971 c.513 §78; 1973 c.796 §51b; 1983 c.83 §73; 1983 c.67 §10; 1997 c.541 §381]

341.115 Effect of election results. (1) If the vote is in favor of the formation of the community college district and establishes a permanent rate limit for operating taxes for the district, the State Board of Education:

(a) Shall proclaim not later than the second regular meeting of the state board following the board’s determination from the election results that a community college district has been formed; and

(b) Shall furnish any affected county assessor with a copy of the proclamation.

(2) If the location of the community college or zone boundaries are specified on the ballot, and the vote favors formation, the state board shall include such location and boundaries in its proclamation.

(3) If the vote is in favor of the formation of a community college district but opposed to a permanent rate limit at the rate submitted, the district shall not be formed. [Formerly 341.780; 1969 c.673 §13; 1983 c.350 §197; 1995 c.67 §9]

341.125 First board. (1) The first board of education of a district shall be elected at the same election as the election at which votes are cast for the formation of the district. Nominations for the board of education positions to be filled by nomination and election at-large shall be made by petition requesting that such person’s name be placed on the ballot and signed with the signatures of at least 50 electors registered in the proposed district. If the district has been zoned and the position is to be filled by nomination or election by zone, the petition shall be signed by at least 25 electors registered in the zone. The petition shall be presented to the State Board of Education at least 70 days prior to the election. Upon receipt of petitions which comply with applicable law, the state board shall cause the names of such nominees to be placed upon the ballot.

(2) Seven members shall be elected to the first board, to serve terms of four and two years respectively in accordance with the number of votes each receives with the three members receiving the largest number of votes serving the four-year terms. The terms of office of the members of the first board shall be computed from the date of June 30 subsequent to the date of their election, but the members shall take office immediately following the election. If for any reason a district is not formed, the election of board members for that proposed district is void.

(3) If the district has been zoned, the state board shall designate the positions to be nominated or elected by zone and shall specify the length of the term to be served by each member of the first board elected by zone.

(4) If the election is at large, the length of the term of office of members of the first board elected shall be determined in accordance with the number of votes each receives in the election. Those receiving the highest number of votes may serve the four-year terms, subject to any term designations made by the state board under subsection (3) of this section. [Formerly 341.900; 1971 c.513 §79; 1973 c.796 §52; 1983 c.83 §74; 1995 c.258 §8]

341.135 [Formerly 341.910; repealed by 1971 c.513 §100]

341.155 [Formerly 341.912; 1971 c.513 §80; repealed by 1983 c.350 §331a]

341.165 [Formerly 341.914; 1969 c.220 §2; 1971 c.513 §81; 1983 c.350 §198; renumbered 341.331]

341.175 Adjustment of zone boundaries. The board shall adjust the boundaries of zones established within a district as necessary to make them as nearly equal in population as is feasible according to the latest federal census. The board also shall adjust boundaries of zones as necessary to reflect boundary changes of the district. [Formerly 341.916; 1969 c.220 §§3; 1971 c.513 §28; 1983 c.350 §199]

341.185 Review of zone boundaries. Any elector of a district aggrieved by the adjustment of or failure to adjust boundaries of a zone pursuant to ORS 341.175 on the basis that population is not as nearly equal as is feasible is entitled to appear before the board at a public hearing to present the case. If the board refuses to make the requested adjustment in the boundaries, the aggrieved elector may appeal from the decision of the board to the circuit court. The appeal shall be by writ of review. [1971 c.513 §29; 1983 c.350 §200]

341.195 [Subsections (1) and (2) formerly 341.820; subsection (3) formerly 341.880; repealed by 1971 c.513 §100]

341.205 [1965 c.100 §321 (enacted in lieu of 341.830); repealed by 1971 c.513 §100]

341.210 [Repealed by 1959 c.121 §2]

341.215 [Formerly 341.840; repealed by 1971 c.513 §100]

341.220 [Repealed by 1959 c.121 §2]

341.225 [Formerly 341.850; repealed by 1971 c.513 §100]

341.230 [Repealed by 1959 c.121 §2]
BOARD OF EDUCATION

(Composition)

341.275 Community college district board; qualifications. (1) The board shall be composed of seven members.

(2) No person who is an employee of the community college district shall be eligible to serve as a member of the board for the district by which the employee is employed. [Formerly 341.790; 1967 c.605 §19; 1969 c.220 §6; 1971 c.513 §26; 1981 c.114 §1; 1983 c.350 §201]

341.280 [1969 c.220 §5; 1971 c.513 §24; renumbered 341.327]

341.282 [1969 c.220 §7; renumbered 341.329]

(Organization)

341.283 Organization; meetings; quorum; rules; journal; expenses. (1) After July 1 of each year, the board of a district shall meet and organize by electing a chairperson and a vice chairperson from its members.

(2) The board shall provide for the time and place of its regular meetings, at any of which it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. Special meetings shall be convened by order of the chairperson of the board or upon the request of four board members at least 24 hours before such meeting is to be held, or by common consent of the board members. Notice of any special meeting shall be given to the members pursuant to bylaws of the board.

(3) A majority of the board members shall constitute a quorum. The affirmative vote of the majority of members of the board is required to transact any business.

(4) The board shall adopt rules for the conduct of its members and its proceedings. The board shall keep a journal and, on the call of any one of its members, shall cause the yeas and nays to be taken and entered upon its journal upon any question before it.

(5) Any duty imposed upon the board as a body shall be performed at a regular or special meeting and shall be made a matter of record. The consent to any particular measure obtained from individual board members when the board is not in session shall not be an act of the board and shall not be binding upon the district.

(6) Members of the board shall receive no compensation for their services, but they shall be allowed the actual and necessary expenses incurred by them in the performance of their duties. [1971 c.513 §2; 1973 c.725 §2; 1995 c.67 §12]

341.285 [Formerly 341.805; repealed by 1971 c.513 §100]

(Status)

341.287 Status; official title of board. (1) Districts are bodies corporate, and the board is authorized to sue and be sued in the corporate name.

(2) The members of the board of a district in their official capacity shall be known as the board of education of the community college district. [1971 c.513 §3]

(Powers)

341.290 General powers; rules. The board of education of a community college district shall be responsible for the general supervision and control of any and all community colleges operated by the district. Consistent with any applicable rules of the State Board of Education, the board may:

(1) Subject to ORS chapters 238 and 238A, employ administrative officers, professional personnel and other employees, define their duties, terms and conditions of employment and prescribe compensation therefor, pursuant to ORS 243.650 to 243.782.

(2) Enact rules for the government of the community college, including professional personnel and other employees thereof and students therein.

(3) Prescribe the educational program.

(4) Control use of and access to the grounds, buildings, books, equipment and other property of the district.

(5) Acquire, receive, hold, control, convey, sell, manage, operate, lease, lease-purchase, lend, invest, improve and develop any and all property of whatever nature given to or appropriated for the use, support or benefit of any activity under the control of the board, according to the terms and conditions of such gift or appropriation.

(6) Purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.

(7) Fix standards of admission to the community college, prescribe and collect tuition for admission to the community college, including fixing different tuition rates for students who reside in the district, students who do not reside in the district but are residents of the state and students who do not reside in the state.
(8) Prescribe and collect fees and expend funds so raised for special programs and services for the students and for programs for the cultural and physical development of the students.

(9) Provide and disseminate to the public information relating to the program, operation and finances of the community college.

(10) Establish or contract for advisory and consultant services.

(11) Take, hold and dispose of mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties and authority of the board and institute, maintain and participate in suits and actions and other judicial proceedings in the name of the district for the foreclosure of such mortgages.

(12) Maintain programs, services and facilities, and in connection therewith, cooperate and enter into agreements with any person or public or private agency.

(13) Provide student services including health, guidance, counseling and placement services, and contract therefor.

(14) Join appropriate associations and pay any required dues therefor from resources of the district.

(15) Apply for federal funds and accept and enter into any contracts or agreements for the receipt of such funds from the federal government or its agencies for educational purposes.

(16) Exercise any other power, duty or responsibility necessary to carry out the functions under this section or required by law.

(17)Prescribe rules for the use and access to public records of the district that are consistent with ORS 192.420, and education records of students under applicable state and federal law and rules of the State Board of Education. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student. However, faculty records relating to matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters shall not be made available to public inspection for any purpose except with the consent of the person who is the subject of the record or upon order of a court of competent jurisdiction.

(18) Enter into contracts for the receipt of cash or property, or both, and establish charitable gift annuities pursuant to ORS 731.038; and, commit, appropriate, authorize and budget for the payment of or other disposition of general funds to pay, in whole or in part, sums due under an agreement for a charitable gift annuity, and to provide the necessary funding for reserves or other trust funds pursuant to ORS 731.038.

(19) Encourage gifts to the district by faithfully devoting the proceeds of such gifts to the district purposes for which intended.

(20) Build, furnish, equip, repair, lease, purchase and raze facilities; and locate, buy and acquire lands for all district purposes. Financing may be by any prudent method including but not limited to loans, contract purchase or lease. Leases authorized by this section include lease-purchase agreements under which the district may acquire ownership of the leased property at a nominal price. Such financing agreements may be for a term of up to 30 years except for lease arrangements which may be for a term of up to 50 years.

(21) Participate in an educational consortium with public and private institutions that offer upper division and graduate instruction. Community colleges engaged in such consortiums may expend money, provide facilities and assign staff to assist those institutions offering upper division and graduate instruction.

(22) Enter into contracts of insurance or medical and hospital service contracts or may operate a self-insurance program as provided in ORS 341.312. [Formerly 341.890; repealed by 1971 c.513 §4; 1973 c.536 §4; 1981 c.137 §1; 1985 c.655 §1; 1989 c.191 §1; 1989 c.341 §1; 1993 c.906 §6; 1995 c.79 §185; 1999 c.502 §1; 2003 c.713 §724; 2005 c.31 §5]

341.295 [Formerly 341.890; repealed by 1971 c.513 §100]

341.300 Traffic control; conditions on parking privileges; rules; penalty. (1) The board may adopt such regulations as it considers necessary to provide for the policing, control and regulations of traffic and parking of vehicles on property under the jurisdiction of the board. Such regulations may provide for the registration of vehicles, the designation and posting of parking areas, and the assessment and collection of reasonable fees and charges for parking and shall be filed in the board business office on the campus and shall be available for public inspection. The board may require that before a quarterly or yearly parking privilege for any vehicle is granted to any full-time or part-time student to use board property, the student must show that the vehicle is operated by a student holding a valid driver license, that the vehicle is currently registered and that the student driving the vehicle is insured under a motor vehicle liability insurance policy that meets the requirements described under ORS
806.080 or that the student or owner of the vehicle has provided the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) The regulations adopted pursuant to subsection (1) of this section may be enforced administratively under procedures adopted by the board. Administrative and disciplinary sanctions may be imposed upon students, faculty, and staff for violation of the regulations. The board may establish hearing procedures for the determination of controversies in connection with imposition of fines or penalties.

(3) Upon agreement between the board and a city or county in which all or part of the community college campus is located, proceedings to enforce regulations adopted pursuant to subsection (1) of this section shall be brought in the name of the city or county enforcing the regulation in the circuit, justice or municipal court in the county in which the violation occurred. The fines, penalties and costs recovered shall be paid to the clerk of the court involved in accordance with the agreement between the board and the city or county with which the agreement is made.

(4) The regulations adopted pursuant to subsection (1) of this section may also be enforced by the impoundment of vehicles, and a reasonable fee may be enacted for the cost of impoundment and storage, if any, prior to the release of the vehicles to their owners.

(5) Every peace officer acting within the jurisdictional authority of a governmental unit of the place where the violation occurs shall enforce the regulations adopted by the board under subsection (1) of this section if an agreement has been entered into pursuant to subsection (3) of this section. The board, for the purpose of enforcing its regulations governing traffic control, may appoint peace officers who shall have the same authority as other peace officers as defined in ORS 133.005.

(6) Issuance of traffic citations to enforce the regulations adopted by the board under subsection (1) of this section shall conform to the requirements of ORS chapter 153. However, in proceedings brought to enforce parking regulations, it shall be sufficient to charge the defendant by an unsworn written notice in accordance with the provisions of ORS 221.333.

(7) Violation of any regulation adopted by the board pursuant to subsection (1) of this section and enforced pursuant to subsection (3) of this section is a misdemeanor.

341.305 Tax levy. Subject to the Local Budget Law (ORS 294.305 to 294.565) and sections 11 and 11b, Article XI of the Oregon Constitution, each community college district shall prepare annually an estimate of the amount of funds necessary to carry out the purposes of the district and may levy a tax upon all assessable property in the district. [Formerly 341.900; 1993 c.45 §132; 1997 c.541 §382; 1999 c.502 §3]

341.308 Authority to certify operating taxes. A community college district, upon approval of a majority of the electors voting upon the question at the election held to approve formation of a district, may certify operating taxes to the assessor under ORS 310.060 that are within the district’s permanent rate limit established under ORS 341.095. [1997 c.521 §4]

Note: 341.308 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

341.309 Establishment of interstate taxing authority. A community college district may enter into discussions with county governments or other similar county-wide public organizations in bordering states for the purpose of discussing the feasibility of establishing interstate taxing authority for the district through an interstate agreement entered into pursuant to ORS 190.410 to 190.440. Any such agreement shall be approved by the Legislative Assembly prior to taking effect. [1997 c.521 §4]

Note: 341.309 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

341.310 [Renumbered 332.810]

341.311 Eminent domain. A board may obtain by condemnation the title to any land it is authorized to acquire. Condemnation proceedings instituted by the board shall be conducted in accordance with and subject to the provisions of ORS chapter 35 except that the relator therein shall be the board. [1971 c.513 §6]

341.312 Self-insurance program. (1) A board of education of a community college district may operate a self-insurance program to provide its employees with health insurance benefits.

(2) A board may operate a self-insurance program under this section for liability covering all activities of the community college district and for health insurance benefits for students engaging in athletic contests or in traffic patrols, and may pay the necessary premiums thereon.

(3) Failure to operate a self-insurance program shall in no case be construed as negligence or lack of diligence on the part of the board or the members thereof. [1999 c.502 §3]
341.315 Contract for educational services. Any school district, education service district, institution of higher education, county, municipality or private organization may contract with a community college district to provide services of an educational nature that are subject to the approval of the State Board of Education. [Formerly 341.825; 1987 c.204 §1; 1995 c.67 §14]

341.317 Educational services to inmates at correctional institutions; reimbursement. (1) Reimbursement from the Community College Support Fund established in ORS 341.620 may be made available to community colleges that deliver educational services to inmates confined to the state-operated correctional facilities and to locally operated correctional facilities. Such reimbursement shall be distributed as directed in ORS 341.626 and the rules of the State Board of Education.

(2) The State Board of Education shall review and approve services to correctional institutions at least once biennially.

(3) The enrollment limitation, as provided by ORS 341.022, does not apply to persons receiving services under this section.

(4) Reimbursement from the Community College Support Fund established in ORS 341.620 may not be made available to community colleges for delivering educational services to inmates confined in federal prisons. Neither shall local property taxes be used to support such services. A host community college shall support such services through a contractual arrangement with the federal government. [1987 c.204 §3; 1989 c.256 §1; 1995 c.67 §15]

341.319 Intellectual property. (1) A board may acquire by gift or by purchase interests in intellectual property of any kind, whether patentable or copyrightable or not, including patents, copyrights, inventions, discoveries, processes and ideas. The board may also agree to aid in the development of property acquired pursuant to this section and to pay an assignor of any interest in intellectual property a share of any moneys received on account of the board’s ownership or management of the property.

(2) A board may manage, develop or dispose of by assignment, sale, lease, license or other action deemed advisable by the board, property acquired under subsection (1) of this section, and may contract with any person or agency, board, commission or department of this or any other state or with the federal government regarding the management, development or disposition thereof. The board may make gratuitous assignments of such property to any trust or fund, the sole beneficiary of which is the district or any of the institutions or activities under its control, subject to the share, if any, agreed to be paid to the assignor. The board may reassign such property to the inventor, author or discoverer.

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

(4) Moneys received by the board as a result of ownership or management of property acquired under this section or of transactions regarding such property shall be credited to a special fund which shall only be applied to payment of the agreed share, if any, to assignors, the remainder, if any, may be used for general expenses of the college. [1971 c.513 §7]

341.320 [Renumbered 332.820 and then 341.195 (1), (2)]

341.321 Reserve fund; establishment and termination procedures. Notwithstanding any other statutory provisions, any board of education of a community college district by resolution may establish a reserve fund by making transfers from the district’s general fund. Transfers to the reserve fund shall be included in the district budget prepared and published in accordance with ORS 294.305 to 294.565. If at any time conditions arise which dispense with the necessity for further transfers to or expenditures from a fund established pursuant to this section, the district board shall so declare by resolution. The resolution shall order the balance remaining in such fund to be transferred to the general fund of the district and shall declare the reserve fund closed. [1975 c.770 §25; 1995 c.67 §16]

341.325 [1971 c.513 §23; 1973 c.796 §53; repealed by 1983 c.83 §114]

(Nomination and Election)

341.326 Qualification. (1) At each regular district election, board members shall be elected for a term of four years to succeed the board members whose terms of office expire on June 30 of that year.

(2) A person shall be qualified to be a candidate for election to the board if the person is an elector who resides in the district. If the district is zoned and the position sought is one elected or nominated by zone, the person also must reside in the zone from which the person is nominated.

(3) Members of a board shall be nominated and elected at large or by zones according to a method described in ORS
341.327 and determined under ORS 341.025 or 341.331.

(4) A board member must qualify for office by taking an oath of office. [Formerly 341.326]

341.327 Mode of election of board. (1) The board members may be elected in one of the following methods or a combination thereof:

(a) Elected by electors of zones as nearly equal in population as possible according to the latest federal census.

(b) Elected at large by position number by the electors of the district.

(2) Candidates for election from zones shall be nominated by electors of the zones. Candidates for election at large may be nominated by electors of zones or by electors of the district, as determined under subsection (3) of this section.

(3) Where the method selected under subsection (2) of this section includes a combination of nomination of candidates from and by zones and of nomination of candidates at large, the number of candidates to be nominated in each manner shall be specified in the petition submitted under ORS 341.025 or under ORS 341.331. [Formerly 341.280]

341.329 [Formerly 341.282; 1985 c.565 §60; repealed by 1995 c.67 §42]

341.330 [Renumbered 332.830]

341.331 Change in method of nominating and electing board. (1) This section establishes the procedure for determining whether the method adopted in a district for nominating and electing board members should be changed to another method described in ORS 341.327. The question shall be decided by election. The district board shall order an election on the question when a petition is filed as provided in this section.

(2) Except as otherwise provided in this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205.

(3) If the question proposes creation of zones or a change in the number of existing zones, the following requirements shall apply:

(a) The petition shall contain a map indicating the proposed zone boundaries. The map shall be attached to the cover sheet of the petition and shall not exceed 14 inches by 17 inches in size.

(b) Notwithstanding ORS 250.035, the statement summarizing the measure and its major effect in the ballot title shall not exceed 150 words. The statement:

(A) Shall specify the method of nomination and election of board members from among the methods described in ORS 341.327. The statement also shall specify whether, in filling each position on the board, an elector of the district may sign a petition of nomination or vote for a candidate from any zone or only for a candidate from the zone in which the elector resides.

(B) Shall include a general description of the proposed boundaries of the zones, using streets and other generally recognized features.

(c) The order calling the election shall contain a map and a metes and bounds or legal description of the proposed zone boundaries. The map and description shall be prepared by the county surveyor or county assessor and shall reflect any adjustment made in the boundaries under subsection (6) of this section.

(4) The map to be contained in the petition under subsection (3) of this section shall be prepared by the county surveyor or county assessor. The chief petitioners shall pay the county for the cost of preparing the map, as determined by the county surveyor or county assessor. The county clerk shall not accept the prospective petition for filing until the chief petitioners have paid the amount due.

(5) Subsection (3) of this section does not apply if the question proposes abolition of all zones.

(6) Before submitting to election a question to which subsection (3) of this section applies, the district board shall adjust the proposed boundaries of the zones to make them as nearly equal in population as feasible according to the latest federal census. The district board shall amend the ballot title as necessary to reflect its adjustment of the boundaries.

(7) If the electors of the district approve the establishment of zones or a change in the number of existing zones, board members shall continue to serve until their terms of office expire. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by persons who reside within zones which are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot. [Formerly 341.165; 1995 c.79 §186; 1995 c.534 §15]


341.335 Vacancy; filing of vacancy; term of appointed member. (1) The board shall declare the office of a board member vacant if it finds any of the following:

(a) The incumbent has died or resigned.
(b) The incumbent has been removed or recalled from office or the election of the incumbent thereto has been declared void by the judgment of a court.

(c) The incumbent has ceased to be a resident of the district from which the incumbent was nominated or elected.

(d) The incumbent has ceased to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson of the board.

(2) A board member who is nominated or elected by zone and who changes permanent residence from one zone of a district to another zone or who by a change in zone boundaries no longer resides in the zone of nomination or election is entitled to continue to serve as board member until June 30 following the next regular district election at which a successor shall be elected by the electors to serve for the remainder of the unexpired term, if any. The successor shall take office July 1 next following the election.

(3) When a vacancy is declared under subsection (1) of this section, the remaining board members shall meet and appoint a person to fill the vacancy from any of the electors of the district if the position is one filled by both nomination and election at-large, and otherwise from any of the electors of the zone from which the vacancy occurs.

(4) If the offices of a majority of the board members are vacant at the same time, the governing body of the principal county shall appoint persons to fill the vacancies from any of the electors of the district if the positions are filled by both nomination and election at-large, and otherwise from any of the electors of the zone from which the vacancy occurs.

(5) The period of service of a board member appointed under subsection (3) or (4) of this section commences upon appointment and expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office on July 1. [1971 c.513 §27; 1975 c.647 §31; 1977 c.149 §5; 1983 c.350 §203; 2003 c.576 §436]

341.339 Position numbers required for at-large positions. (1) The positions of board members elected at-large, and their respective successors in office, shall be designated by numbers as Position No. 1, Position No. 2, and so on.

(2) This section applies to any district that elects any board member to an at-large position. [1971 c.513 §30; 1983 c.350 §204]

341.340 [Renumbered 332.840 and then 341.215]

341.341 Assigning position numbers. Position numbers for board members elected at-large, and their respective successors in office in the event of vacancies before the expiration of their terms, in districts changing the method of election of any of the board members shall be determined by drawing by the affected board members under the supervision of the county clerk of the principal county. As soon as possible after the drawing, the county clerk of the principal county shall furnish a certified statement to each affected board member of the position number drawn by the board member. A copy of the statement shall be filed with the county clerk of the principal county and with the administrative office of the district. [1971 c.513 §31]

341.345 [1971 c.513 §32; repealed by 1983 c.350 §331a]

341.347 [1971 c.513 §33; repealed by 1983 c.350 §331a]

341.349 [1971 c.513 §34; repealed by 1983 c.350 §331a]

341.351 [1971 c.513 §35; repealed by 1993 c.45 §134]

341.353 [1971 c.513 §10; 1973 c.796 §§5; repealed by 1983 c.350 §331a]

ELECTIONS GENERALLY

341.356 Election laws applicable. (1) ORS chapter 255 governs the following:

(a) The nomination and election of board members.

(b) The conduct of district elections.

(2) The electors of a community college district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205.

(3) ORS 249.865 to 249.877 govern the recall of board members. [1983 c.350 §206]

341.357 Publication of notices. (1) Except as provided by ORS chapter 255 and ORS 294.421 (Local Budget Law), notice of community college district organization and merger, community college district budgets and community college district purchasing shall be given only as provided in this section.

(2) Whenever notice is required, the board shall cause the notice to be published in one or more of the newspapers published in the district and having a general circulation in the district. If no newspaper is published in the district, the notice shall be published in some newspaper designated by the board and having circulation throughout the district. The notice shall be published in at least two issues of each designated newspaper.
341.369 Special elections. The board may call a special election upon questions as to the issuance of bonds, the levy of taxes which may not be levied without the affirmative vote of the people and any other questions which may be submitted to the electors of such districts. [1971 c.513 §17; 1973 c.796 §57; 1983 c.350 §208]

341.371 Board resolution required to submit question to electors. Any of the questions to be submitted to the electors of any district must be submitted in the form of a resolution of its board. The resolution shall specify the questions to be voted upon and the date for holding any special election. The board may adopt any such resolution on its own motion, and must adopt the resolution when petitioned by the requisite number of electors of the district. [1971 c.513 §18; 1973 c.796 §56; 1983 c.350 §207]

341.373 Approval required to commence or change program and for transfer credits. (1) Before an educational program is commenced at any community college, the board of education of a community college district shall apply to the State Board of Education, a community college may be established by a community college district in which all the requirements for formation of the district are met and for which adequate building space, library and suitable laboratory or shop space for the courses to be offered are available or will be available before classes begin. [Formerly 341.520; 1967 c.465 §4]

341.415 Official name of college. The official name of every community college shall include the words “community college.” [1965 c.19 §1; 1971 c.513 §88]

341.420 Procedure for name changes for district or college. (1) (a) Subject to the requirements of subsection (2) of this section, the name of any community college district or community college may be changed by resolution of the district board of education. The district board shall submit the proposed name change to the State Board of Education for its approval or disapproval. If the proposed name change is approved by the state board, it shall be submitted to a public hearing in the district. If the state board disapproves the proposed name change, the district board may rescind its resolution or revise it to reflect a different name which must be submitted to the state board for its approval or disapproval.

(b) If the proposed name is approved by the state board, notice of the hearing shall be given as provided in ORS 341.357. The proposed change shall take effect 21 days after the final adjournment of the public hearing unless a remonstrance is filed under subsection (2) of this section.

(2) If a remonstrance to the proposed name change is filed with the district board within 20 days after the final adjournment of the public hearing under subsection (1) of this section, the district board must submit the question of the proposed name change to the electors of the district unless the board rescinds its resolution. The remonstrance must be signed by at least five percent or at least 50, whichever is less, of the electors of the district. The proposed name change shall be submitted to the electors at the regular school election next following adoption of the resolution.

(3) If the majority of votes cast at the election favor the change, it shall take effect upon the canvass and return of the vote. If the majority of votes cast oppose the change, it shall not take effect. [1971 c.513 §94; 1991 c.397 §3]

ESTABLISHMENT AND OPERATION OF COMMUNITY COLLEGES

(3) The board may also cause broadcasting of any notice required to be published in the manner provided in ORS 193.310 to 193.360.

(4) The board shall cause the time and place of publishing each of the notices required by subsection (1) of this section and the content of such notices to be recorded in the minutes of the board. [1971 c.513 §11; 1973 c.796 §56; 1983 c.350 §207]

341.389 [1971 c.513 §12; repealed by 1973 c.796 §79]

341.391 [1971 c.513 §13; repealed by 1973 c.796 §79]

341.393 [1971 c.513 §14; repealed by 1973 c.796 §79]

341.395 [1971 c.513 §15; repealed by 1973 c.796 §79]

341.397 [1971 c.513 §16; repealed by 1983 c.350 §331a]

341.399 [1971 c.513 §17; 1973 c.796 §57; 1983 c.350 §208]

341.401 RESOLUTION OF NAME CHANGE. The board may change the official name of any community college district to include the words “community college.” [1965 c.19 §1; 1971 c.513 §88]

341.403 [1965 c.19 §1; 1973 c.796 §79]

341.405 Establishment of community college. Upon approval of the State Board of Education, a community college may be established by a community college district in which all the requirements for formation of the district are met and for which adequate building space, library and suitable laboratory or shop space for the courses to be offered are available or will be available before classes begin. [Formerly 341.520; 1967 c.465 §4]

341.415 Official name of college. The official name of every community college shall include the words “community college.” [1965 c.19 §1; 1971 c.513 §88]

341.420 Procedure for name changes for district or college. (1)(a) Subject to the requirements of subsection (2) of this section, the name of any community college district or community college may be changed by resolution of the district board of education. The district board shall submit the proposed name change to the State Board of Education for its approval or disapproval. If the proposed name change is approved by the state board, it shall be submitted to a public hearing in the district. If the state board disapproves the proposed name change, the district board may rescind its resolution or revise it to reflect a different name which must be submitted to the state board for its approval or disapproval.

(b) If the proposed name is approved by the state board, notice of the hearing shall be given as provided in ORS 341.357. The proposed change shall take effect 21 days after the final adjournment of the public hearing unless a remonstrance is filed under subsection (2) of this section.

(2) If a remonstrance to the proposed name change is filed with the district board within 20 days after the final adjournment of the public hearing under subsection (1) of this section, the district board must submit the question of the proposed name change to the electors of the district unless the board rescinds its resolution. The remonstrance must be signed by at least five percent or at least 50, whichever is less, of the electors of the district. The proposed name change shall be submitted to the electors at the regular school election next following adoption of the resolution.

(3) If the majority of votes cast at the election favor the change, it shall take effect upon the canvass and return of the vote. If the majority of votes cast oppose the change, it shall not take effect. [1971 c.513 §94; 1991 c.397 §3]
Board of Education for permission to commence the program. After the first year of the program, course additions, deletions or changes must be presented to the State Board of Education or a representative of the Department of Community Colleges and Workforce Development authorized to act for the state board for approval.

(2) Until the community college becomes accredited by the Northwest Association of Schools and Colleges or its successor, the community college shall contract with an accredited community college for its instructional services, including curricula, to ensure its courses carry accreditation and are acceptable for transfer.

(3) After reviewing the contractual agreement between the nonaccredited and the accredited colleges and after suggesting any modifications in the proposed program of studies, the State Board of Education shall approve or disapprove the application of a district. [Formerly 341.560; 1971 c.513 §89; 1991 c.757 §6; 1995 c.67 §17; 1997 c.270 §1; 1999 c.147 §§1,2]

341.435 [Formerly 341.570; 1971 c.513 §90; repealed by 1985 c.67 §42]

341.437 [1971 c.513 §74c; 1983 c.121 §1; repealed by 1989 c.261 §4]

341.440 Contracts with other districts, state department, university or private schools for educational services. (1) A community college district may contract with another community college district, common or union high school district, education service district, the Department of Higher Education, the Oregon Health and Science University, with a private educational institution accredited by the Northwest Association of Schools and Colleges or its successor or a career school as defined in ORS 345.325, must be taken at a career school domiciled in this state and must be approved for credit by the Commissioner for Community College Services.

(2) A community college may charge a transcripting fee to a student for courses taken at a career school and accepted by the community college under subsection (1) of this section. Such a fee is to be set by the board and is to be consistent with other student fees.

(3) Time spent by students on such courses shall not be considered as clock hours of instruction in determining full-time equivalency for purposes of ORS 341.626. [1985 c.529 §9; 1975 c.478 §27; 1987 c.474 §8; 1995 c.67 §19; 1995 c.343 §32]

341.460 Credit for traffic safety education course not permitted. A community college offering a traffic safety education course under ORS 336.795 to 336.815 shall give no credit for completion thereof and time spent by students on such courses shall not be considered as clock hours of instruction in determining full-time equivalency for purposes of ORS 341.626. [1969 c.623 §4; 1995 c.67 §20; 1999 c.328 §14]

341.463 Courses in American Sign Language. If a board of education of a community college determines that enrollment is sufficient to make an American Sign Language class economically viable and if qualified instructors are available, the board may offer to students courses for credit in American Sign Language. Such courses shall satisfy any second language elective requirement. [1995 c.687 §2]

Note: 341.463 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 341 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.
341.465 Certificates and associate degrees. The board of a district operating a community college, upon approval of the State Board of Education, may award certificates and associate degrees indicating satisfactory completion of a course of study offered by the community college. [Formerly 341.580]

(Students)

341.475 Student loan fund. A community college district may establish a student loan fund and apply to and receive from the federal government such grants or loans as may be available for such loans. [Formerly 341.815]

341.485 Scholarships. (1) In addition to any other scholarships provided by law, the board may award tuition and fee-exempting scholarships in the college to students applying for enrollment or who are enrolled in the college.

(2) Scholarships shall be awarded on the basis of the student's:

(a) Demonstrated ability to profit from either professional technical or college transfer courses; and

(b) Need for financial assistance.

(3) In addition to the qualifications specified in subsection (2) of this section, the board awarding the scholarship may prescribe qualifications that are of such nature that scholarships awarded under this section will benefit both the student and the people of this state. [1965 c.148 §1; 1971 c.513 §91; 1993 c.45 §136]

341.495 [1965 c.262 §2; repealed by 1993 c.45 §137]

341.505 Admission of students. (1) A district shall admit high school graduates who are residents of Oregon and may admit other residents who, in the judgment of the administration of the district, are capable of profiting from the instruction offered in a specific course or program without regard to age. In the case of a student younger than 16 years of age, the college administration shall make the final determination.

(2) Districts may also admit persons who are not residents of the district or of the state, including persons who are not citizens of the United States, if such admission is considered suitable.

(3) Upon application of a qualified high school student residing in this state and upon agreement between the district and the school district in which the student resides, the student may be admitted to the community college.

(4) Any district may contract with another district to admit students of either college to the college of the other. [1965 c.262 §§3; 1993 c.45 §138; 1995 c.67 §21]

341.510 [1959 c.641 §1; 1961 c.602 §1; 1963 c.483 §9; 1965 c.100 §301; renumbered 341.005]

341.515 [1965 c.262 §§4,9; repealed by 1971 c.513 §100]

341.520 [1959 c.641 §2; 1961 c.602 §2; 1965 c.100 §328; renumbered 341.405]

341.525 Contracts for reimbursement between college districts; effect of high school student’s enrollment on school funding. (1) In the event of an agreement between two colleges to admit each other’s students, if the student seeking admission to the community college resides within that college’s district, no additional reimbursement shall be required from any college district. However, if the student does not reside within the district, a contract of reimbursement may be entered into between the district and any other district. The contract shall provide for reimbursement to the district for each student in an amount not to exceed the difference between the per student operating expense of the district and the amounts obtained from the student for tuition and fees and obtained from state and federal aid.

(2) By agreement of the contracting districts, the contracts for reimbursement referred to in subsection (1) of this section may provide that payments to the district be based on expenses of the district other than operating expenses. Such payments shall be in addition to the reimbursable amounts referred to in subsection (1) of this section.

(3) If a high school student enrols in a planned program agreed upon by the school district and the community college during regular school hours, the community college may include the high school student in determining the number of full-time equivalent students for the purposes of ORS 341.626 and other laws governing the distribution of state and federal funds to such colleges. However, the school district in which the high school student resides is not obligated to make any adjustment in its report under ORS 327.133. [1965 c.262 §§5,6; 1995 c.67 §22]

341.527 Admission of nonresident students at resident tuition rate under certain conditions; exchange procedures; rules. (1) Community colleges in Oregon shall admit students from other states at the same tuition rate assessed against Oregon residents who are residents of the community college district if:

(a) The state in which the student resides agrees to pay and pays its per capita state aid for comparable students in the state to the community college;

(b) The state in which the students reside agrees to permit and permits one-for-one full-time enrollment exchange arrangements that allow an equal number of Oregon residents to be admitted to community colleges
or comparable institutions in the state at the same tuition rate assessed against residents of the state and community colleges or comparable institutions in the state in which the students reside agree to admit and admit approved Oregon residents without assessing nonresident tuition; or

(c) The board of the community college determines out-of-state residents are essential to providing the critical mass to offer programs that would otherwise be unavailable to Oregon residents.

(2) The Department of Community Colleges and Workforce Development shall enter into agreements with such other states as are willing to agree to the provisions of this section to establish reimbursement procedures or one-for-one exchange procedures.

(3) In cases described in subsection (1)(a) of this section, the Department of Community Colleges and Workforce Development shall pay from funds available therefor to the state that agrees to pay and does pay its per capita state aid to eligible Oregon community colleges to the credit of the community college or comparable institution educating the Oregon resident an amount equal to the amount that would be available under ORS 341.626 if the Oregon resident were enrolled in a community college in this state. From these same funds, the Department of Community Colleges and Workforce Development shall pay to the Oregon community colleges admitting approved one-for-one exchange students as provided by subsection (1)(b) of this section, from other states, an amount equal to the amount that would be available under ORS 341.626 as if the enrolled one-for-one students were Oregon residents. The Department of Community Colleges and Workforce Development shall not reimburse Oregon community colleges who admit students from other states under subsection (1)(c) of this section.

(4) If a state that has entered into the agreement to pay the per capita state aid to eligible Oregon community colleges as described in subsections (1) and (2) of this section does not make any payment agreed to, the agreement terminates after the affected community college notifies the State Board of Education of the lack of payment. The termination is effective 30 days after the state board notifies the appropriate agency of the other state that the agreement is terminated if no payment is received by the end of the academic period for which tuition is assessed and no payment is received at that time. The agreement may be reinstated by mutual consent of the parties.

(5) The State Board of Education shall adopt rules governing attendance in community colleges or comparable institutions in other states for purposes of the reimbursement authorized under subsections (1) and (2) of this section to assure that Oregon residents shall not be the object of such reimbursement if they can obtain the same education within the state without undue hardship. [1977 c.643 §§2,3,4,5; 1995 c.67 §23]

### 341.528 Residency for purpose of distribution of state aid

(1) The provisions of ORS 341.527 shall not apply to admissions arranged under ORS 351.647.

(2) For purposes of ORS 341.626, and notwithstanding ORS 341.527, students who are residents of Idaho, Washington, California and Nevada and students admitted pursuant to ORS 351.647 shall be considered as residents of Oregon. [1985 c.698 §§2,4; 1997 c.601 §1]

### 341.529 Admission of members of Armed Forces, spouses and dependent children; fee and tuition rate

(1) As used in this section:

(a) “Active member of the Armed Forces of the United States” includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) “Armed Forces of the United States” includes:

(A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(B) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) “Dependent children” includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Community colleges in Oregon shall admit active members of the Armed Forces of the United States and their spouses and...
dependent children in the same manner as Oregon residents who are residents of the community college district and shall assess the same fees and tuition rates. [1987 c.162 §5; 1989 c.264 §2; 2003 c.242 §3]

341.530 [1959 c.641 §3; 1961 c.602 §3; 1963 c.483 §10; repealed by 1965 c.100 §456]

341.531 Rights of student in military ordered to active duty; rules. (1) A student at a community college who is a member of the military and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the community college’s practice for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 341.532 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the community college, the right to be readmitted and reenrolled at the community college within one year after release from active duty without a requirement of reestablishment of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the community college or the Oregon Student Assistance Commission before the student was ordered to active duty.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the community college may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student’s record; or

(c) Alter the student’s grade point average due to the student’s withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student’s grade for the course or rank in the student’s class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) Boards of education of community college districts shall adopt rules for the administration of this section.

(5) As used in this section, “member of the military” means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States. [2005 c.170 §2; 2005 c.836 §15]

341.532 Credit for room, board, tuition and fees for student ordered to active duty; rules. (1)(a) The amount of the credit specified in ORS 341.531 (1)(b) shall be based on:

(A) The amount of room and board paid by the student for a term that the student does not complete because the student is ordered to active duty; and

(B) The amount of tuition and fees paid by the student for a course from which the student withdraws.

(b) The amount of the credit shall be prorated based on the number of weeks remaining in the term or course when the student withdraws.

(c) At the time a student withdraws from a course at a community college or from the community college, the student must elect to claim the credit:

(A) As a credit toward tuition and fees or room and board if the student reenrolls at the community college under ORS 341.531 (1)(c); or

(B) As a monetary payment.

(2) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section may change the method of claiming the credit to the method described in subsection (1)(c)(B) of this section by giving notice to the community college from which the student withdraws.

(3) A student who elects to claim the credit by the method described in subsection (1)(c)(A) of this section must use the credit or change the method of claiming the credit
under subsection (2) of this section within one year after release from active duty.

(4) A personal representative of a student who elected to claim the credit by the method described in subsection (1)(c)(A) of this section may claim a monetary payment upon presenting evidence to the community college that the student died while serving on active duty.

(5) Boards of education of community college districts shall adopt rules for the administration of this section, including rules that determine the amount of credit and the method by which the credit is prorated. [2005 c.170 §3]

341.533 Credit for education and training received in Armed Forces. A community college may give credit for education and training obtained by a person while serving in the Armed Forces of the United States, as defined in ORS 341.529. The education and training for which credit may be given must meet the standards adopted by the board of education of the community college district. [2005 c.518 §2]

Note: Section 6, chapter 518, Oregon Laws 2005, provides:


(Employeess)

341.535 Qualifications of faculty; appraisal. (1) Community college faculty shall not be required to have teaching licenses.

(2) Notwithstanding ORS 342.173, community college faculty who provide instruction in cooperation with a school district for academic professional technical, school-to-work or other work-related programs under ORS chapter 329 shall not be required to have teaching licenses. If the faculty member is not a regular full-time employee of the community college, the school district shall follow the instructor appraisal committee procedures adopted by the Teacher Standards and Practices Commission.

(3) Until a community college becomes accredited by the Northwest Association of Schools and Colleges or its successor, the board shall obtain the approval of the accredited community college with which it contracts for curriculum and instructional services before employing any person to teach transfer courses. [Formerly 341.600; 1971 c.513 §92; 1983 c.187 §2; 1995 c.67 §24]

341.540 [1959 c.641 §4; 1961 c.602 §4; 1965 c.100 §329; repealed by 1965 c.198 §2]

341.541 Optional retirement plan for administrative employees. (1) Notwithstanding any provision of ORS chapter 238 or 238A, the Department of Community Colleges and Workforce Development may establish and administer an optional retirement plan for administrative employees of community college districts who are eligible for membership in the Public Employees Retirement System. Any community college district may participate in the plan by giving written notice to the department.

(2) An administrative employee may make an election to participate in the optional retirement plan if the community college district that employs the employee is participating in the plan. The election must be made in the following manner:

(a) An administrative employee who is an active member of the Public Employees Retirement System may make an election to participate in the plan within 180 days after the community college district commences
participation in the plan, effective on the first day of the month following the election.

(b) An administrative employee who is hired after the community college district commences participation in the plan may make an election to participate in the plan within the first six months of employment, effective on the first day of the month following six full months of employment.

(3) An administrative employee who does not elect to participate in the optional retirement plan remains or becomes a member of the Public Employees Retirement System in accordance with ORS chapters 238 and 238A.

(4) An administrative employee may elect to participate in the optional retirement plan only if at the time the election becomes effective the employee is not concurrently employed in a position with any participating public employer other than the community college district in a position that entitles the employee to membership in the Public Employees Retirement System. Except as provided in subsection (9) of this section, employees who elect to participate in the optional retirement plan are ineligible for active membership in the Public Employees Retirement System for as long as those employees are employed by a community college district that participates in the plan, whether by reason of employment by the district or any other participating public employer.

(5)(a) An administrative employee who elects to participate in the optional retirement plan, who has creditable service under ORS chapter 238 as defined by ORS 238.005 and who is not vested shall be considered by the Public Employees Retirement Board to be a terminated member under the provisions of ORS 238.095 as of the effective date of the election, and the amount credited to the member account of the member shall be transferred directly to the optional retirement plan by the Public Employees Retirement Board in the manner provided by subsection (6) of this section.

(b) An administrative employee who elects to participate in the optional retirement plan, who has creditable service under ORS chapter 238 as defined by ORS 238.005 and who is vested shall be considered by the Public Employees Retirement Board and shall retain all the rights, privileges and options under ORS chapter 238 unless the employee makes a written request to the Public Employees Retirement Board for a transfer of the amounts credited to the member account of the member to the optional retirement plan. A request for a transfer must be made at the time the member elects to participate in the optional retirement plan. Upon receiving the request, the Public Employees Retirement Board shall transfer all amounts credited to the member account of the member directly to the optional retirement plan and shall terminate all rights, privileges and options of the employee under ORS chapter 238.

(c) An administrative employee who elects to participate in the optional retirement plan and who is not a vested member of the pension program of the Oregon Public Service Retirement Plan as described in ORS 238A.115 on the date that the election becomes effective shall be considered to be a terminated member of the pension program by the Public Employees Retirement Board as of the effective date of the election.

(d) An administrative employee who elects to participate in the optional retirement plan and who is a vested member of the pension program of the Oregon Public Service Retirement Plan as described in ORS 238A.115 on the date that the election becomes effective shall be considered an inactive member of the pension program by the Public Employees Retirement Board as of the effective date of the election. An employee who is subject to the provisions of this paragraph retains all the rights, privileges and options of an inactive member of the pension program. If the actuarial equivalent of the employee’s benefit under the pension program at the time that the election becomes effective is $5,000 or less, the employee may make a written request to the Public Employees Retirement Board for a transfer of the employee’s interest under the pension program to the optional retirement plan. The request must be made at the time the member elects to participate in the optional retirement plan. Upon receiving the request, the Public Employees Retirement Board shall transfer the amount determined to be the actuarial equivalent of the employee’s benefit under the pension program directly to the optional retirement plan and shall terminate the membership of the employee in the pension program.

(e) An administrative employee who elects to participate in the optional retirement plan and who is a vested member of the individual account program of the Oregon Public Service Retirement Plan as described in ORS 238A.320 on the date that the election becomes effective shall be considered an inactive member of the individual account program by the Public Employees Retirement Board as of the effective date of the election. An employee who is subject to the provisions of this paragraph retains all the rights, privileges and options of an inactive member of the individual account program. An administrative employee who elects to participate in the optional retirement plan
and who is a member of the individual account program of the Oregon Public Service Retirement Plan may make a written request to the Public Employees Retirement Board that all amounts in the member’s account, rollover account and employer account, to the extent the member is vested in those accounts under ORS 238A.320, be transferred to the optional retirement plan. The request must be made at the time the member elects to participate in the optional retirement plan. Upon receiving the request, the Public Employees Retirement Board shall transfer the amounts directly to the optional retirement plan and shall terminate the membership of the employee in the individual account program.

(f) Notwithstanding paragraphs (b), (d) and (e) of this subsection, the Public Employees Retirement Board shall not treat any employee as an inactive member under the provisions of this subsection for the purpose of receiving any benefit under ORS chapter 238 or 238A that requires that the employee be separated from all service with participating public employers and with employers who are treated as part of a participating public employer’s controlled group under the federal laws and rules governing the status of the Public Employees Retirement System and the Public Employees Retirement Fund as a qualified governmental retirement plan and trust.

(6) Any amounts transferred from the Public Employees Retirement Fund under subsection (5) of this section shall be transferred directly to the optional retirement plan by the Public Employees Retirement Board and shall not be made available to the employee.

(7) An employee participating in the optional retirement plan shall contribute monthly an amount equal to the percentage of the employee’s salary that the employee would otherwise have contributed as an employee contribution to the Public Employees Retirement System if the employee had not elected to participate in the optional retirement plan.

(8) A participating community college district shall contribute monthly to the optional retirement plan the percentage of salary for each employee participating in the plan that is equal to the percentage of salary that is required to be made as the employer contribution under ORS 238A.220, less any contributions made by reason of unfunded liabilities. The district may make contributions under this subsection only during periods of time in which the employee would be eligible for membership in the Public Employees Retirement System if the employee

had not elected to participate in the optional retirement plan.

(9) An administrative employee who elects to participate in the optional retirement plan may make an election to withdraw from the plan. An employee may make an election under this subsection only once. Upon withdrawing from the plan:

(a) All contributions made to the plan before the effective date of the withdrawal remain credited to the employee;

(b) The employee becomes a member of the Public Employees Retirement System under ORS chapter 238A if the member meets all requirements for membership under ORS chapter 238A; and

(c) The employee is barred from ever again electing to participate in the optional retirement plan.

(10) For the purposes of this section, “administrative employee” means a president, vice president or dean, or a person holding a position that is the equivalent of a president, vice president or dean. [2005 c.728 §2]

341.555 [1969 c.633 §3; repealed by 1993 c.45 §140]
341.560 [1959 c.641 §24; 1961 c.602 §5; 1963 c.483 §11; 1965 c.100 §331; renumbered 341.425]

BOUNDARY CHANGES

341.565 State board as boundary board; petition, hearings; legislative approval required; effective date of change; filing of change. (1) The State Board of Education shall constitute the boundary board for making any changes in the boundaries of community college districts. The state board on its own motion or on petition from a petitioning territory may propose changes in the boundaries of a community college district. The state board must find that the proposed change will have no substantially adverse effect upon the ability of the affected districts to provide and continue their programs and is not made solely for tax advantages to property owners in the district or area affected by the proposed change. The state board may submit the question of a boundary change to a vote of the electors of the territories affected by the boundary change. The election must be held on the same day in both of the affected territories.

(2) A petition shall be in a form prescribed by the state board and must contain such information as the state board may require. The petition shall contain a minimum number of signatures as fixed by the state board.

(3) Before any order changing boundaries of an existing district is entered, the state board shall set dates for a public hearing in the area to be included in the district or ex-
cluded from the district by the proposed boundary change and in the case of annexation of new territory in the principal town of the existing district and shall give notice in the manner required in ORS 341.357. At the time set in the notice, the state board or its authorized representative shall conduct a public hearing on the motion or petition and may adjourn the hearing from time to time.

(4) If, upon final hearing, the state board approves the motion or petition or affirms the vote of the electors of the affected territories, the state board shall make an order describing the revised boundaries of the district. The order becomes final when the order is approved by the Legislative Assembly. If the order is not approved, the state board may revise the order and resubmit the order to the Legislative Assembly but not sooner than 60 days after the action of disapproval was taken.

(5) Any division of assets and liabilities required by a change in the boundaries of a district shall be made pursuant to ORS 341.573.

(6) When the boundaries of a district are changed, if the final order of the state board or an election held under ORS 341.569:

(a) Occurs between July 1 and March 31, inclusive, the change takes effect on the June 30 following the final order or election favoring the change.

(b) Occurs between April 1 and June 30, inclusive, the change takes effect on the June 30 of the following year.

(7) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1971 c.513 §8; 1977 c.827 §2; 1995 c.67 §26; 2001 c.138 §16; 2003 c.574 §3]

341.569 When election on change required. (1) The State Board of Education shall submit the question of a proposed boundary change to a vote if:

(a) The state board enters the order to revise the boundaries of a community college district;

(b) A remonstrance is filed with the state board within 20 days after the date on which the hearing under ORS 341.565 is adjourned finally;

(c) The remonstrance is signed by at least five percent of the electors or at least 500 of the electors, whichever is less, in:

(A) An area to be included in the district or excluded from the district by the proposed boundary change; or

(B) The existing community college district; and

(d) The area to be included in the district is not surrounded by the territory of a single community college district.

(2) When necessary under subsection (1) of this section, the question shall be submitted to the electors of the area or district filing a remonstrance or in both if remonstrances meeting the requirements of subsection (1) of this section are filed from both.

(3) If the proposed boundary change is defeated, the same or a substantially similar change may not be considered until at least 12 months have elapsed from the date of the election at which the change was defeated. If the vote is favorable in the area or district from which a remonstrance was filed, the state board shall declare the change effective on the date determined under ORS 341.565. [1971 c.513 §84; 1983 c.350 §210; 1983 c.740 §107; 2003 c.574 §4]

341.570 [1959 c.641 §25; 1961 c.602 §6; 1965 c.100 §332; renumbered 341.435]

341.573 Division of assets and liabilities. (1) When changes in district boundaries are made by the detachment of territory or an annexation of territory and another community college district is affected, the boards of the districts shall make an equitable division of the then existing assets and liabilities between the districts affected by such change and provide the manner of consummating the division.

(2) In case of failure to agree within 20 days from the time of such change, the matter shall be decided by a board of arbitrators. The board of arbitrators shall consist of one member appointed by each of the boards of the affected districts and an additional member appointed by the other appointees.

(3) In the event any such board fails to appoint an arbitrator within 30 days, the State Board of Education shall appoint such arbitrator. In the event the arbitrators selected fail to appoint the additional arbitrator within 30 days after the appointment of the arbitrator last appointed, the State Board of Education shall notify the judge senior in service of the circuit court of the principal county. Within 10 days after receiving such notice, the judge shall appoint one additional arbitrator.

(4) Each member of the board of arbitrators shall be entitled to the sum of $100 per day for each day’s service, and necessary expenses, while serving in the official capacity of the member. Expenses thus incurred shall be equally apportioned among the districts concerned.

(5) A party to an arbitration under this section may seek confirmation, vacation, modification or correction of the arbitrator’s decision as provided in ORS 36.700, 36.705
and 36.710. A court may vacate an award only if there is a basis to vacate the award described in ORS 36.705 (1)(a) to (d). The court may modify or correct an award only for the grounds given in ORS 36.710.

(6) Assets include all property and monies belonging to the district at the time of division. Liabilities include all debts for which the respective districts in their corporate capacities are liable at the time of division. In determining the assets, property shall be estimated at its fair value. The assets and liabilities shall be divided between the districts in proportion to the last assessed value of the real and personal property. The district retaining the real property shall pay the other districts concerned such sums as are determined in accordance with the provisions of this section. All funds to be apportioned during the current fiscal year, after such division, shall be made in proportion to the number of persons in each district according to the latest federal census. [1971 c.513 §85; 1979 c.772 §22; 2003 c.598 §40]

341.575 Liability of annexed or merged territory. When territory is annexed to or merged with a community college district, the new territory shall become liable for its share of the existing debt of the community college district. [1971 c.513 §95]

341.577 Procedure when district annexes new territory that is greater in population than original district. (1) Notwithstanding any other provision of this chapter, when the new territory annexed to an existing community college district is greater in population than the original territory, based upon the latest federal census, the provisions of this section shall govern the community college district for a period of not less than 10 years after the effective date of the boundary change.

(2) Program access and facilities for students shall be maintained in the original territory for a period of not less than 20 years while programs and facilities for students are developed in the new territory.

(3)(a) After the approval by the electors of both the original territory and the new territory of the boundary change, the mode of election of board members shall be changed as provided in this subsection. The term of office of a board member shall be four years. Electors of each of the seven zones shall elect a board member.

(b) No later than the 90th day after the boundary change election under ORS 341.579 (1), five zones for the new territory shall be established by the State Board of Education.

(c) No later than June 30, two zones for the original territory shall be established by the State Board of Education before the election of the first director to either zone as provided in this subsection.

(d) Zones shall be established with the boundaries exclusively within the original territory or exclusively within the new territory, and with the zones as nearly equal in population as is feasible according to the latest federal census.

(e) An elector may sign a petition of nomination and may vote only for a candidate from the zone in which the elector resides.

(f) The four-year terms of office pertaining to the five numbered zones of the original territory shall continue until the regularly scheduled June 30 termination date of each expires. A board member shall be nominated and elected in the same numbered zone in the new territory at the regular district election immediately preceding the June 30 date, and the director from that zone shall take office on the July 1 following the date of election.

(g) Board members nominated and elected to office by zone in the original territory, and any person elected or appointed to fill any vacancy in such office, shall continue to hold office until the expiration of the board member’s term.

(h)(A) The two at-large board positions in the original territory shall become the two zoned positions of the original territory after that June 30 on which the last zone of the original territory no longer is in effect.

(B) At that time, the directors in office in the two at-large board positions in the original territory shall each be assigned that zone in which each resides, if both reside in separate zones.

(C) If the two directors reside in the same zone, then that director elected by the greater number of votes between the two directors at large shall hold the board position for the territory of the zone in which the director resided at the date of election, and the other director shall hold the board position of the other zone.

(D) Such board members shall continue in office until their respective terms of at-large election expire, provided any vacancy occurring in a board member’s office before the expiration of such term shall be filled until expiration by appointment by the board of a resident of the board member’s zone.

(4) The board shall appoint an advisory committee of seven members, including three from the original territory and three from the new territory. The board shall appoint a seventh, at-large member from a list of persons nominated by the advisory committee. The at-large member shall be the chairperson. The advisory committee members shall
be appointed, and may be reappointed, for terms of three years, and the terms shall be staggered so that approximately one-third of the terms of the members end each year. The board shall give deliberative consideration to all recommendations of the advisory committee concerning policy related to district organization, educational services and facilities in regard to both the original territory and the new territory.

(5) Subject to ORS 294.336, members of the advisory committee shall be appointed to the community college district budget committee. The community college district budget committee shall review and recommend budgets established and delineated by territory based on revenues and resources available.

(6) The chief administrative officer of the district shall maintain the administrative office of the district in the original territory.

(7) Collective bargaining shall be maintained uniformly across the original territory and new territory.

(8) After receiving any recommendation of the advisory committee, the board may continue one or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite period after the expiration of the 10-year period referred to in subsection (1) of this section.

(9) The original territory shall remain liable for the existing debt of the community college district payable from ad valorem property taxes levied specifically for the payment of such indebtedness. [1995 c.357 §2]

341.579 Vote on proposed boundary change subject to ORS 341.577; state board’s order. (1) The State Board of Education shall submit the question of any boundary change pertaining to a community college district subject to ORS 341.577 to a vote of the electors held the same day in both the original territory and the new territory.

(2) If the proposed boundary change is defeated in either territory, the same or a substantially similar change shall not be considered until at least 12 months have elapsed from the date of the election at which the proposed change was defeated. If the vote is favorable in both the original territory and the new territory, and subject to determination by the state board that there is a legislative appropriation to the Community College Support Fund established in ORS 341.620 to support the new district resulting from the boundary change at a level commensurate with support for other community college districts, then the state board shall declare the change effective on the date determined under ORS 341.565. Implementation of the state board’s order shall take place only if the funds needed to accommodate the impact of annexation on other local education districts are appropriated specifically for that purpose by the Legislative Assembly or allocated by the Emergency Board. [1995 c.357 §3]

341.580 [1959 c.641 §29; 1963 c.483 §12; 1965 c.100 §33; renumbered 341.465]

341.590 [1959 c.641 §30; 1961 c.602 §7; repealed by 1965 c.100 §456]

341.600 [1959 c.641 §§26, 27; 1961 c.602 §8; 1963 c.483 §13; 1965 c.100 §336; renumbered 341.535]

EXPANSION OF COMMUNITY COLLEGE DISTRICTS

341.601 “District” defined. As used in ORS 341.604 to 341.618, “district” means the:

(1) Blue Mountain Community College District, a political subdivision and municipal corporation of the state organized pursuant to this chapter; and

(2) Rogue Community College District, a political subdivision and municipal corporation of the state organized pursuant to this chapter. [1995 c.357 §4; 1999 c.1027 §5]

341.604 Classification and designation of service areas. (1) If expansion of a district is approved by the voters, the Legislative Assembly shall:

(a) For the Rogue Community College District, initially classify and designate two service areas within the district. The first service area shall be coterminous with the boundaries of Jackson County or such portion thereof as is included in the expanded district approved by the voters. The second service area shall be coterminous with the boundaries of Josephine County.

(b) For the Blue Mountain Community College District, classify and designate service areas within the district. The boundaries of the service areas shall be coterminous with the boundaries of the counties within the district.

(2) Thereafter, the district board by resolution may designate as additional service areas any territory or territories within the district that are benefited by the acquisition, construction and installation of community college facilities. Each additional service area designated by the district board shall be located entirely within the territory of a service area designated in subsection (1) of this section. In no event shall the district board designate as a service area any portion of the district incorporating territory located within two or more service areas designated in subsection (1) of this section.

(3) The district board may not amend the boundaries of the service areas designated in subsection (1) of this section. The district
341.610 Service area financing; bonded indebtedness. (1) Subject to restrictions in subsection (2) of this section, any other provision of law that is available to community college districts organized pursuant to this chapter may, in the discretion of the district board, be implemented from time to time in a specific service area, or in one or more specific service areas simultaneously.

(2) If expansion of the district is approved by the voters, no bonded indebtedness or other indebtedness may be incurred for the general benefit of the district as a whole. Any bonded indebtedness designated to be for the benefit of service areas constituting substantially all of the territory within the boundaries of the service areas created or designated in ORS 341.604 shall be deemed to be incurred for the general benefit of the district as a whole, and shall be outside the authority conferred by this section. In place of such authority the district may incur bonded indebtedness or other indebtedness for the benefit of a specific service area upon satisfaction of the conditions set forth in ORS 341.611 and 341.613. [1985 c.357 §6]

341.610 [1965 c.100 §337; repealed by 1971 c.513 §100]

341.611 Election on bonded indebtedness. An election shall be held to determine if a district may contract a bonded indebtedness for the benefit of a specific service area. Only the district voters residing in the territory of the affected service area shall be entitled to vote at such election. The district board may order the election on its own motion, or shall order the election if a petition is filed as provided in ORS 341.678 on behalf of the voters of such service area. The election shall be held in accordance with the provisions of ORS 341.356 to 341.379. [1995 c.357 §7]

341.613 Bonded indebtedness restrictions. (1) Following authorization from the voters of a service area, the district board may contract a bonded indebtedness to be paid by a tax levy on the taxable property within such service area for any one or more of the purposes set forth in ORS 341.675. Any land acquired, college building or buildings or any additions thereto, and any real or personal property to be paid for with the proceeds of such bonded indebtedness must be located within the boundaries of such service area.

(2) The aggregate amount of bonded indebtedness incurred for the benefit of a service area, when added to the aggregate amount of other bonded indebtedness payable from ad valorem property taxes levied within such service area, shall not exceed one and one-half percent of the real market value of all taxable property within such service area, computed in accordance with ORS 308.207. [1995 c.357 §8]

341.613 [1965 c.100 §338; repealed by 1971 c.513 §100]

341.615 Levy of direct ad valorem tax to pay bonds; procedure for advertisement and sale of bonds. (1) The district board shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all the taxable property within the territory of a service area sufficient to pay promptly, when and as such payments become due, the maturing interest and principal of all bonds outstanding for the specific benefit of such service area that have been approved at an election held pursuant to ORS 341.678 within such service area. The amount of the tax may be increased by an amount sufficient to retire any bonds that may be callable.

(2) Funds derived from a tax levy within a service area specifically for the purpose of paying bonded indebtedness shall be applied solely to the payment of the bonds for which such taxes were levied and shall not be applied to the payment of any other indebtedness of the district.

(3) Bonds authorized pursuant to the terms hereof, and any bonds refunding such bonds, shall be advertised and sold in accordance with the procedures set forth in ORS 287.028 or 341.702, as determined by the district board. [1995 c.357 §9]

341.618 Application of ORS 341.675 to 341.715 to bonds. Except to the extent that they are inconsistent with the provisions of ORS 341.604 to 341.618 or rules adopted thereunder, the provisions of ORS 341.675 to 341.715 shall apply to bonds authorized pursuant to ORS 341.604 to 341.618 and to taxes levied to pay such bonds. [1995 c.357 §10]

341.619 New territory in Blue Mountain and Columbia Gorge Community College Districts not liable for existing debt. (1) Notwithstanding ORS 341.575, when territory is annexed to the Blue Mountain Community College District, the new terri-
Education.

tory shall not become liable for any existing debt of the Blue Mountain Community College District that resulted from the bond measure that was approved by the people at the general election held on November 3, 1998.

(2) Notwithstanding ORS 341.575, when territory within Hood River County is annexed to the Columbia Gorge Community College District, the new territory shall not become liable for any existing debt of the Columbia Gorge Community College District that resulted from a bond measure that was approved by the people at a general election held prior to January 1, 2001. [1999 c.1027 §2; 2001 c.536 §1]

Note: Section 4, chapter 1027, Oregon Laws 1999, provides:

Sec. 4. Provisions governing annexation of new territory into Blue Mountain Community College District. (1) Notwithstanding any other provision of this chapter [ORS chapter 341], if new territory is annexed to the existing Blue Mountain Community College District prior to July 1, 2000, the provisions of this section shall govern the Blue Mountain Community College District for a period of not less than 10 years after the effective date of the boundary change.

(2) Program access and facilities for students shall be maintained in the original territory for a period of not less than 20 years while programs and facilities for students are developed in the new territory.

(3)(a) After approval of the boundary change by the Emergency Board or by the electors of both the original territory and the new territory, the mode of election of board members shall be changed as provided in this subsection.

(b) No later than the 90th day after the boundary change is approved, seven zones for the new and existing territory shall be established by the State Board of Education.

(c) Zones shall be established with the boundaries exclusive of the original territory or exclusively within the new territory, and with the zones as nearly equal in population as is feasible according to the latest federal census.

(d) An elector may sign a petition of nomination and may vote only for a candidate from the zone in which the elector resides.

(e) Board members nominated and elected to office in the original territory, and any person elected or appointed to fill any vacancy in such office, shall continue to hold office until the expiration of the board member’s term. As vacancies occur, positions to be filled by nomination or election by zone shall be filled by persons who reside within zones in the new territory that are not represented on the board. If more than one zone is not represented on the board when a vacancy occurs, the zone entitled to elect a board member shall be decided by lot.

(f) A board member shall be nominated and elected in the same numbered zone at the regular district election immediately preceding the June 30 termination date, and the director from that zone shall take office on the July 1 following the date of election. The term of office of a board member shall be four years. Electors of each of the seven zones shall elect a board member.

(4) The board shall appoint an advisory committee that includes one member from each county in the community college district. The board shall appoint an additional, at-large member from a list of persons nominated by the advisory committee. The at-large member shall be the chairperson of the advisory committee. The advisory committee members shall be appointed, and may be reappointed, for terms of three years, and the terms shall be staggered so that approximately one-third of the terms of the members end each year. The board shall give deliberative consideration to all recommendations of the advisory committee concerning policy related to district organization, educational services and facilities in regard to both the original territory and the new territory.

(5) Subject to ORS 294.336, members of the advisory committee shall be appointed to the community college district budget committee. The community college district budget committee shall review and recommend budgets established and delineated by territory based on revenues and resources available.

(6) The chief administrative officer of the district shall maintain the administrative office of the district in the original territory.

(7) Collective bargaining shall be maintained uniformly across the original territory and new territory.

(8) After receiving any recommendation of the advisory committee, the board may continue one or more of the provisions of subsections (1) and (3) to (7) of this section in effect for an indefinite period after the expiration of the 10-year period referred to in subsection (1) of this section.

(9) The original territory shall remain liable for the existing debt of the community college district payable from ad valorem property taxes levied specifically for the payment of such indebtedness. [1999 c.1027 §4]

AID FOR OPERATION

341.620 Community College Support Fund. There is established a Community College Support Fund in the General Fund. [Derived from 1991 c.162 §1; 1995 c.67 §27]

341.625 [Formerly 341.610; 1967 c.433 §1; 1969 c.544 §3; 1971 c.310 §4; 1973 c.27 §1; 1975 c.128 §1; 1977 c.702 §1; 1979 c.417 §1; repealed by 1987 c.152 §1 and 1987 c.474 §9 (341.626 enacted in lieu of 341.625)]

341.626 Distribution of state aid; rules. (1) Subject to rules adopted by the State Board of Education and to ORS 291.230 to 291.260, the Commissioner for Community College Services shall distribute state aid to each community college district and community college service district.

(2) The rules adopted by the State Board of Education shall provide:

(a) No state aid for hobby and recreation classes;

(b) Procedures for proper and accurate record keeping;

(c) Procedures that will insure reasonable year to year stability in the delivery of appropriated moneys to the colleges; and

(d) Procedures to insure that the full state appropriation is delivered to the colleges.

(3) Upon compliance with the rules adopted by the State Board of Education, the commissioner shall, as soon as practicable following the receipt of required reports from the districts, prepare, certify and transmit to the Oregon Department of Administrative
Services the names and the amounts due each district. The Oregon Department of Administrative Services shall audit the amounts certified by the commissioner and draw its warrants on the State Treasury payable out of the General Fund to the districts. [1987 c.474 §10 (enacted in lieu of 341.625)]

341.630 [1971 c.310 §8; 1973 c.18 §1; 1977 c.702 §3; 1985 c.381 §4; repealed by 1987 c.152 §4 and c.474 §13]

341.635 Effect on state aid of scholarships and of certain admissions. (1) In determining the amount of apportionment to the community college from the General Fund under ORS 341.626, tuition and fees allowed for scholarships authorized by ORS 341.485 shall be considered as paid by the student.

(2) The district shall include the high school student attending the community college in determining the number of equivalent full-time students in classes for purposes of ORS 341.626 and other laws governing the distribution of state and federal funds to such colleges. (Subsection (1) enacted as 1965 c.148 §2; subsection (2) enacted as 1965 c.262 §7; 1971 c.513 §66; 1989 c.258 §1; 1993 c.45 §141; 1995 c.67 §29)

341.645 [1965 c.198 §1; repealed by 1971 c.513 §100]

341.655 Distribution of federal funds for professional technical education. (1) As used in this section “approved expenses” means the operating expenses of community college districts for professional technical education programs which have been approved by the Commissioner for Community College Services.

(2) Federal moneys received for purposes of reimbursing community college districts for professional technical education programs may be used by the districts to pay approved expenses. [1965 c.487 §2; 1967 c.433 §7; 1971 c.513 §67; 1987 c.474 §12; 1993 c.45 §§142,143]

341.660 Treatment of public library costs in computing state aid. A community college district that operates a free public library pursuant to ORS 357.410 shall not include or reflect the operating or construction costs attributable to such library that are in addition to the costs otherwise incurred for library facilities or services for the community college in any computation of eligibility for state aid for operation or construction at the community college. However, a community college district that operates a free public library is eligible for any federal funds to which it would otherwise be entitled for public library purposes. [1975 c.112 §11]

341.665 Receipt of funds for apprenticeship programs. (1) The receiving community college shall be awarded funds from the contracted out-of-district funds appropriated to the Department of Community Colleges and Workforce Development if the college operates the program under a contract with an apprenticeship training committee and the contract is approved by the Department of Community Colleges and Workforce Development.

(2) A community college district may submit full-time equivalencies generated by apprenticeship programs to the Department of Community Colleges and Workforce Development for reimbursement from the Community College Support Fund for purposes of ORS 341.626 but may not submit for reimbursement those full-time equivalencies generated through contracts under subsection (1) of this section. [1979 c.311 §1; 1995 c.67 §30]

341.675 Authority to incur bonded indebtedness; aggregate amount. (1) A community college district may contract a bonded indebtedness for any one or more of the following purposes in and for the district:

(a) To acquire, construct, reconstruct, improve, repair, equip or furnish a college building or buildings or additions thereto;

(b) To acquire or to improve all property, real and personal, appurtenant thereto or connected therewith, including self-financing facilities;

(c) To fund or refund outstanding indebtedness; and

(d) To provide for the payment of the debt.

(2) The community college district may use the proceeds received from the sale of bonds to pay for any costs incurred by the district in issuing and selling such bonds, including but not limited to, attorney fees and the cost of publishing notices of bond elections, printing such bonds and advertising such bonds for sale.

(3) The aggregate amount of such district bonded indebtedness shall not exceed one and one-half percent (0.015) of the real market value of all taxable property within the district, computed in accordance with ORS 308.207.

(4) For purposes of any law relating to bonded indebtedness, “community college district” includes a “community college service district.” [1971 c.513 §§37,43; 1991 c.459 §385; 1997 c.271 §2]

341.678 Election on bonded indebtedness. (1) To determine whether a community college district shall contract a bonded indebtedness for any one or more purposes described in ORS 341.675, the question shall be decided by election. The district board shall order the election on its own motion or shall
order the election if a petition is filed as provided in this section.

(2) The requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition in ORS 255.135 to 255.205. The petition shall state the amount of the proposed bonded indebtedness and the purposes for which the indebtedness shall be contracted. [1983 c.350 §211 (341.678 enacted in lieu of 341.679); 1993 c.45 §145]

341.679 [1971 c.513 §§38, 39; 1973 c.796 §58; repealed by 1983 c.350 §211 (341.678 enacted in lieu of 341.679)]

341.681 Issuance of bonds. (1) If the electors of the district voting on the question of contracting bonded indebtedness approve the question, the board of the district may issue negotiable coupon bonds of the district.

(2) The bonds shall:

(a) Bear interest at a rate of interest determined by the board pursuant to ORS 288.520, payable semiannually.

(b) Bear the original or facsimile signature of the chairperson of the board and be attested by the district clerk.

(c) Have annexed interest coupons bearing the original or facsimile signatures of the chairperson of the board and the district clerk.

(3) The principal and interest on district bonds are payable in lawful money of the United States of America at the office of the paying agent and registrar or at the place the bonds are issued. [1971 c.513 §§40,41,42; 1981 c.94 §29; 1983 c.350 §211 (341.678 enacted in lieu of 341.679)]

341.685 Registration of bonds; disposition of proceeds. (1) The paying agent and registrar as appointed in accordance with ORS 288.570 shall register each community college district bond, including refunding bonds, in a record maintained for that purpose in the office of the paying agent and registrar, noting the community college district, amount, date, time and place of payment, rate of interest and such other facts as the paying agent and registrar may consider proper. The paying agent and registrar shall cause the bonds to be delivered promptly to the purchasers thereof upon payment therefor, and if the place of delivery is outside the city in which the paying agent and registrar’s office is situated, the cost of delivery of the bonds shall be paid by the issuing district.

(2) The paying agent and registrar shall hold the proceeds of the sale of all bonds for the community college district subject to the order of the board of the district to be used solely for the purpose for which the bonds were issued. The paying agent and registrar is authorized to deliver the proceeds of the sale of the bonds to the person designated as custodian of the community college district funds under ORS 341.703.

(3) When the bonds have been so executed, registered and delivered, their legality shall not be open to contest by the community college district, or by any person for or on its behalf, for any reason whatever. [1971 c.513 §§44; 1995 c.67 §32]

341.690 Tax levy to meet annual bonded indebtedness; bond sinking fund. (1) The board of the district shall ascertain and levy annually, in addition to all other taxes, a direct ad valorem tax on all the taxable property in the district, sufficient to pay the maturing interest and principal of all community college district bonds outstanding promptly when and as such payments become due. The amount of the tax may be increased by an amount sufficient to retire any bonds which may be callable. The board shall annually file a copy of its budget and levies with the paying agent and registrar. The board shall in each year include such taxes in the district budget for such year. Such taxes shall in each year be certified, extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general district purposes.

(2) The funds derived from such tax levies shall be retained by the paying agent and registrar without being paid to the district or to any officer thereof, and shall be kept by the paying agent and registrar in a separate fund to be known as and designated “Community College District Bond Interest and Sinking Fund,” which shall be irrevocably pledged to and used solely for the payment of the interest accruing on and the principal of the bonds when due, so long as any of the bonds or the coupons thereto appertaining remain outstanding and unpaid. The interest earnings of such fund shall be credited to it and become a part thereof. For failure to retain and account for such funds, as provided in this section, the paying agent and registrar shall be liable upon the official bond of the paying agent and registrar.

(3) The fund shall not be diverted or used for any other purpose; but if a surplus remains after all interest and principal have been paid on all community college district bonds then outstanding and unpaid, the surplus may be transferred to such other fund as the board of the district may direct.

(4) If the tax required by subsection (1) of this section is not levied by the board of the district, the paying agent and registrar shall certify the county share, based on the proportion of the assessed valuation of the community college district located in the county, to the governing body of each county...
in which territory of the district is located which shall then levy a tax on all taxable property within the county that is in the district sufficient to raise the required amount.

(5) The county assessors shall extend the tax so levied upon the county tax rolls for such district. The county sheriffs shall collect this tax and pay the sums collected into the fund kept by the paying agent and registrar pursuant to subsection (2) of this section. [1971 c.513 §45; 1995 c.67 §33]

341.693 Payment of bond principal and interest. (1) The paying agent and registrar must cause to be paid out of any money in the hands of the paying agent and registrar belonging to the community college district, the interest on or principal of, as the case may be, any bond issued by the district promptly when and as the same becomes due at the place of payment designated in such coupons or bonds. All coupons or bonds so paid must be immediately reported to the board of the district.

(2) The paying agent and registrar shall not be required to remit to the purchaser of any bonds or coupons the amount necessary to redeem them until the day such bonds or coupons are due. [1971 c.513 §46; 1995 c.67 §34]

341.695 Bond redemption procedure. (1) Whenever the sinking fund mentioned in ORS 341.690 equals the amount, principal and interest, of any bond then due or subject at the option of the district to be paid or redeemed when authorized by the board of the district, the paying agent and registrar shall notify the holder of such bond and publish a notice in the newspaper published in the district in compliance with ORS 193.010 to 193.100. The notice shall state that the paying agent and registrar will, within 30 days from the date of the notice, redeem and pay any such bond then redeemable and payable, giving priority according to the date of issuance numerically. Upon presentation of any such bond at the place of payment specified therein, the paying agent and registrar shall cause the bond to be paid. If any holder of such bond fails to present it at the time mentioned in the notice, the interest thereon shall cease, and the paying agent and registrar shall thereafter pay only the amount of such bond and the interest accrued thereon up to the last day of the time of redemption mentioned in the notice.

(2) When any bonds are so redeemed or paid, the paying agent and registrar shall cause the same to be canceled and write across the face thereof “redeemed” and the date of redemption, and shall deliver it to the board of the district, taking its receipt therefor. [1971 c.513 §47; 1995 c.67 §35]

341.697 Refunding bonds. (1) Whenever any community college district has any outstanding bonded indebtedness, which is due or subject at the option of the district to be paid or redeemed, the district, by and through the board of the district, may:

(a) Issue and exchange, for any such indebtedness, its bonds bearing the rate of interest determined by the board pursuant to ORS 288.520; or

(b) Issue and sell such bonds and apply the proceeds of such sale in payment of the indebtedness for the payment of which the refunding bonds are proposed to be issued.

(2) Refunding bonds issued under subsection (1) of this section shall in all respects conform to, and be governed, as to their issue, by ORS 287.008, 341.675 (3) and 341.681.

(3) The refunding of indebtedness and issuing of bonds for such purpose shall not require an election, but may be done by resolution of the board of the district at any legally called board meeting. The debt limitations imposed by law shall not affect the right of any district to issue refunding bonds under authority of this section. The validity of any bonds so issued, or of the indebtedness thereby refunded, shall not thereafter be open to contest by the district or by any person for any reason whatever. [1971 c.513 §48; 1981 c.94 §30; 1983 c.347 §26; 1993 c.45 §146]

341.701 [1971 c.513 §49; repealed by 1975 c.642 §22 (341.702 enacted in lieu of 341.701)]

341.702 Advertisement and sale of bonds. All legally authorized and issued general obligation bonds or revenue bonds shall be advertised and sold in the manner prescribed in ORS 287.014 to 287.022. [1975 c.642 §23 (enacted in lieu of 341.701)]

(Custody and Expenditure of Funds)

341.703 Custodian of funds; depositories; signature on checks; warrants as checks. (1) The board of a community college district shall designate a custodian of funds of the district. Funds shall be disbursed only in the manner provided by subsection (3) of this section.

(2) For the purpose of receiving deposits of community college funds, the board of the district shall designate such bank or banks, as the board deems safe and proper depositories for district funds. The custodian designated under subsection (1) of this section shall not be liable personally or upon the official bond of the custodian for moneys lost by reason of failure or insolvency of any bank which becomes a depository under this subsection.

(3) When funds are available for payment, district obligations shall be paid by check bearing the original signature of the custo-
341.705 WARRANT PROCEDURE. (1) As used in this section, “community college district obligation” includes salaries of district employees and other regularly contracted services.

(2) Warrants in payment of district obligations shall be issued only when there are insufficient funds to pay the warrant and shall be indorsed “not paid for want of funds.” Warrants may be issued at the end of each month, if necessary. Warrants shall not be issued without a vote of the board of the district. They must be signed by the chairperson of the board and countersigned by the district clerk. If the chairperson is absent or unable to execute the warrants, the board may authorize any member of the board to act as chairperson in executing the warrants.

(3) Unless the board of the district has designated a lower rate of interest, which rate must appear on the face of the warrants, warrants indorsed “not paid for want of funds” shall draw interest at a rate not to exceed seven percent (0.07) from date of indorsement until called.

(4) Funds becoming available for payment of warrants indorsed “not paid for want of funds” shall be applied in payment in the order in which the warrants were so indorsed.

(5) At the last regular school board meeting of the district preceding July 1 in each year, the district clerk shall certify to the board a list of all district warrants which were called for payment more than seven years prior to July 1 next following the meeting, and which have not been paid. The certification shall state the amount of each of such warrants, to whom issued, and date of issuance. The board of the district shall cause notice to be published in some newspaper having a general circulation in the district. The notice shall contain a statement that if such warrants are not presented for payment within 60 days from July 1, they will be canceled, and payment thereof will be refused.

(6) At the first regular meeting of the board in each district after the expiration of 60 days from July 1 in each year, the board shall make an order that all such warrants which have not been so presented for payment, describing them, shall be canceled and the board shall so cancel.

(7) Nothing in this section prohibits a board from paying, upon any claim arising from the canceling of any such warrant, the principal of the warrant when presented without interest if not indorsed for want of funds and, if indorsed for want of funds, with interest to the date such warrant was called. [1971 c.513 §52]

(AUDITS)

341.709 ANNUAL AUDIT REQUIRED. (1) The board of a community college district shall cause to have prepared an annual audit of the books and accounts of the district, including but not limited to student body funds, athletic funds, cafeteria funds, and other similar funds collected by the college. The audit statements must be filed with the administrative office for the district on or before December 31 of the year in which the audit is conducted.

(2) Accountants employed under this section must be selected from the roster of authorized municipal accountants maintained by the Oregon Board of Accountancy under ORS 297.670. [1971 c.513 §51; 1987 c.159 §1]

341.715 SHORT-TERM PROMISSORY NOTES. (1) As provided by ORS 288.165, the board of a community college district may contract indebtedness by the issuance of short-term promissory notes for the purpose of meeting current expenses, retiring outstanding bonds or warrants, or paying the interest thereon.

(2) The board of the district in which indebtedness was incurred under this section shall levy an annual tax on all taxable property in the district sufficient to meet the interest payments and retire the indebtedness, but no tax shall be necessary where other provisions are made for payment of the indebtedness. [1971 c.513 §53; 1983 c.124 §10; 1985 c.100 §302; renumbered 341.025]

341.720 BONDS ISSUED BY STATE. (1) To provide funds to community college districts for the purposes specified in Article XI-G of the Oregon Constitution, the State Treasurer may issue bonds at the request of the State Board of Education in accordance with the provisions of ORS 286.031 to 286.061.

(2) The State Treasurer may not issue bonds pursuant to Article XI-G of the Oregon Constitution under subsection (1) of this section for a community college project unless
a grant agreement has been entered into pursuant to ORS 341.735 between the Department of Community Colleges and Workforce Development and the community college district that is receiving the bond proceeds. [2005 c.787 §20]

Note: Sections 18 and 25, chapter 787, Oregon Laws 2005, provide:

Sec. 18. (1) Pursuant to Article XI-G of the Oregon Constitution and ORS 286.031 to 286.061 and section 20 of this 2005 Act [341.721], the State Treasurer may sell, at the request of the State Board of Education, general obligation bonds of the State of Oregon of the kind and character and within the limits prescribed by Article XI-G of the Oregon Constitution, as the treasurer determines, but in no event may the treasurer sell more than the aggregate principal sum of $38,500,000 par value for the biennium beginning July 1, 2005. The moneys realized from the sale of the bonds shall be appropriated and may be expended for the purposes set forth in section 3 of this 2005 Act and for payment for capitalized interest and costs incidental to issuance of the bonds.

(2) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (1) of this 2005 Act are matched with the General Fund appropriation made under section 26 of this 2005 Act.

(3) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (2) of this 2005 Act are matched with the General Fund appropriation made under section 27 of this 2005 Act.

(4) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (3) of this 2005 Act are matched with the General Fund appropriation made under section 28 of this 2005 Act.

(5) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (4) of this 2005 Act are matched with the General Fund appropriation made under section 29 of this 2005 Act.

(6) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (5) of this 2005 Act are matched with the General Fund appropriation made under section 30 of this 2005 Act.

(7) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (6) of this 2005 Act are matched with the General Fund appropriation made under section 31 of this 2005 Act.

(8) In compliance with the requirements of Article XI-G of the Oregon Constitution, funds available under the expenditure limitation for bonds issued pursuant to Article XI-G of the Oregon Constitution in section 3 (7) of this 2005 Act are matched with the General Fund appropriation made under section 32 of this 2005 Act. [2005 c.787 §18]

Sec. 25. Notwithstanding section 3 of this 2005 Act, at the request of the State Board of Education, the State Treasurer may issue bonds for a project listed in section 3 of this 2005 Act:

(1) If the total amount from other revenues, including federal funds, identified for the project in the expenditure limitation in section 3 of this 2005 Act has been received by the Department of Community Colleges and Workforce Development; or

(2) After the department reports to the Emergency Board, if the total amount from other revenues, including federal funds, identified for the project in the expenditure limitation in section 3 of this 2005 Act has not been received by the department. [2005 c.787 §25]

341.725 Community College Capital Construction Fund. (1) The Community College Capital Construction Fund is established separate and distinct from the General Fund. Interest earned on moneys in the Community College Capital Construction Fund shall be credited to the fund.

(2) Moneys in the Community College Capital Construction Fund are appropriated continuously to the Department of Community Colleges and Workforce Development and may be disbursed by the department for the construction, remodeling, expansion and renovation of facilities at community colleges pursuant to grant agreements entered into between the department and community college districts under ORS 341.735. [2005 c.787 §21]

Note: Sections 26 to 32, chapter 787, Oregon Laws 2005, provide:

Sec. 26. Columbia Gorge Community College Facilities Account. (1) There is established in the General Fund an account to be known as the Columbia Gorge Community College Facilities Account. Moneys in the account shall be used to construct, improve, repair, equip and furnish facilities for the Columbia Gorge Community College District.

(2) The account may consist of the following moneys that have been deposited in the account by the Department of Community Colleges and Workforce Development at the request of the Columbia Gorge Community College District for the purposes listed in subsection (1) of this section:

(a) Moneys from federal and local governments;
(b) Donations;
(c) Community College Support Fund moneys transferred to the account by the department at the request of the community college district;
(d) Building reserve funds of the community college district transferred to the department from the community college district; and
(e) Proceeds from the sale of bonds issued by the community college district.

(3) Interest earned on moneys in the account shall be credited to the account.

(4) The account may not be credited with more than $7,500,000 in donations, Community College Support Fund moneys, proceeds from the sale of bonds, building reserve funds, federal and local government funds and interest.

(5) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, and continuously appropriated to the department and may be transferred to the Community College Capital Construction Fund for the purpose of making distributions to the Columbia Gorge Community College District for the purposes listed in subsection (1) of this section. [2005 c.787 §26]

Sec. 27. Oregon Coast Community College Facilities Account. (1) There is established in the General Fund an account to be known as the Oregon Coast
Community College Facilities Account. Moneys in the account shall be used to construct, improve, repair, equip and furnish new facilities in Lincoln City, South Beach and Waldport.

(2) The account may consist of the following moneys that have been deposited in the account by the Department of Community Colleges and Workforce Development at the request of the Oregon Coast Community College District for the purposes listed in subsection (1) of this section:

(a) Moneys from federal and local governments;
(b) Donations;
(c) Community College Support Fund moneys transferred to the account by the department at the request of the community college district;
(d) Building reserve funds of the community college district transferred to the department from the community college district; and
(e) Proceeds from the sale of bonds issued by the community college district.

(3) Interest earned on moneys in the account shall be credited to the account.

(4) The account may not be credited with more than $4,500,000 in donations, Community College Support Fund moneys, proceeds from the sale of bonds, building reserve funds, federal and local government funds and interest.

(5) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the department and may be transferred to the Community College Capital Construction Fund for the purpose of making distributions to the Rogue Community College District for the purposes listed in subsection (1) of this section. [2005 c.787 §28]

Sec. 29. Clatsop Community College Facilities Account. (1) There is established in the General Fund an account to be known as the Clatsop Community College Facilities Account. Moneys in the account shall be used to construct, improve, repair, equip, furnish and purchase land for new facilities for the Clatsop Community College District.

(2) The account may consist of the following moneys that have been deposited in the account by the Department of Community Colleges and Workforce Development at the request of the Clatsop Community College District for the purposes listed in subsection (1) of this section:

(a) Moneys from federal and local governments;
(b) Donations;
(c) Community College Support Fund moneys transferred to the account by the department at the request of the community college district;
(d) Building reserve funds of the community college district transferred to the department from the community college district; and
(e) Proceeds from the sale of bonds issued by the community college district.

(3) Interest earned on moneys in the account shall be credited to the account.

(4) The account may not be credited with more than $7,500,000 in donations, Community College Support Fund moneys, proceeds from the sale of bonds, building reserve funds, federal and local government funds and interest.

(5) Moneys in the account shall be considered to be General Fund moneys for purposes of section 1 (3), Article XI-G of the Oregon Constitution, are continuously appropriated to the department and may be transferred to the Community College Capital Construction Fund for the purpose of making distributions to the Clatsop Community College District for the purposes listed in subsection (1) of this section. [2005 c.787 §29]

Sec. 30. Tillamook Bay Community College Facilities Account. (1) There is established in the General Fund an account to be known as the Tillamook Bay Community College Facilities Account. Moneys in the account shall be used to construct, improve, repair, equip and furnish new facilities for the Tillamook Bay Community College District.

(2) The account may consist of the following moneys that have been deposited in the account by the Department of Community Colleges and Workforce Development at the request of the Tillamook Bay Community College District for the purposes listed in subsection (1) of this section:

(a) Moneys from federal and local governments;
(b) Donations;
(c) Community College Support Fund moneys transferred to the account by the department at the request of the community college district;
(d) Building reserve funds of the community college district transferred to the department from the community college district; and
(e) Proceeds from the sale of bonds issued by the community college district.

(3) Interest earned on moneys in the account shall be credited to the account.

(4) The account may not be credited with more than $4,900,000 in donations, Community College Support Fund moneys, proceeds from the sale of bonds,
building reserve funds, federal and local government funds and interest.

(5) Moneys in the account shall be considered to be General Fund moneys for purposes of subsection (3). Article XI-G of the Oregon Constitution, are continuously appropriated to the department and may be transferred to the Community College Capital Construction Fund for the purpose of making distributions to the Tillamook Bay Community College District for the purposes listed in subsection (1) of this section.

[2005 c.787 §30]

Sec. 31. Klamath Community College Facilities Account. (1) There is established in the General Fund an account to be known as the Klamath Community College Facilities Account. Moneys in the account shall be used to construct, improve, repair, equip and furnish new facilities for the Klamath Community College District.

(2) The account may consist of the following moneys that have been deposited in the account by the Department of Community Colleges and Workforce Development at the request of the Klamath Community College District for the purposes listed in subsection (1) of this section:

(a) Moneys from federal and local governments;
(b) Donations;
(c) Community College Support Fund moneys transferred to the account by the department at the request of the community college district;
(d) Building reserve funds of the community college district transferred to the department from the community college district; and
(e) Proceeds from the sale of bonds issued by the community college district.

(3) Interest earned on moneys in the account shall be credited to the account.

(4) The account may not be credited with more than $7,700,000 in donations, Community College Support Fund moneys, proceeds from the sale of bonds, building reserve funds, federal and local government funds and interest.

(5) Moneys in the account shall be considered to be General Fund moneys for purposes of subsection (3). Article XI-G of the Oregon Constitution, are continuously appropriated to the department and may be transferred to the Community College Capital Construction Fund for the purpose of making distributions to the Klamath Community College District for the purposes listed in subsection (1) of this section.

[2005 c.787 §32]

341.728 Community College Bond Building Fund. (1) The Community College Bond Building Fund is established separate and distinct from the General Fund.

(2) The Community College Bond Building Fund shall consist of moneys realized from the sale of bonds issued pursuant to Article XI-G of the Oregon Constitution for the benefit of community college districts under ORS 341.721.

(3) Moneys in the Community College Bond Building Fund are appropriated continuously to the Department of Community Colleges and Workforce Development and may be disbursed by the department for the construction, remodeling, expansion and renovation of facilities at community colleges pursuant to grant agreements entered into between the department and community college districts under ORS 341.735.

(4) Moneys in the Community College Bond Building Fund may be invested, with the approval of the State Treasurer, until needed for disbursement under subsection (3) of this section. If a surplus remains in the fund after disbursement, the surplus and earnings from temporary investments shall be credited to the Community College Bond Sinking Fund.

[2005 c.787 §22]

341.730 [1959 c.641 §8; 1961 c.602 §11; 1965 c.100 §304; renumbered 341.045]

341.731 Community College Bond Sinking Fund. (1) The Community College Bond Sinking Fund is established separate and distinct from the General Fund. The Community College Bond Sinking Fund shall be used to provide for payment of the principal and the interest upon bonds issued under the authority of Article XI-G of the Oregon Constitution for the benefit of community college districts under ORS 341.721.

(2) Moneys in the fund are appropriated continuously to the Department of Community Colleges and Workforce Development.
(3) The fund may be invested by the State Treasurer, and earnings on the investments shall be credited to the fund.

(4) The fund shall consist of all moneys received from ad valorem taxes levied pursuant to ORS 291.445, all moneys that the Legislative Assembly may provide in lieu of such taxes, all moneys received as accrued interest upon bonds sold, all earnings from investments of the fund and the proceeds of the sale of refunding bonds.

(5) The department may credit the fund with moneys received from either a sale or interfund transfer of land, buildings or facilities.

(6)(a) The department may not use the fund for any purpose other than the purposes for which the fund was created.

(b) Notwithstanding paragraph (a) of this subsection, the department may transfer any surplus in the fund to other funds designated by the department if a balance remains in the fund and:

(A) The purposes for which the fund was created have been fulfilled; and

(B) A reserve sufficient to meet all existing and future obligations and liabilities of the fund has been set aside. [2005 c.787 §23]

341.735 Grant agreements for distribution of funds to community college districts; fees. (1) For the purposes of distributing moneys held in the Community College Capital Construction Fund and the Community College Bond Building Fund, the Department of Community Colleges and Workforce Development shall enter into grant agreements with each community college district for whose projects moneys have been appropriated from the General Fund and are held pending disbursement of the moneys. The grant agreements shall obligate the department to distribute to each community college district any funds the district provides to the state to provide a General Fund match as required by Article XI-G of the Oregon Constitution and shall also obligate the department to distribute to each community college district any amounts that are credited to the Community College Bond Building Fund for a project of the district. The department may impose reasonable conditions and reporting and accounting requirements in a grant agreement described in this section that are intended to ensure that the amounts distributed from the funds listed in this subsection will be used for the projects for which the amounts were distributed.

(2) The grant agreements shall also require that each community college district that receives amounts from the funds listed in subsection (1) of this section shall:

(a) Return to the state any amounts distributed from the Community College Bond Building Fund that are not required to complete the project of that district. The department shall credit the returned amounts to the Community College Bond Sinking Fund.

(b) Take any action as determined by the state’s bond counsel that is necessary to maintain the excludability of the interest paid by the state on the general obligation bonds that the state issues pursuant to Article XI-G of the Oregon Constitution to fund the Community College Bond Building Fund.

(3) The department may collect fees from community college districts that receive moneys under a grant agreement entered into under this section to cover the costs relating to the administration of the distribution of proceeds from general obligation bonds issued pursuant to Article XI-G of the Oregon Constitution to finance community college district projects and for executing the responsibilities of the department under the grant agreement. The department shall deposit any moneys collected under this subsection in the Department of Community Colleges and Workforce Development Account. [2005 c.787 §33]
AID FOR CONSTRUCTION

341.933 Distribution of state funds for capital construction; standards; limitations; rules. The State Board of Education shall adopt by rule standards governing the distribution of state funds to community college districts for capital construction projects. The standards shall include, but need not be limited to, the following provisions:

1. No state funds shall be used for the construction of student or faculty housing, facilities for spectators at athletic events, recreational facilities, student health facilities or noninstructional portions of student centers; and

2. State funds shall be matched by substantial contributions from nonstate sources, which may include tuition, property taxes, bond issues, gifts and grants. 

341.935 [1961 c.601 §4; 1965 c.100 §343; 1967 c.433 §12; 1971 c.513 §70; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.937 Capital improvements for access for persons with disabilities. In preparing budget requests for each biennium, after consultation with the community colleges and their respective representatives of the disabled community at the colleges, the State Board of Education shall include amounts for capital improvements that will be applied to the substantial reduction and eventual elimination of barriers to access by disabled persons. 

341.940 [1961 c.601 §6; 1965 c.100 §344; 1967 c.433 §13; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.945 [1961 c.601 §7; 1965 c.100 §345; 1967 c.433 §14; 1971 c.513 §71; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.950 [1961 c.601 §§; 1965 c.100 §346; 1967 c.433 §15; 1971 c.513 §72; repealed by 1977 c.711 §6; repeal rescinded by 1979 c.754 §6; repealed by 1987 c.474 §13]

341.990 [Part renumbered 332.990; repealed by 1965 c.100 §456]
Chapter 342
2005 EDITION

Teachers and Other School Personnel

GENERAL PROVISIONS

342.120 Definitions

LICENSES AND REGISTRATION OF TEACHERS AND ADMINISTRATORS

(Generally)

342.121 Teacher and administrator licensing; certification from professional organizations; certificate not required
342.122 Professional Organizations Certification Fund
342.123 Knowledge of civil rights laws required
342.125 Types of licenses; charter school teacher registry; expedited process

Note
Subject matter endorsement--1993 c.45 §154

342.126 First aid card required for teaching license; waiver for disability
342.127 Fees; basis

342.130 Certain existing certificates and licenses not invalidated
342.135 Basic, standard and other teaching licenses; basis of renewal; rules
342.136 Initial teaching, personnel service and administrative licenses; renewal
342.138 Continuing teaching, personnel service and administrative licenses; qualifications for continuing license; renewal
342.140 Administrative license
342.143 Issuance of teaching, personnel service or administrative license and registration as charter school teacher
342.144 American Indian languages teaching license
342.147 Approval of teacher education institutions and programs; rules
342.153 Proficiency in Braille required for teaching license to provide education to blind students
342.165 Commission rules
342.167 State board review of rules
342.169 Required ratio of pupils to staff holders of first aid cards; exceptions; rules
342.173 Effect of employing unlicensed teacher or administrator by certain districts

(Discipline)
342.175 Grounds for discipline; reinstatement
342.176 Preliminary investigation of complaint; materials confidential; notice
342.177 Hearing and decision on charges; notice
342.180 Appeal
342.190 Administrative Procedures Act not applicable to proceedings for reinstatement, revocation or suspension

(Miscellaneous)
342.195 Teaching licenses based on experience in certain federal programs

342.200 Administrative licenses based on professional skills and experience
342.203 Circulation of list of teachers and administrators subjected to discipline

(Criminal Records Check)
342.223 Fee for criminal record search; effect of making false statement; appeal of refusal to issue or renew license or registration
342.227 Issuance of temporary license or certificate pending result of check
342.232 Employment pending result of check

TEACHER STANDARDS AND PRACTICES COMMISSION

342.350 Commission established; confirmation; term; vacancy; effect of change in circumstances
342.360 Members; qualifications
342.380 Organization
342.390 Meetings; expenses
342.400 Licensing requirements for out-of-state applicants; reciprocal agreements; rules
342.410 Executive director; employees
342.420 Member’s salary; reimbursement to district
342.430 Teacher Standards and Practices Commission Account; use

MINORITY TEACHER ACT

342.433 Definitions for ORS 342.433 to 342.449
342.437 Goals
342.443 Reports to legislature; comparative data; data collection
342.447 Plans for recruitment, admission, retention and graduation of minority teachers; rules
342.449 Short title

SCHOOL NURSES

342.455 Definition of “school nurse”
342.465 Rules; notice if action taken on license
342.475 School nurses; certificates
342.485 Commission to consult with and advise Oregon State Board of Nursing on school nursing
342.495 Holder of school nurse certificate qualified to conduct and coordinate health services program

TEACHERS’ CONTRACTS

342.513 Renewal or nonrenewal of contracts for following year
342.545 Termination of teacher’s contract; release
342.553 Suspension of teaching license for resigning without providing required notice; appeal
<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>342.608</td>
<td>Working hours for licensed personnel; duty-free lunch period required; exception</td>
</tr>
<tr>
<td>342.610</td>
<td>Minimum salary for substitute teachers</td>
</tr>
<tr>
<td>342.613</td>
<td>Contracts with teachers for return of part of salary prohibited</td>
</tr>
<tr>
<td>342.650</td>
<td>Wearing of religious dress prohibited</td>
</tr>
<tr>
<td>342.655</td>
<td>Sanctions against teacher violating ORS 342.650</td>
</tr>
<tr>
<td>342.700</td>
<td>Policy on sexual harassment; posting and availability of policy</td>
</tr>
<tr>
<td>342.704</td>
<td>Adoption of school district policies on sexual harassment required; contents; rules</td>
</tr>
<tr>
<td>342.708</td>
<td>ORS 342.700 and 342.704 not limitation on or prerequisite for other rights and remedies</td>
</tr>
<tr>
<td>342.805</td>
<td>Short title</td>
</tr>
<tr>
<td>342.815</td>
<td>Definitions for ORS 342.805 to 342.937</td>
</tr>
<tr>
<td>342.835</td>
<td>Probationary teacher</td>
</tr>
<tr>
<td>342.840</td>
<td>Determination of length of service for probationary teacher</td>
</tr>
<tr>
<td>342.845</td>
<td>Contract teacher; part-time contract teacher; effect of program transfer; administrator contracts</td>
</tr>
<tr>
<td>342.850</td>
<td>Teacher evaluation; personnel file content</td>
</tr>
<tr>
<td>342.865</td>
<td>Grounds for dismissal or contract nonextension of contract teacher</td>
</tr>
<tr>
<td>342.875</td>
<td>Suspension; reinstatement</td>
</tr>
<tr>
<td>342.895</td>
<td>Contract teachers; procedure for dismissal or contract nonextension; appeal</td>
</tr>
<tr>
<td>342.905</td>
<td>Appeal procedure; arbitration as alternative</td>
</tr>
<tr>
<td>342.910</td>
<td>Waiver of contract grievance claim if appeal of dismissal decision filed; waiver of certain rights and procedures</td>
</tr>
<tr>
<td>342.930</td>
<td>Fair Dismissal Appeals Board; rules</td>
</tr>
<tr>
<td>342.934</td>
<td>Procedure for reduction of teacher staff due to funding or administrative decision</td>
</tr>
<tr>
<td>342.937</td>
<td>Reimbursement for teacher dismissal costs</td>
</tr>
</tbody>
</table>

**MISCELLANEOUS**

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>342.961</td>
<td>Internal investigations of employee misconduct or wrongdoing</td>
</tr>
<tr>
<td>342.965</td>
<td>Interchange of teachers</td>
</tr>
<tr>
<td>342.985</td>
<td>Qualifications to teach distance learning course</td>
</tr>
</tbody>
</table>
342.005 [Amended by 1955 c.518 §1; repealed by 1961 c.439 §13]
342.007 [1953 c.85 §1; repealed by 1965 c.100 §456]
342.010 [Repealed by 1965 c.100 §456]
342.015 [Repealed by 1961 c.439 §13]
342.017 [1991 c.693 §16; 1993 c.45 §148; renumbered 329.753 in 1993]
342.020 [Repealed by 1961 c.439 §13]
342.025 [Repealed by 1961 c.439 §13]
342.030 [Repealed by 1961 c.439 §13]
342.035 [Repealed by 1961 c.439 §13]
342.040 [Repealed by 1961 c.439 §13]
342.045 [Repealed by 1961 c.439 §13]
342.050 [Amended by 1955 c.518 §2; repealed by 1961 c.439 §13]
342.055 [Repealed by 1963 c.544 §52]
342.060 [Amended by 1957 c.638 §1; repealed by 1965 c.100 §456]
342.065 [Amended by 1955 c.101 §1; renumbered 342.602]
342.070 [Amended by 1957 c.638 §2; 1961 c.677 §1; renumbered 342.175]
342.075 [Amended by 1961 c.677 §2; renumbered 342.180]
342.080 [Repealed by 1961 c.439 §13]
342.085 [Amended by 1955 c.214 §1; repealed by 1965 c.100 §456]
342.090 [Repealed by 1965 c.100 §456]
342.095 [Repealed by 1965 c.100 §456 and 1965 c.550 §6]
342.100 [Repealed by 1965 c.100 §456 and 1965 c.550 §6]
342.105 [Repealed by 1961 c.439 §13]
342.110 [Amended by 1961 c.707 §1; repealed by 1961 c.439 §13]
342.115 [Repealed by 1961 c.439 §13]

GENERAL PROVISIONS

342.120 Definitions. As used in this chapter, unless the context requires otherwise:

(1) “Administrator” includes all superintendents, assistant superintendents and principals in the public schools or education service districts.

(2) “Approved teacher education institution” is one which meets the standards of the Teacher Standards and Practices Commission for preparation of teachers for preprimary programs and grades 1 through 12.

(3) “Approved teacher education program” is one offered by an approved teacher education institution and is so recognized by the Teacher Standards and Practices Commission, after considering recommendations of the State Board of Education.

(4) “Commission” means the Teacher Standards and Practices Commission.

(5) “Educational assistant” means a classified school employee who does not require a license to teach, who is employed by a school district or education service district and whose assignment consists of and is limited to assisting a licensed teacher in accordance with rules established by the State Board of Education.

(6) “Instruction” includes direction of learning in class, in small groups, in individual situations, in the library and in guidance and counseling but does not include the provision of related services, as defined in ORS 343.035, to a child identified as a child with disabilities pursuant to ORS 343.146 to 343.183 when provided in accordance with ORS 343.221.

(7) “Intern teacher” means a regularly enrolled student of an approved teacher education institution who teaches under the supervision of the staff of the institution and of the employing school district in order to acquire practical experience in teaching and for which the student receives both academic credit from the institution and financial compensation from the school district or education service district.

(8) “State board” means the State Board of Education.

(9) “Teacher” includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction, coordination of educational programs or supervision or evaluation of teachers and who are compensated for their services from public funds. “Teacher” does not include a school nurse as defined in ORS 342.455.

(10) “Teaching license” means a license issued under ORS 342.125 or 342.144. [1961 c.439 §1; 1965 c.100 §456; 1965 c.550 §1; 1973 c.270 §2; 1975 c.278 §1; 1981 c.393 §1; 1981 c.469 §5; 1989 c.125 §1; 1993 c.45 §149; 2001 c.653 §4]

LICENSING AND REGISTRATION OF TEACHERS AND ADMINISTRATORS

(Generally)

342.121 Teacher and administrator licensing; certification from professional organizations; certificate not required. (1) The Teacher Standards and Practices Commission shall issue licenses to teachers and administrators who possess the minimum competencies, knowledge and skills to teach and administer in the public schools of the state.

(2) In addition to a teaching or administrative license, a person may obtain certification, indicating a higher degree of competency, knowledge and skill based on work experience and advanced study, from a professional organization of teachers or administrators, either on the state or national level. However, a teaching certificate or administrative certificate shall not be required
to teach or administer in a public school of this state. [1991 c.662 §1; 1993 c.45 §151]

Note: 342.121 was added to and made a part of 342.120 to 342.430 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.122 Professional Organizations Certification Fund. (1) There is created the Professional Organizations Certification Fund, separate and distinct from the General Fund. Interest earned on moneys in the Professional Organizations Certification Fund shall be credited to the fund.

(2) The Teacher Standards and Practices Commission may accept from any source any grant, donation or gift of money or other valuable thing made to the commission for purposes of the Professional Organizations Certification Fund.

(3) Moneys credited to the Professional Organizations Certification Fund are continuously appropriated to the commission for the purposes of advanced certifications of teachers and administrators in accordance with ORS 342.121 (2). The commission may draw checks or orders upon the State Treasurer in making disbursements from the Professional Organizations Certification Fund for the purposes stated in this subsection. [2001 c.381 §2]

Note: 342.122 was added to and made a part of 342.120 to 342.430 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.123 Knowledge of civil rights laws required. (1) In addition to and not in lieu of any other law or rule or standard established by the Teacher Standards and Practices Commission, the commission shall require an applicant for a teaching license or any renewal thereof demonstrate knowledge of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and federal statutes pertaining thereto, as well as state statutes prohibiting discrimination.

(2) An applicant shall be required to demonstrate knowledge of federal and state statutes prohibiting discrimination required by subsection (1) of this section only once. [1977 c.605 §2; 1981 c.663 §1]

342.125 Types of licenses; charter school teacher registry; expedited process. (1) Teaching licenses shall be issued and renewed by the Teacher Standards and Practices Commission by the authority of the State of Oregon, subject to ORS 342.120 to 342.430 and the rules of the commission.

(2) Subject to subsection (4) of this section, teaching licenses shall be of the following types:

(a) Basic teaching license.
(b) Standard teaching license.
(c) Administrative license.
(d) Restricted teaching license.
(e) Initial administrative license.
(f) Continuing administrative license.

(3) Subject to ORS 342.130 and to subsection (4) of this section and in addition to the teaching licenses described in subsection (2) of this section, licenses shall be of the following types:

(a) Initial teaching license.
(b) Continuing teaching license.
(c) Initial personnel service license.
(d) Continuing personnel service license.
(e) Initial administrative license.
(f) Continuing administrative license.

(4) The Teacher Standards and Practices Commission may establish other types of teaching licenses as it considers necessary for operation of the public schools of the state and may prescribe the qualifications for the licenses. However, no license established under the authority of this subsection is required for a regular classroom teaching position in the public schools.

(5)(a) The Teacher Standards and Practices Commission shall establish a public charter school teacher registry. The commission shall require the applicant and the public charter school to jointly submit an application requesting registration as a public charter school teacher. The application shall include:

(A) A description of the specific teaching position the applicant will fill;
(B) A description of the background of the applicant that is relevant to the teaching position, including any post-secondary education or other experience; and
(C) Documentation as required by the commission for the purposes of conducting a criminal records check as provided in ORS 181.534 and a background check through an interstate clearinghouse of revoked and suspended licenses.

(b) Subject to the results of the criminal records check and background check, the commission shall approve the application for registration. The commission may deny a request for registration only on the basis of the criminal records check or the background check through an interstate clearinghouse of revoked and suspended licenses. The registration is valid for three years and may be renewed upon joint application from the teacher and the public charter school.

(c) A registration as a public charter school teacher qualifies its holder to accept the teaching position described in the application in the public charter school that submitted the application with the holder of the registration.
(6) The Teacher Standards and Practices Commission shall adopt an expedited process for the issuance of any license established pursuant to this section. The process may require a school district superintendent or school district board and the applicant to jointly submit an application requesting an emergency license. Within two working days after receiving a completed application the commission shall issue the emergency license. However, the commission may limit the number of applications for expedited service from a school district or education service district to not more than 100 applications in a period of two working days. For purposes of this subsection, the commission may not distinguish between a school district or education service district involved in a labor dispute and any other school district or education service district. [1965 c.100 §349; 1965 c.550 §2; part renumbered 342.127; 1973 c.270 §3; 1981 c.663 §2; 1999 c.199 §2; 2005 c.209 §35](a) A fee not to exceed $100 for the renewal of each teaching license and a fee not to exceed $20 for each duplicate teaching license. (b) A fee not to exceed $800 for a beginning teacher assessment conducted in lieu of an approved preparation program required for licensure. (c) A fee not to exceed $200 for alternative assessment conducted in lieu of a passing score on a licensure examination established by the commission. (d) A fee not to exceed $75 for a beginning teacher assessment conducted in lieu of a passing score on a licensure examination established by the commission. (e) A fee not to exceed $150 for the evaluation of an applicant requesting licensing based upon completion of other than an Oregon approved teacher education program. (f) A fee not to exceed $75 for renewal of a registration as a public charter school teacher that includes any fee charged pursuant to ORS 342.223 or rules adopted under ORS 181.534. (2) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the Teacher Standards and Practices Commission shall collect a fee not to exceed $150 for the evaluation of an applicant requesting licensing based upon completion of other than an Oregon approved teacher education program. (3) In addition to the fees required by subsection (1) of this section, the Teacher Standards and Practices Commission shall collect a late application fee not to exceed $25 per month up to a maximum of $125 from an applicant who fails to make timely application for renewal of the license or registration. The actual amount of the fee shall be determined in accordance with rules of the Teacher Standards and Practices Commission. (4) In spite of the expiration date posted on the license, the license shall continue to be valid for purposes of ORS 342.173 for an additional 120 days. However, the district may require a statement from the applicant indicating that the applicant has completed the requirements for license renewal. (5) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the commission shall collect a fee not to exceed $150 for the reinstatement of a license that has been revoked by the commission for gross neglect of duty or gross unfitness under ORS 342.175. (6) In addition to the fee required by subsection (1) of this section for the issuance of a teaching license, the commission shall collect a fee not to exceed $100 for the issuance of any emergency license through an expedited process at the request of any school district or education service district that seeks to employ the applicant.
(7) Fee rates established under this section shall cover, but not exceed, the full cost of administrative expenses incurred by the commission during any biennium. Subsections (1) and (2) formerly part of 342.125; subsection (3) enacted as 1965 c.535 §14; 1969 c.416 §1; 1971 c.41 §1; 1973 c.270 §4; 1981 c.663 §3; 1983 c.14 §1; 1991 c.144 §1; 1993 c.45 §156; 1997 c.165 §1; 1997 c.352 §3; 1999 c.199 §4; 1999 c.270 §4; 1981 c.663 §3; 1983 c.14 §1; 1991 c.144 §1; 1993 c.45 §156; 1997 c.165 §1; 1997 c.352 §3; 1999 c.199 §4; 1999 c.270 §4; 1981 c.663 §3; 1983 c.14 §1; 1991 c.144 §1; 1993 c.45 §156; 1997 c.165 §1; 1997 c.352 §3; 1999 c.199 §4; 1999

342.130 Certain existing certificates and licenses not invalidated. (1) Nothing in ORS 342.120 to 342.173 is intended to invalidate the rights granted prior to June 30, 1965, by the law and the rules of the State Board of Education under which the certificate or diploma was issued.

(2) Nothing in chapter 550, Oregon Laws 1965, is intended to invalidate the life of any teaching certificate in effect on August 13, 1965, or to alter the rights and privileges granted prior to August 13, 1965, by the law under which the teaching certificate was issued.

(3) Nothing in ORS 342.120 to 342.173 is intended to invalidate the life of any basic or standard teaching or administrative license in effect prior to January 15, 1999, nor to invalidate the rights granted prior to January 15, 1999, by the law and the rules of the Teacher Standards and Practices Commission under which the license was issued. [1961 c.439 §3; 1965 c.100 §350; subsection (2) enacted as 1965 c.550 §4; 1997 c.383 §2; 1999 c.59 §89]

342.135 Basic, standard and other teaching licenses; basis of renewal; rules. (1) A teaching license provided for in this section shall qualify its holder to accept any instructional assignment from preprimary through grade 12 for which the holder has completed the professional requirements established by the rules of the Teacher Standards and Practices Commission.

(2)(a) A basic teaching license shall be issued on application to an otherwise qualified person who has completed an approved teacher education program and meets the requirements of the Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools in kindergarten through grade 12 is eligible to renew the standard license to qualify to continue in such teaching by verification of successful teaching experience and of continuing professional development consistent with rules of the Teacher Standards and Practices Commission.

(b) Holders of the basic teaching license who meet the requirements of the Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools in kindergarten through grade nine may renew the basic license to qualify them to continue in such teaching by verification of successful teaching experience and of continuing professional development in keeping with Teacher Standards and Practices Commission rules.

(c) A holder of the basic teaching license with an endorsement in art, educational media, foreign language, health, home economics, industrial arts, music, physical education and reading may renew the initial basic license by verification of successful teaching experience and of continuing professional development in keeping with Teacher Standards and Practices Commission rules. This paragraph applies to licenses for preprimary programs and grades 1 through 8 and shall include grade 9 if the teacher is teaching in a middle school or a junior high.

(d) Secondary teachers may teach in the public schools, grades 5 through 12, in those subject fields in which they have met the requirements of the Teacher Standards and Practices Commission.

(e) A holder of a standard teaching license who meets the requirements of the Teacher Standards and Practices Commission to teach in the regular classroom program of the public schools in kindergarten through grade 12 is eligible to renew the standard license to qualify to continue in such teaching by verification of successful teaching experience and of continuing professional development consistent with rules of the Teacher Standards and Practices Commission.

(3)(a) A standard teaching license shall be issued on application to an otherwise qualified person who has completed an approved teacher education program, has taught on a basic teaching license for a minimum period of time to be determined by the Teacher Standards and Practices Commission, and is recommended for licensing by the approved teacher education institution or the school district, whichever offered the program.

(b) Preparation shall be a planned education program consisting of courses taken in an approved teacher education institution or in an in-service training program offered by a school district for which credit is given by an approved teacher education institution or some combination of both, in accordance with rules of the Teacher Standards and Practices Commission.

(4) Notwithstanding subsection (2) of this section, the Teacher Standards and Practices Commission shall by rule adopt dates by which continuing professional development is required for renewal of a basic or standard teaching license. [1961 c.439 §4; 1965 c.100 §353; 1965 c.550 §3; 1973 c.270 §5; 1989 c.521 §1; 1993 c.45 §157; 1997 c.383 §6; 2005 c.209 §36]

Note: See note under 342.125.

342.136 Initial teaching, personnel service and administrative licenses; renewal. (1) An initial teaching, personnel service or administrative license shall qualify
its holder to accept any assignment from preprimary through grade 12 for which the holder has completed the requirements established by the rules of the Teacher Standards and Practices Commission.

(2) An initial license shall be issued on application to an otherwise qualified person who has completed an approved professional education program and meets such other requirements as the commission may consider necessary to maintain and improve the quality of instruction in the public schools of the state.

(3) An initial license may be renewed if the applicant meets the requirements established by the commission by rule. [1997 c.383 §4; 2003 c.525 §1]

342.138 Continuing teaching, personnel service and administrative licenses; qualifications for continuing license; renewal. (1) A continuing teaching, personnel service or administrative license shall qualify the holder to accept any assignments for preprimary through grade 12 for which the holder has completed the advanced requirements established by the rules of the Teacher Standards and Practices Commission.

(2) A continuing license shall be issued on application for five years to an otherwise qualified person who has:

(a) Completed an advanced professional education program approved by the commission;

(b) Been employed for a minimum period of time to be determined by the commission in:

(A) An Oregon public school;

(B) An Oregon private school that meets the standards adopted by the commission by rule or is registered as a private school under ORS 345.505 to 345.575; or

(C) Another educational setting approved by the commission; and

(c) Demonstrated minimum competencies, knowledge and skills required for the continuing license through an approved teacher education institution, school district, professional organization identified in ORS 342.121, or professional assessment approved by the commission.

(3) The holder of a continuing license may renew the continuing license in accordance with the rules of the commission. [1997 c.383 §5; 2003 c.525 §2]

342.140 Administrative license. (1) An administrative license shall qualify its holder to serve in any administrative assignment for which the holder has completed the professional requirements established by the rules of the Teacher Standards and Practices Commission.

(2) An administrative license shall be issued and renewed on application to an otherwise qualified person who meets such requirements as to professional preparation and experience as the Teacher Standards and Practices Commission may establish. [1961 c.439 §5; 1965 c.100 §355; 1973 c.270 §6; 1991 c.662 §6]

342.143 Issuance of teaching, personnel service or administrative license and registration as charter school teacher. (1) No teaching, personnel service or administrative license shall be issued to any person until the person has attained the age of 18 years and has furnished satisfactory evidence of proper educational training.

(2) The Teacher Standards and Practices Commission may also require an applicant for a teaching, personnel service or administrative license to furnish evidence satisfactory to the commission of good moral character, mental and physical health, and such other evidence as it may deem necessary to establish the applicant’s fitness to serve as a teacher.

(3) Without limiting the powers of the Teacher Standards and Practices Commission under subsection (2) of this section and notwithstanding ORS 670.280:

(a) No teaching, personnel service or administrative license or registration as a public charter school teacher shall be issued to any person who:


(B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in subparagraph (A) of this paragraph; or

(C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as defined by rule, to any of the crimes listed in subparagraphs (A) and (B) of this paragraph.

(b) The Teacher Standards and Practices Commission may refuse to issue a license or registration to any person who has been convicted of a crime involving the illegal use, sale or possession of controlled substances.
(4) In denying the issuance of a license or registration under this section, the commission shall follow the procedure set forth in ORS 342.176 and 342.177.

(5) The Department of Education shall provide school districts and public charter schools a copy of the list contained in subsection (3) of this section. [1965 c.100 §352; 1971 c.433 §357; 1973 c.570 §7; 1979 c.744 §14; 1987 c.158 §65; 1987 c.503 §6; 1993 c.45 §158; 1993 c.301 §6; 1993 c.603 §2; 1995 c.446 §§8; 1995 c.768 §14; 1997 c.383 §§11,11a; 1999 c.199 §8; 1999 c.306 §1; 2005 c.708 §52]

342.144 American Indian languages teaching license. (1) As used in this section, “American Indian tribe” means an Indian tribe as that term is defined in ORS 97.740.

(2) The Legislative Assembly declares that teaching American Indian languages is essential to the proper education of American Indian children.

(3) The Teacher Standards and Practices Commission shall establish an American Indian languages teaching license.

(4) Each American Indian tribe may develop a written and oral test that must be successfully completed by an applicant for an American Indian languages teaching license in order to determine whether the applicant is qualified to teach the tribe’s native language. When developing the test, the tribe shall determine:

(a) Which dialects will be used on the test;

(b) Whether the tribe will standardize the tribe’s writing system; and

(c) How the teaching methods will be evaluated in the classroom.

(5) The test shall be administered at an appropriate location that does not create hardship for the tribal members administering the test.

(6) The commission may not require an applicant to hold a specific academic degree, to complete a specific amount of education or to complete a teacher education program to receive an American Indian languages teaching license.

(7)(a) An American Indian languages teaching license qualifies the holder to accept a teaching position in a school district, public charter school, education service district, community college or state institution of higher education.

(b) A holder of an American Indian languages teaching license who does not also have a teaching license issued under ORS 342.125 may not teach in a school district or education service district any subject other than the American Indian language they are approved to teach by the tribe.

(c) A holder of an American Indian languages teaching license who does not also have a teaching license or registration issued under ORS 342.125 may not teach in a public charter school any subject other than the American Indian language they are approved to teach by the tribe.

(8)(a) As used in this subsection, “technical assistance program” means a program provided to an American Indian languages teacher by a licensed teacher with three or more years of teaching experience. A technical assistance program may include direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, and other assistance intended to enhance the professional performance and development of the American Indian languages teacher.

(b) The holder of an American Indian languages teaching license who does not also have an administrative license, teaching license or registration issued under ORS 342.125 and who is employed by a school district, public charter school or education service district shall participate in a technical assistance program with a person holding a teaching license issued by the commission under ORS 342.125. The technical assistance program shall meet the guidelines specified in ORS 329.815 (1) to (3).

(9) An American Indian languages teaching license shall be valid for three years and may be renewed upon application from the holder of the license. [2001 c.653 §2]

342.145 [1961 c.439 §6; 1965 c.100 §356; repealed by 1965 c.550 §6]

342.147 Approval of teacher education institutions and programs; rules. (1) After considering recommendations of the State Board of Education, the Teacher Standards and Practices Commission shall establish by rule standards for approval of teacher education institutions and teacher education programs. Public teacher education institutions shall be approved for programs of more than four years’ duration only if teacher education programs which are reasonably attainable in a four-year period are also available in the system of higher education and are designed to culminate in a baccalaureate degree that qualifies its graduates for entry-level teaching licenses.

(2) The commission shall establish rules that allow teacher education programs leading to graduate degrees to commence prior to the student’s completion of baccalaureate degree requirements and that allow the combined use of undergraduate and graduate level course work in achieving program completion.
(3) Whenever any teacher education institution or program is denied approved status or has such status withdrawn such denial or withdrawal must be treated as a contested case within the meaning of ORS chapter 183.

(4) Nothing in this section is intended to grant any authority to the commission relating to granting of degrees or establishing degree requirements that are within the authority of the State Board of Higher Education or any institutions under its jurisdiction or that are within the authority of the governing board of any private institution of higher education. [1973 c.270 §19; 1989 c.521 §2; 1989 c.690 §3; 1993 c.45 §159]

342.150 [1961 c.439 §7; 1963 c.173 §1; 1965 c.100 §357; repealed by 1965 c.550 §6]

342.153 Commissio

342.153 Proficiency in Braille required for teaching license to provide education to blind stu
dents. (1) Any applicant for a teaching license to provide education to students who are blind, as defined in ORS 343.565, shall be required to demonstrate proficiency in reading and writing Braille, as defined in ORS 343.565.

(2) Any applicant for a teaching license to provide education to students who are blind shall be required to demonstrate proficiency by completion of grade I and grade II Braille coursework at a college level.

(3) The Teacher Standards and Practices Commission shall adopt procedures to assess the proficiencies developed through workshops and courses in grade I and grade II Braille that are consistent with standards set by the National Library Service for the Blind and Physically Handicapped at the Library of Congress. [1993 c.380 §8; 1995 c.798 §2]

Note: 342.153 was added to and made a part of 342.120 to 342.430, but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.155 [1961 c.439 §8; 1965 c.100 §358; 1989 c.125 §2; repealed by 1993 c.45 §160]

342.160 [1961 c.439 §9; repealed by 1965 c.100 §456 and 1965 c.550 §6]

342.165 Commission rules. (1) Pursuant to ORS chapter 183, the Teacher Standards and Practices Commission shall adopt rules necessary for the issuance, denial, continuation, renewal, lapse, revocation, suspension or reinstatement of licenses or registrations issued under ORS 342.120 to 342.430. The commission shall also adopt rules establishing means in addition to those prescribed by law whereby teachers are able to add additional endorsements to their teaching licenses.

(2) In establishing rules the commission shall consider:

(a) Its responsibilities to represent the public interest in the development of educational policies;

(b) The capabilities of Oregon teacher education institutions to prepare teachers;

(c) The norms required for the teaching assignments;

(d) The improvement of teaching;

(e) The adequacy of the teacher supply;

(f) The value of experience or nonacademic learning;

(g) The responsibilities imposed upon school districts by geographic and demographic conditions;

(h) The recommendations of the State Board of Education and Superintendent of Public Instruction; and

(i) Other matters that tend to improve education. [1961 c.439 §10; 1965 c.100 §359; 1965 c.535 §10; 1973 c.270 §8; 1979 c.307 §1; 1993 c.45 §161; 1999 c.199 §5; 2005 c.209 §37]

342.167 State board review of rules. (1) The Teacher Standards and Practices Commission shall notify the State Board of Education of proposed rules and shall solicit its advice before adoption.

(2) Within 60 days after receiving notice from the commission of adoption of a rule, the state board on its motion or upon request shall review the rule to determine if the rule serves the public interest.

(3) Where the state board finds pursuant to its review as held under subsection (2) of this section that the rule reviewed is not in the public interest, the state board shall request the commission to set aside or amend the rule. [1973 c.270 §20; 1993 c.45 §163]

Note: 342.167 and 342.169 were added to and made a part of 342.120 to 342.430 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

342.169 Required ratio of pupils to staff holders of first aid cards; exceptions; rules. (1) The State Board of Education shall establish by rule the ratio of the number of pupils to the number of staff members who must hold current, recognized first aid cards in each school.

(2) In order to attain or maintain the ratio set under subsection (1) of this section, the district may require any staff member as a condition of employment to hold a current, recognized first aid card. The staff member shall have 90 days from the date on which the district imposes the requirement to obtain the first aid card.

(3) The district shall waive the requirement of subsection (2) of this section for any staff member who has had the requirement waived by the Teacher Standards and Practices Commission and may waive the requirement for other staff who are unable by reason of disability to obtain recognized first aid cards.
(4) The district shall certify annually to the Department of Education that it complies with the ratio requirement set under subsection (1) of this section. [1981 c.180 §3; 1993 c.45 §165]

Note: See note under 342.167.

342.170 [1961 c.439 §11; 1965 c.100 §360; repealed by 1965 c.535 §17]

342.173 Effect of employing unlicensed teacher or administrator by certain districts. (1) Any school district which employs any person not properly licensed by the Teacher Standards and Practices Commission and assigned in accordance with the terms specified by the person’s license shall forfeit in State School Fund moneys due the district an amount determined by the Teacher Standards and Practices Commission not to exceed the amount of the salary paid to the person for the time during which the person is employed. The forfeiture shall be effective unless:

(a) Such assignments are made with justification satisfactory to the Teacher Standards and Practices Commission.

(b) The teacher is employed by a post-secondary institution accredited by the Northwest Association of Schools and Colleges which has a contract with a school district under which the teacher is teaching at the high school level. The contract shall be approved annually by the State Board of Education under rules adopted by the board, including criteria for a teacher’s qualifications under subparagraph (C) of this paragraph. The contract shall:

(A) Be for a specific instructional assignment for which the district does not have appropriately licensed personnel either on staff or available to be placed on staff after a reasonably diligent search;

(B) Be approved annually by the governing boards of the post-secondary institution and the school district including a written determination that appropriately licensed personnel have not become available since the previous contract for the assignment;

(C) Provide evidence that the teacher’s qualifications are appropriate for the assignment;

(D) Allow the teacher to teach no more than two high school units of credit or the equivalent per year; and

(E) Not be valid during a school closure, strike or summer session.

(c) The person is teaching a live, interactive distance learning course originating outside the state.

(2) A school district shall be required under subsection (1) of this section to forfeit not more than $1,000 of State School Fund moneys due the district if the license has lapsed during the time of employment with the district and the holder had at the time the license expired all the qualifications necessary to renew the license.

(3) Notwithstanding subsections (1) and (2) of this section, a school district employing unlicensed staff members in positions requiring licensed personnel during the time of a labor dispute shall forfeit in State School Fund moneys an amount equal to the daily salary rate multiplied by the number of teaching days for each unlicensed teaching employee during the entire labor dispute.

(4) If the State Board of Education finds a contract to be in violation of the provisions of subsection (1)(b) of this section, the board shall report the violation to the Teacher Standards and Practices Commission which shall proceed as provided in subsection (1) of this section.

(5) Any education service district that employs any person not properly licensed by the Teacher Standards and Practices Commission and assigned in accordance with the terms specified in the person’s license shall pay from its funds an amount determined by the Teacher Standards and Practices Commission not to exceed the amount of salary paid to the person for the time during which the person was employed. The payment shall be required unless the assignment is made with justification satisfactory to the commission. All amounts received under this subsection shall be credited to the State School Fund.

(6) An education service district shall be required under subsection (5) of this section to pay a penalty of not more than $1,000 if the license has lapsed during the time of employment with the district and the holder had at the time the license expired all the qualifications necessary to renew the license.

(7) Subject to any applicable collective bargaining agreement, an education service district required to pay any penalty under subsection (6) of this section is entitled to recover one-half of the amounts paid from the licensed personnel whose unlicensed status caused the payment. Recovery shall not exceed one-half of the amount paid that is attributable to the licensed person.

(8) The Teacher Standards and Practices Commission shall notify districts of the licensing expiration dates of their employees who are reported to the commission. The reporting shall be done in a manner specified by the commission.

(9) Subject to any applicable collective bargaining agreement, a district required to forfeit any State School Fund moneys under subsection (2) of this section is entitled to
recover one-half of the amounts forfeited from the licensed personnel whose unlicensed status caused the forfeiture. Recovery shall not exceed one-half of the amount forfeited that is attributable to the particular licensed person.

(10) A school district or education service district that assigns a teacher to be present in the classroom during a live, interactive distance learning presentation shall not be subject to the forfeiture described in subsection (1) of this section solely because the assignment does not conform to the terms specified on the license of the teacher.

§83; 1991 c.710 §2; 1991 c.780 §§22,23; 1997 c.383 §12

342.174 [1975 c.278 §7; 1987 c.320 §156; 1993 c.45 §167; renumbered 179.405 in 1993]

(Discipline)

342.175 Grounds for discipline; reinstatement. (1) The Teacher Standards and Practices Commission may suspend or revoke the license of a teacher or administrator, discipline a teacher or administrator or suspend or revoke the right of any person to apply for a license if the person has held a license at any time within five years prior to issuance of the notice of charges under ORS 342.176 based on the following:

(a) Conviction of a crime not listed in ORS 342.143 (3);

(b) Gross neglect of duty;

(c) Any gross unfitness;

(d) Conviction of a crime for violating any law of this or any state or of the United States involving the illegal use, sale or possession of controlled substances;

(e) Any false statement knowingly made in an application for issuance, renewal or reinstatement of a license; or

(f) Failure to comply with any condition of reinstatement under subsection (3) of this section or any condition of probation under ORS 342.177 (3)(b).

(2) Notwithstanding ORS 670.280, the commission shall revoke any license or registration and shall revoke the right of any person to apply for a license or registration if the person has held a license or registration at any time within five years prior to issuance of the notice of charges under ORS 342.176 when the holder or person has been convicted of any crime described in ORS 342.143 (3).

(3) Except for convictions for crimes listed in ORS 342.143 (3) and subject to subsection (4) of this section, any person whose license or registration has been suspended or revoked or whose privilege to apply for a license or registration has been revoked may apply to the commission for reinstatement of the license or registration after one year from the date of the suspension or revocation. The commission may require an applicant for reinstatement to furnish evidence satisfactory to the commission of good moral character, mental and physical health and such other evidence as the commission may consider necessary to establish the applicant’s fitness. The commission may impose a probationary period and such conditions as it considers necessary upon approving an application for reinstatement.

(4) The commission shall reconsider immediately a license or registration suspension or revocation or the situation of a person whose privilege to apply for a license or registration has been revoked, upon application therefor, when the license or registration suspension or revocation or the privilege revocation is based on a criminal conviction that is reversed on appeal.

(5) Violation of rules adopted by the commission relating to competent and ethical performance of professional duties shall be admissible as evidence of gross neglect of duty or gross unfitness.

(6) A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of a conviction described in this section.

§2; 1981 c.469 §1; 1981 c.663 §4; 1987 c.401 §1; 1987 c.503 §1a; 1989 c.150 §1; 1989 c.162 §1; 1989 c.493 §1; 1991 c.67 §83; 1991 c.710 §2; 1991 c.780 §§22,23; 1997 c.383 §12]

342.176 Preliminary investigation of complaint; materials confidential; notice. (1) Upon receipt of a complaint or information that a person has violated ORS 342.143 or 342.175, the Teacher Standards and Practices Commission shall promptly undertake an investigation.

(2) The commission may appoint an investigator and shall furnish the investigator with appropriate professional and other special assistance reasonably required to conduct the investigation, and the investigator is empowered to subpoena witnesses over the signature of the executive director, swear witnesses and compel obedience in the same manner as provided under ORS 183.440 (2).

(3) Following completion of the investigation, the executive director shall report in writing any findings and recommendations to:

(a) The commission, meeting in executive session, at its next regular meeting following completion of the investigation; and

(b) The person against whom the charge is made.

273
(4) The documents and materials used in the investigation and the report of the executive director are confidential and not subject to public inspection unless the commission makes a final determination that the person charged has violated ORS 342.143 or 342.175.

(5) If the commission finds from the report that there is sufficient cause to justify holding a hearing under ORS 342.177, it shall notify in writing:
   (a) The person charged, enclosing a statement of the charges and a notice of opportunity for hearing;
   (b) The complainant; and
   (c) The employing district, if any.

(6) If the commission finds from the report that there is not sufficient cause to justify holding a hearing under ORS 342.177, it shall notify in writing:
   (a) The person charged;
   (b) The complainant; and
   (c) The employing district, if any.

(7) Notwithstanding ORS 192.660 (6), the commission may make its findings under this section in executive session. However, the provisions of ORS 192.660 (4) apply to the sessions. [1979 c.226 §2; 1987 c.503 §2; 1989 c.149 §1; 1991 c.662 §2; 1997 c.165 §2; 2003 c.524 §5]

342.177 Hearing and decision on charges; notice.
(1) (a) Hearings under ORS 342.176 shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

   (b) Notwithstanding paragraph (a) of this subsection, the Teacher Standards and Practices Commission shall conduct any hearing that results from the suspension of the teaching license of a teacher under ORS 342.553. [1979 c.226 §2; 1987 c.503 §2; 1989 c.149 §1; 1991 c.662 §2; 1997 c.165 §2; 2003 c.524 §5]

   (c) Any hearing conducted under this subsection shall be private unless the person against whom the charge is made requests a public hearing. Students attending school in the district which employs the person shall not be permitted to attend any hearing except as witnesses duly subpoenaed to testify with respect to the charges made. The person against whom the charge is made shall have the right to be represented by counsel and to present evidence and argument. The evidence must be confined to the charges.

   (2) The Teacher Standards and Practices Commission or the person charged may have subpoenas issued to compel attendance at the hearing. The person charged may have subpoenas issued by an attorney of record subscribed by the signature of the attorney or by the executive director. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in ORS 44.415 (2). The commission or the person charged shall have the right to compel the attendance and obedience of witnesses in the same manner as provided under ORS 183.440 (2).

   (3) The commission shall render its decision at its next regular meeting following the hearing. If the decision of the commission is that the charge described in ORS 342.175 (1) has been proven, the commission may take any or all of the following disciplinary action against the person charged:

      (a) Issue a public reprimand.
      (b) Place the person on probation for a period not to exceed four years and subject to such conditions as the commission considers necessary.
      (c) Suspend the license of the teacher or administrator for a period not to exceed one year.
      (d) Revoke the license of the teacher or administrator.
      (e) Revoke the privilege to apply for a license.

   (4) If the decision of the commission is that the charge is not proven, the commission shall order the charges dismissed.

   (5) The commission shall notify in writing the person charged, the school district by which the person is employed and the Superintendent of Public Instruction of the decision. [1965 c.100 §363; 1965 c.535 §11; 1973 c.228 §2; 1979 c.226 §3; 1989 c.149 §2; 1991 c.662 §3; 1997 c.165 §3; 1999 c.549 §§69,70; 2003 c.75 §33; 2005 c.444 §1]

342.180 Appeal.
(1) Any person whose license or registration has been suspended or revoked or who has been disciplined, or who has been refused issuance or reinstatement of a license or registration, and is aggrieved at the decision of the Teacher Standards and Practices Commission, may appeal in the manner provided in ORS 183.480.

   (2) If the Superintendent of Public Instruction, the district school board or the public charter school employing the teacher or administrator is aggrieved at the decision of the commission, the superintendent, the board or the school may appeal from the decision in the manner provided in ORS 183.480.

   (3) Unless the decision of the commission is accompanied by a finding that immediate suspension or revocation of the teaching license or registration is necessary to protect the safety and well-being of students, an appeal made under this section in a proceeding to suspend or revoke shall operate as a stay
of the suspension or revocation, if any, until the determination of the appeal. [Formerly 342.075; 1965 c.100 §366; 1973 c.228 §3; 1999 c.190 §7]

342.185 [1961 c.677 §3; 1965 c.100 §365; repealed by 1973 c.228 §10]

342.190 Administrative Procedures Act not applicable to proceedings for reinstatement, revocation or suspension. Except as otherwise specifically provided, ORS chapter 183 does not apply to proceedings under ORS 342.175, 342.177 and 342.180. [1961 c.677 §4; 1965 c.100 §366; 1973 c.228 §4]

(Miscellaneous)

342.195 Teaching licenses based on experience in certain federal programs. Upon payment of the required fees, an otherwise qualified applicant for an initial or basic teaching license shall be granted the license upon showing by proof satisfactory to the Teacher Standards and Practices Commission that the applicant has completed under an Armed Forces of the United States or Peace Corps program, or as a volunteer under section 603 of the Economic Opportunity Act of 1964 (Public Law 88-452), two years of satisfactory service which emphasized teaching in any preprimary program or in any grades 1 through 12 in subjects regularly taught in public schools if the applicant either:

(1) Has completed an approved teacher education program; or

(2) Has at least the baccalaureate degree from an accredited institution of higher education and has completed a teacher training program provided under the auspices of the federal program. [1967 c.304 §2; 1973 c.270 §9; 1993 c.45 §307; 1997 c.383 §13]

342.200 Administrative licenses based on professional skills and experience. In order to allow the school districts of the state to take full advantage of various professional skills and disciplines not directly developed through teaching experience or professional education for which teaching experience is a prerequisite, it is the public policy of the State of Oregon that the Teacher Standards and Practices Commission, in establishing professional requirements and experience under ORS 342.140, shall consider professional skills, education and experience not directly related to, nor contingent upon, teaching experience or training as a classroom teacher. [1971 c.570 §1; 1973 c.270 §10]

342.203 Circulation of list of teachers and administrators subjected to discipline. (1) Annually not later than March 1, the Teacher Standards and Practices Commission shall cause to be circulated among all of the common and union high school districts and education service districts in this state a list of all teachers and administrators whose teaching or administrative licenses have been suspended or revoked or who have been reprimanded or placed on probation during the preceding 12 months.

(2) If the decision of the commission is appealed under ORS 342.180, the teacher’s or administrator’s name shall not be placed on the list authorized by subsection (1) of this section unless and until such decision has been sustained by the Court of Appeals or until the appeal has been dropped. [1973 c.228 §5; 1993 c.45 §169]

342.205 [Repealed by 1965 c.608 §21]

342.210 [Amended by 1955 c.281 §1; 1959 c.433 §1; repealed by 1965 c.608 §21]

342.215 [Repealed by 1957 c.591 §1]

342.216 [1957 c.590 §2; repealed by 1965 c.608 §21]

342.218 [1961 c.69 §§2,3; repealed by 1965 c.608 §21]

342.220 [Amended by 1957 c.591 §2; repealed by 1965 c.608 §21]

(Criminal Records Check)

342.223 Fee for criminal record search; effect of making false statement; appeal of refusal to issue or renew license or registration. (1) The Teacher Standards and Practices Commission may charge a person described in ORS 181.539 (1)(a) to (c), (g) or (j) a fee not to exceed the full cost of acquiring and furnishing the information described in ORS 181.525 and 181.534.

(2) The making of any false statement as to the conviction of a crime is grounds for refusal to issue, renew or reinstate a license, certificate or registration and is in addition to the grounds stated in ORS 342.143.

(3) A person may appeal the refusal to issue an initial license, certificate or registration under this section as a contested case under ORS 183.413 to 183.470, but the refusal to renew or reinstate a license or registration is subject to ORS 342.175 to 342.180, and the commission shall notify the person of the right to appeal. [1993 c.674 §5; 1995 c.446 §9; 1999 c.199 §9; 2001 c.407 §5; 2005 c.730 §19]

342.225 [Amended by 1957 c.591 §3; repealed by 1965 c.608 §21]

342.227 Issuance of temporary license or certificate pending result of check. The Teacher Standards and Practices Commission may issue to an individual a temporary license or certificate as a teacher, administrator, personnel specialist or school nurse pending the return of the criminal records check by the Federal Bureau of Investigation. [1983 c.674 §6]

342.230 [Amended by 1957 c.591 §4; repealed by 1965 c.608 §21]

342.232 Employment pending result of check. (1) A school district, education service district, private school or public charter
school may authorize a person described under ORS 181.539 (1)(d), (h) or (i) to begin carrying out the terms of a contract pending the return of the criminal records check by the Federal Bureau of Investigation.

(2) A school district, education service district, private school or public charter school may hire on a probationary basis a person described under ORS 181.539 (1)(e) or (i) pending the return of the criminal records check by the Federal Bureau of Investigation. [1993 c.674 §6a; 1995 c.67 §41; 1997 c.536 §4; 1999 c.200 §34; 1999 c.1054 §6; 2001 c.407 §6; 2005 c.730 §20]

342.235 [Amended by 1959 c.433 §2; repealed by 1965 c.608 §21]

342.240 [Repealed by 1965 c.608 §21]

342.245 [Repealed by 1965 c.608 §21]

342.250 [Amended by 1957 c.211 §1; repealed by 1965 c.608 §21]

342.252 [1955 c.281 §3; repealed by 1965 c.608 §21]

342.253 [Repealed by 1965 c.608 §21]

342.255 [Repealed by 1965 c.608 §21]

342.260 [Repealed by 1965 c.608 §21]

342.265 [Repealed by 1965 c.608 §21]

342.270 [Repealed by 1965 c.608 §21]

342.275 [Repealed by 1965 c.608 §21]

342.280 [Repealed by 1965 c.608 §21]

342.285 [Repealed by 1965 c.608 §21]

342.290 [Repealed by 1965 c.608 §21]

342.295 [Repealed by 1965 c.608 §21]

342.300 [Repealed by 1965 c.608 §21]

342.305 [Repealed by 1965 c.608 §21]

342.310 [Repealed by 1965 c.608 §21]

342.315 [Repealed by 1965 c.608 §21]

342.320 [Repealed by 1965 c.608 §21]

342.325 [Repealed by 1965 c.608 §21]

342.330 [Amended by 1953 c.638 §2; 1959 c.400 §4; repealed by 1965 c.608 §21]

342.340 [1965 c.535 §1; 1975 c.278 §3; 1991 c.144 §2; repealed by 1995 c.45 §170]

TEACHER STANDARDS AND PRACTICES COMMISSION

342.350 Commission established; confirmation; term; vacancy; effect of change in circumstances. (1) There is created a Teacher Standards and Practices Commission consisting of 17 members appointed by the Governor subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(2) The term of office of a member is three years. Before the expiration of the term of a member, the Governor shall appoint a successor to assume the duties on January 1 next following. A member is eligible for reappointment but only for one additional term. In case of a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) Any member who through change of employment standing or other circumstances no longer meets the criteria for the position to which the member was appointed shall no longer be eligible to serve in that position, and the position on the commission shall become vacant 60 days following the member’s change in circumstances. [1965 c.535 §2; 1973 c.270 §11; 1975 c.278 §4; 1979 c.307 §4]

342.360 Members; qualifications. (1) The membership of the Teacher Standards and Practices Commission shall consist of:

(a) Four elementary teachers;
(b) Four junior or senior high school teachers;
(c) One elementary school administrator;
(d) One junior or senior high school administrator;
(e) One superintendent of city schools;
(f) One county superintendent or a superintendent employed by an education service district board;
(g) One member from the faculty of an approved private teacher education institution in Oregon;
(h) One member from the faculty of a state institution of higher education;
(i) One member who is also a member of a district school board; and
(j) Two members of the general public.

(2) Except for those members appointed under subsection (1)(i) and (j) of this section, members must have been actively engaged in teaching, supervising or administering in the public schools or in approved teacher education institutions in Oregon for the period of five years immediately preceding appointment. Acting as an elected representative of teachers, supervisors or administrators shall be considered teaching, supervising or administering for the purposes of the five-year experience requirement. In addition, members appointed under subsection (1)(a) to (f) of this section must hold valid Oregon teaching or administrative licenses other than restricted teaching or administrative licenses.

342.370 Change in circumstances. (3)(a) Throughout the term for which appointed, one of the members appointed under subsection (1)(a) to (j) of this section must hold a teaching license with an endorsement in some aspect of special education or have demonstrated knowledge or experience in special education.

(b) As used in this subsection, “special education” means specially designed education to meet the goals of the individual education program of a child with disabilities including regular classroom instruction, instruction in physical education, home instructi-
striction, related services and instruction in hospitals, institutions and special schools. [1965 c.535 §§; 1973 c.270 §12; 1975 c.278 §5; 1979 c.307 §5; 1987 c.503 §9; 1989 c.244 §1; 1993 c.45 §171; 2005 c.209 §38]

342.370 [1965 c.535 §5; 1975 c.278 §6; repealed by 1979 c.307 §8]

342.380 Organization. (1) The Teacher Standards and Practices Commission shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business. [1965 c.535 §6]

342.390 Meetings; expenses. (1) The Teacher Standards and Practices Commission shall meet at least once every six months at a place, day and hour determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the members of the commission.

(2) A member of the commission who is employed at a public school or by a private teacher education institution or by a state institution of higher education shall receive no compensation for services as a member; but subject to any other applicable law regulating travel and other expenses for state officers, the member shall receive actual and necessary travel and other expenses incurred in the performance of official duties as provided by ORS 292.495 (2).

(3) A member of the commission who serves on the commission in the capacity of a district school board member or as a member of the general public shall be entitled to compensation and expenses as provided in ORS 292.495 (1) and (2). [1965 c.535 §§7.8; 1991 c.682 §4; 1993 c.45 §172]

342.400 Licensing requirements for out-of-state applicants; reciprocal agreements; rules. (1) Except as provided in subsection (4) of this section, the Teacher Standards and Practices Commission shall not issue a license to an out-of-state applicant unless the applicant has met the professional requirements established by rule by the commission and has completed a course of study substantially similar to that required for an in-state applicant.

(2) Notwithstanding subsection (1) of this section, if the commission establishes that the position or positions to be filled are in a geographic or subject matter area in which there are an insufficient number of in-state applicants, the commission may issue a license to an out-of-state applicant who has completed a course of study approved by the commission.

(3) In situations described in subsection (2) of this section, the commission shall adopt by rule standards providing for equal treatment for graduates of approved Oregon colleges and universities.

(4) Notwithstanding subsection (1) of this section, the commission may enter into a reciprocal agreement with the appropriate official of any other state for licensure of applicants from the state if the commission determines that the standards and requirements for certification or licensure in that state are substantially similar to the standards and requirements for licensure under applicable statutes of this state and rules of the commission.

(5) Teachers granted licenses under subsections (2), (3) and (4) of this section shall be required to meet all standards required of Oregon teachers, including the requirements of ORS 342.123, not later than three years following the date of initial granting of the license. [1965 c.535 §9; 1973 c.270 §13; 1979 c.307 §6; 1981 c.603 §5; 1987 c.500 §9; 1993 c.45 §173; 1993 c.333 §1]

342.410 Executive director; employees. The Teacher Standards and Practices Commission shall appoint a qualified person as executive director and may, subject to the State Personnel Relations Law, employ persons to provide such service as the commission shall require. [1965 c.535 §12; 1973 c.270 §14; 1997 c.165 §4]

342.420 Member’s salary; reimbursement to district. (1) Membership on the Teacher Standards and Practices Commission shall not affect a member’s compensation from the employer of the member or any other benefits to which the member is entitled.

(2) A school district required to employ a substitute for a teacher or administrator who is absent from employment while performing duties as a member of the Teacher Standards and Practices Commission shall be entitled to reimbursement for the district’s actual expenses in employing the substitute. Reimbursement for the expense of employing such substitutes shall be made by the commission from the Teacher Standards and Practices Commission Account. [1965 c.535 §13]

342.430 Teacher Standards and Practices Commission Account; use. On or before the 10th day of each month, the Teacher Standards and Practices Commission shall pay into the State Treasury all moneys received under this chapter during the preceding calendar month. The State Treasurer shall credit the moneys to the Teacher Standards and Practices Commission Account. The moneys in the Teacher Standards and Practices Commission Account are continuously appropriated to the commission for
the purpose of paying its administrative expenses. [1965 c.535 §15; 1967 c.637 §8; 1973 c.270 §15; 1993 c.45 §174]

MINORITY TEACHER ACT

342.433 Definitions for ORS 342.433 to 342.449. As used in ORS 342.433 to 342.449 and 351.077:

(1) “Minority” means a person who is:

(a) A person having origins in any of the black racial groups of Africa but who is not Hispanic;

(b) A person of Hispanic culture or origin;

(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) An American Indian or Alaskan Native having origins in any of the original peoples of North America.

(2) “Teacher” includes a teacher or an administrator. [1991 c.434 §2]

342.435 [1977 c.635 §8; repealed by 1981 c.469 §6]

342.437 Goals. The State of Oregon is committed to ethnic-racial equity and, therefore, it is the goal of the state that by the year 2001 the number of minority teachers, including administrators, employed by school districts and education service districts shall be approximately proportionate to the number of minority children enrolled in the public schools of this state. [1991 c.434 §2]

342.440 [1971 c.755 §3; repealed by 1973 c.536 §39]

342.443 Reports to legislature; comparative data; data collection. (1) The Education and Workforce Policy Advisor shall report biennially to the Legislative Assembly longitudinal data on the number and percentage of:

(a) Minority students enrolled in community colleges;

(b) Minority students applying for admission to public four-year institutions of higher education;

(c) Minority students accepted in public four-year institutions of higher education;

(d) Minority students graduated from public four-year institutions of higher education;

(e) Minority candidates seeking to enter public teacher education programs in this state;

(f) Minority candidates admitted to public teacher education programs;

(g) Minority candidates who have completed approved public teacher education programs;

(h) Minority candidates receiving Oregon teaching licenses based on preparation in this state and preparation in other states;

(i) Minority teachers who are newly employed in the public schools in this state; and

(j) Minority teachers already employed in the public schools.

(2) The advisor also shall report comparisons of minorities’ and nonminorities’ scores on basic skills, pedagogy and subject matter tests.

(3) The Oregon University System, the Department of Education, the Teacher Standards and Practices Commission, community colleges and school districts shall cooperate with the advisor in collecting data and preparing the report. [1991 c.434 §3; 1997 c.652 §30]

342.445 [1977 c.635 §9; renumbered 342.485]

342.447 Plans for recruitment, admission, retention and graduation of minority teachers; rules. (1) The State Board of Higher Education shall require each public teacher education program in this state to prepare a plan with specific goals, strategies and deadlines for the recruitment, admission, retention and graduation of minority teachers.

(2) The state board shall review the plans for the adequacy and feasibility of the plans and, after making necessary revisions, shall adopt the plans.

(3) The state board shall adopt rules governing:

(a) The contents of the plans;

(b) The state board’s initial and biennial review process, including timetables for revising plans; and

(c) Other matters necessary for carrying out the provisions of ORS 342.433 to 342.449 and 351.077. [1991 c.434 §4]

342.449 Short title. ORS 342.433 to 342.449 and 351.077 shall be known and may be cited as the Minority Teacher Act of 1991. [1991 c.434 §1]

342.450 [1965 c.390 §1; 1969 c.647 §1; repealed by 1973 c.536 §39]

SCHOOL NURSES

342.455 Definition of “school nurse.” “School nurse” as used in ORS 342.465 and 342.475, means a registered nurse who is certified by the Teacher Standards and Practices Commission as qualified to conduct and coordinate the health services programs of a school. [Formerly 678.505]

342.460 [1965 c.390 §§2,3; 1969 c.647 §2; 1971 c.755 §3; repealed by 1973 c.536 §39]
342.465 Rules; notice if action taken on license. (1) The Teacher Standards and Practices Commission shall adopt by rule standards necessary for the issuance, denial, continuation, renewal, lapse or reinstatement of certificates issued under ORS 342.475 (1) to (3) and for establishment and collection of fees for certification as a school nurse. The commission may adopt by rule procedures for revocation of a certificate issued under ORS 342.475 (1) to (3) that are consistent with ORS 342.175 to 342.190.

(2) The Oregon State Board of Nursing shall notify the commission whenever the board takes any action on a license issued under ORS chapter 678 which might affect the ability of the license holder to practice as a school nurse. [Formerly 678.525; 1983 c.45 §176]

342.470 [1965 c.380 §4; 1969 c.647 §3; 1971 c.755 §4; repealed by 1973 c.536 §39]

342.475 School nurses; certificates. (1) “School nurse” is established as a category of specialization in nursing.

(2) The Teacher Standards and Practices Commission shall issue a certificate as a school nurse to a person who complies with the rules established by the commission for the certification and practice of school nursing or who has been certified by the Oregon State Board of Nursing as a school nurse practitioner. In establishing rules for the certification and practice of any specialization of school nursing, the commission shall consider the recommendations of the Oregon State Board of Nursing.

(3) The commission may issue an emergency certificate that authorizes a person licensed as a registered nurse in this state who does not meet the requirements of subsection (2) of this section to practice as a school nurse. Such certificates shall be issued for a limited time as set by the commission.

(4) Notwithstanding subsections (1) to (3) of this section, the commission shall issue a certificate in a school nurse specialization category to a registered nurse who applies for certification and who is employed by a school, school district or education service district to conduct and coordinate a school or district health services program or who serves in such a capacity on a voluntary basis on November 1, 1981. A certificate issued under this subsection shall be issued without further proof of qualification by the applicant.

(5) A certificate issued under this section is not a teaching license. The nurse holding a certificate issued under this section is not subject to ORS 238.280 or 342.805 to 342.937. [Formerly 678.515]

342.480 [1971 c.755 §5; repealed by 1973 c.536 §39]

342.485 Commission to consult with and advise Oregon State Board of Nursing on school nursing. The Teacher Standards and Practices Commission shall consult with and advise the Oregon State Board of Nursing on the qualifications and practices involved in school nursing. [Formerly 342.445]

342.495 Holder of school nurse certificate qualified to conduct and coordinate health services program. (1) The holder of a school nurse certificate issued under ORS 342.475 (1) to (3) is qualified to accept employment to conduct and coordinate the health services programs of any public school in the State of Oregon. A person licensed as a registered nurse may use the term “nurse” as part of a title when employed by a school.

(2) No school or school district is required to employ as a nurse a person certified under ORS 342.475 (1) to (3). [Formerly 342.982]

342.500 [Amended by 1955 c.219 §1; 1961 c.383 §1; 1965 c.100 §367; repealed by 1983 c.45 §177]

342.505 [Amended by 1957 c.446 §1; 1965 c.100 §368; 1965 c.608 §20; repealed by 1973 c.298 §9]

342.510 [Amended by 1965 c.100 §380; renumbered 342.965]

TEACHERS’ CONTRACTS

342.513 Renewal or nonrenewal of contracts for following year. (1) Each district school board shall give written notice of the renewal or nonrenewal of the contract for the following school year by March 15 of each year to all teachers and administrators in its employ who are not contract teachers as defined in ORS 342.815. In case the district school board does not renew the contract, the material reason therefor shall, at the request of the teacher or administrator, be included in the records of the school district, and the board shall furnish a statement of the reason for nonrenewal to the teacher or administrator. If any district school board fails to give such notice by March 15, the contract shall be considered renewed for the following school year at a salary not less than that being received at the time of renewal. The teacher or administrator may bring an action of mandamus to compel the district school board to issue such a contract for the following school year.

(2) This section is not effective unless teachers or administrators notify the board in writing on or before April 15 of acceptance or rejection of the position for the following school year. [Formerly 342.653; 1975 c.770 §47; 1979 c.714 §1; 1997 c.564 §24; 2005 c.22 §236]

342.515 [Amended by 1965 c.100 §381; repealed by 1993 c.45 §178]

342.520 [Amended by 1959 c.361 §1; 1965 c.100 §382; renumbered 342.970]
342.545 Termination of teacher’s contract; release. (1) Sickness or other unavoidable circumstances which prevent the teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under ORS 332.507 shall be sufficient reason for the school board to place the teacher on leave without pay for the remainder of the regular school year and to terminate the teacher’s employment without penalty on August 1 if the school board determines that the teacher is unable to resume teaching responsibilities at the beginning of the next fall term. This subsection applies to teachers whose employment is based either upon contract or tenure, or both.

(2) A district school board may release a teacher from a contract by mutual agreement. No board is required to consider any resignation not in writing. [Formerly 342.640; 1969 c.106 §1; 1977 c.860 §3; repealed by 1993 c.45 §180]

342.550 [Repealed by 1965 c.100 §456]

342.553 Suspension of teaching license for resigning without providing required notice; appeal. (1) Any elementary or secondary teacher who has entered into a contract to teach in any public school and who resigns the position without first providing 60 days’ written notice to the district superintendent or the notice required in the applicable collective bargaining agreement may have the teaching license of the teacher suspended for the remainder of the school year by the Teacher Standards and Practices Commission upon notice of the resignation from the district school board to the commission. The commission shall notify the teacher of the suspension of the teaching license held by the teacher.

(2) Any teacher whose teaching license has been suspended under subsection (1) of this section may appeal to the Teacher Standards and Practices Commission within 20 days after the date of the notice of the suspension. The notice of appeal must be in writing and sent to the Teacher Standards and Practices Commission not later than one day following the 20-day period. The Teacher Standards and Practices Commission shall fix the earliest possible date for a hearing on the suspension and shall notify the teacher and the district school board concerned. The decision of the Teacher Standards and Practices Commission is final.

(3) If an appeal is made to the Teacher Standards and Practices Commission, suspension of the teaching license shall be stayed until the Teacher Standards and Practices Commission reaches a decision. [ Formerly 342.645; 1975 c.258 §1]

342.555 [Repealed by 1965 c.100 §456]

342.560 [Amended by 1955 c.618 §1; 1965 c.100 §384; renumbered 342.975]

342.565 [Repealed by 1965 c.100 §456]

342.570 [Repealed by 1965 c.100 §456]

342.575 [Amended by 1955 c.618 §2; 1965 c.100 §385; renumbered 342.980]

342.580 [Repealed by 1965 c.100 §456]

342.585 [Repealed by 1965 c.100 §456]

342.590 [Repealed by 1963 c.544 §52]

342.595 [Amended by 1953 c.392 §2; 1961 c.357 §1; 1963 c.211 §1; 1965 c.100 §375; 1975 c.451 §1; repealed by 1977 c.860 §5]

342.596 [1957 c.457 §1; 1963 c.122 §1; 1965 c.100 §376; 1965 c.183 §1; 1977 c.860 §3; 1991 c.599 §1; renumbered 332.507 in 1993]

342.598 [1965 c.254 §1; renumbered 332.432 in 1993]

342.599 [1977 c.860 §3; repealed by 1993 c.45 §180]

342.600 [Amended by 1955 c.101 §2; 1961 c.439 §12; 1963 c.544 §50a; 1965 c.100 §378; 1965 c.216 §1; repealed by 1983 c.187 §1]

342.601 [1967 c.67 §14 (enacted in lieu of 342.600); 1975 c.278 §8; 1975 c.770 §48a; 1981 c.128 §1; repealed by 1993 c.45 §180]

342.602 [Formerly 342.065; 1965 c.100 §379; repealed by 1973 c.458 §3]

342.604 [1971 c.519 §2; 1989 c.491 §28; renumbered 332.534 in 1993]

342.605 [Repealed by 1965 c.100 §456]

TERMS AND CONDITIONS OF EMPLOYMENT OF SCHOOL PERSONNEL

342.608 Working hours for licensed personnel; duty-free lunch period required; exception. (1) School boards shall fix the working hours for full-time and part-time licensed staff members. They shall direct that full-time staff members be provided a time for a 30-minute continuous duty-free lunch period during the regularly scheduled lunch hours.

(2) Any school principal who fails to schedule a continuous 30-minute duty-free lunch period in accordance with this section shall be guilty of neglect of duty under ORS 342.865.

(3) No teacher shall by oral orders or written agreement fail to receive a 30-minute lunch period.

(4) School boards shall not be required to employ special personnel to supervise students during lunch periods.

(5) This section does not apply in school buildings where fewer than three teachers are employed. [1971 c.201 §1]

342.609 [1977 c.137 §1; renumbered 336.081 in 1993]
342.610 Minimum salary for substitute teachers. (1) Teachers employed as substitute teachers shall not be paid less per day than 85 percent of 1/190th of the salary of a beginning teacher who holds a bachelor’s degree. The salary of the substitute teacher shall be computed as required in this subsection based on the statewide average salary for beginning teachers who hold bachelor’s degrees. The Department of Education shall compute the statewide average salary to be used for purposes of this subsection, using the latest data available to the department, but not data from earlier than the preceding school year.

(2) The school district shall set the working hours for a substitute teacher, and, when employed, shall pay the substitute teacher a salary which is no less than one-half of the daily minimum salary as computed under subsection (1) of this section. However, if the substitute teacher is employed for more than one-half day, the substitute teacher shall receive a full day’s pay.

(3)(a) Notwithstanding subsection (1) of this section, teachers employed as substitute teachers for more than 10 consecutive days in any one assignment for the same teacher shall not be paid after the 10th day of the assignment less per day than 100 percent of 1/190th of the statewide average salary computed in subsection (1) of this section for districts with no salary scale; or, for districts with a salary scale, the higher of:

(A) 1/190th of the employing school district’s salary for a beginning teacher who holds a bachelor’s degree; or

(B) The statewide minimum per diem salary as computed in subsection (1) of this section.

(b) Used sick leave, whether paid or unpaid, and weekends, school holidays and days when schools are closed by weather or other conditions and when substitute teachers are not required to appear in person at the school shall not be considered in determining consecutive days for purposes of this subsection.

(c) When substituting for a part-time teacher, the part of the day worked by the substitute shall count as a full day in determining consecutive days for purposes of this subsection.

(4) Subsections (1) to (3) of this section do not apply to substitute teachers represented in a bargaining unit in the school district by which they are employed. [Amended by 1955 c.130 §1; 1957 c.262 c.1; 1965 c.100 §377; 1967 c.625 §1; 1971 c.536 §1; 1977 c.531 §1; 1979 c.167 §1; 1987 c.402 §1; 1991 c.198 §1; 1995 c.793 §1; 1999 c.706 §1]

342.613 Contracts with teachers for return of part of salary prohibited. No district shall enter into a contract with any teacher whereby the teacher shall return to the district any part of the salary of the teacher. If any board and teacher enter into such contract, the contract is void and the teacher’s teaching license shall be revoked. [Formerly 342.525; 1967 c.67 §12]

342.615 [Amended by 1965 c.100 §386; repealed by 1979 c.166 §1]

342.617 [1985 c.585 §2; 1993 c.45 §184; renumbered 332.554 in 1993]

342.620 [Repealed by 1979 c.166 §1]

342.625 [Repealed by 1979 c.166 §1]

342.630 [Repealed by 1965 c.100 §456]

342.635 [Amended by 1957 c.443 §1; 1965 c.100 §369; renumbered 342.513]

342.640 [Amended by 1965 c.100 §373; 1965 c.163 §1; renumbered 342.545]

342.645 [Amended by 1953 c.36 §2; 1959 c.441 §1; 1965 c.100 §374; renumbered 342.553]

342.650 Wearing of religious dress prohibited. No teacher in any public school shall wear any religious dress while engaged in the performance of duties as a teacher. [Amended by 1965 c.100 §397]

342.655 Sanctions against teacher violating ORS 342.650. Any teacher violating the provisions of ORS 342.650 shall be suspended or dismissed from employment by the district school board. The suspension or dismissal is not subject to ORS 342.805 to 342.937. The board shall report its action to the Teacher Standards and Practices Commission which may suspend or revoke the teacher’s teaching license. [Amended by 1965 c.100 §388; 1987 c.503 §3]

342.660 [Repealed by 1965 c.100 §456]

342.665 [1969 c.266 §§1,2,3; 1993 c.45 §186; renumbered 332.544 in 1993]

342.666 [Amended by 1961 c.204 §1; repealed by 1965 c.100 §456]

342.670 [Repealed by 1965 c.100 §456]

342.675 [Repealed by 1965 c.100 §456]

342.680 [Repealed by 1965 c.100 §456]

342.685 [Repealed by 1965 c.100 §456]

SEXUAL HARASSMENT

342.700 Policy on sexual harassment; posting and availability of policy. It is the policy of the State of Oregon that sexual harassment will not be tolerated in schools. A school district shall adopt a policy on sexual harassment for students and staff that meets the requirements of ORS 342.704. A school district shall make the sexual harassment policy available to students, parents of students and staff. A school district’s sexual harassment policy shall be posted on a sign that is at least 8.5 by 11 inches in size. The school district shall post the sign in all
342.704 Adoption of school district policies on sexual harassment required; contents; rules. (1) The State Board of Education shall adopt by rule minimum requirements for school district policies on sexual harassment of students by staff and other students including, but not limited to, requirements that:

(a) All staff and students are subject to the policies;

(b) Sexual harassment of students includes:

(A) A demand for sexual favors in exchange for benefits; and

(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student’s educational performance or that creates an intimidating, offensive or hostile educational environment;

(c) All complaints about behavior that may violate the policy shall be investigated;

(d) The initiation of a complaint in good faith about behavior that may violate the policy shall not adversely affect the educational assignments or study environment of the student; and

(e) The student who initiated the complaint and the student’s parents shall be notified when the investigation is concluded.

(2) The State Board of Education shall adopt by rule minimum requirements for school district policies on sexual harassment of staff by students and other students including, but not limited to, requirements that:

(a) All staff and students are subject to the policies;

(b) Sexual harassment of staff includes:

(A) A demand for sexual favors in exchange for benefits; and

(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a staff person’s ability to perform the job or that creates an intimidating, offensive or hostile work environment;

(c) All complaints about behavior that may violate the policy shall be investigated;

(d) The initiation of a complaint in good faith about behavior that may violate the policy shall not adversely affect any terms or conditions of employment or work environment of the staff complainant; and

(e) The staff member who initiated the complaint shall be notified when the investigation is concluded.

342.708 ORS 342.700 and 342.704 not limitation on or prerequisite for other rights and remedies. Nothing in ORS 342.700 and 342.704 is intended to limit or operate as a prerequisite to pursuing any rights or remedies provided under other statutes or the common law. [1997 c.272 §3]

ACCOUNTABILITY FOR SCHOOLS FOR THE 21ST CENTURY LAW

342.805 Short title. ORS 342.805 to 342.937 shall be known as the Accountability for Schools for the 21st Century Law. [1995 c.608 §1; 1971 c.570 §2; 1977 c.881 §1; 1997 c.864 §26]

342.815 Definitions for ORS 342.805 to 342.937. As used in ORS 342.805 to 342.937 unless the context requires otherwise:

(1) Notwithstanding ORS 342.120, “Administrator” includes any teacher the majority of whose employed time is devoted to service as a supervisor, principal, vice principal or director of a department or the equivalent in a fair dismissal district but shall not include the superintendent, deputy superintendent or assistant superintendent of any such district or any substitute or temporary teacher employed by such a district.

(2) “Board” means the board of directors of a fair dismissal school district.

(3) “Contract teacher” means any teacher who has been regularly employed by a school
district for a probationary period of three successive school years, and who has been retained for the next succeeding school year. The district school board may enter into agreements that provide for a shorter probationary period of not less than one year for teachers who have satisfied the three-year probationary period in another Oregon school district.

(4) “District superintendent” means the superintendent of schools of a fair dismissal district or, in the absence of the superintendent, the person designated to fulfill the superintendent’s functions.

(5) “Fair dismissal district” means any common or union high school district or education service district.

(6) “Probationary teacher” means any teacher employed by a fair dismissal district who is not a contract teacher.

(7) “Program of assistance for improvement” means a written plan for a contract teacher that with reasonable specificity:

(a) Helps teachers adapt and improve to meet changing demands of the Oregon Educational Act for the 21st Century in ORS chapter 329 if applicable.

(b) Identifies specific deficiencies in the contract teacher’s conduct or performance.

(c) Sets forth corrective steps the contract teacher may pursue to overcome or correct the deficiencies.

(d) Establishes the assessment techniques by which the district will measure and determine whether the teacher has sufficiently corrected the deficiencies to meet district standards.

(8) “Substitute teacher” means any teacher who is employed to take the place of a probationary or contract teacher who is temporarily absent.

(9) Notwithstanding ORS 342.120, “teacher” means any person who holds a teaching license or registration as provided in ORS 342.125 or 342.144 or who is otherwise authorized to teach in the public schools of this state and who is employed part-time or more as an instructor or administrator.

(10) “Temporary teacher” means a teacher employed to fill a position designated as temporary or experimental or to fill a vacancy which occurs after the opening of school because of unanticipated enrollment or because of the death, disability, retirement, resignation, contract nonextension or dismissal of a contract or probationary teacher. [1965 c.608 §2; 1971 c.570 §12; 1977 c.880 §1; 1977 c.881 §8; 1977 c.881 §11; 1981 c.299 §1; 1993 c.45 §194; 1997 c.864 §4; 1999 c.199 §11; 2001 c.653 §5]

342.845 Contract teacher; part-time contract teacher; effect of program transfer; administrator contracts. (1) A contract teacher shall not be subject to the requirement of annual appointment nor shall the teacher be dismissed or employed on a part-time basis without the consent of the
(2) Notwithstanding subsection (1) of this section, a part-time contract teacher attains contract status at not less than half-time but less than full-time and may be assigned within those limits by the school district. The assignment of a contract part-time teacher is not subject to the procedures specified in ORS 342.805 to 342.930. A contract part-time teacher who accepts a full-time assignment shall be considered a contract teacher for purposes of the assignment.

(3) No teacher shall be deprived of employment status solely because the duties of employment have been assumed or acquired by another school district or education service district in a state reorganization of a regional special education program. Where such reorganization occurs, a teacher shall be transferred to the employment of the school district or education service district which assumed or acquired program responsibilities. The teacher shall be allowed to transfer accrued sick leave and experience status to the new district. However, the district to which the programs are transferred is obligated to hire displaced employees only to the extent that such would complement a cost-effective staffing plan in the reorganized program.

(4)(a) As used in this subsection:

(A) "Juvenile detention education program" means the Juvenile Detention Education Program, as defined in ORS 326.695.

(B) "School district" has the meaning given that term in ORS 329.007.

(b) No teacher shall be deprived of employment status solely because the duties of employment have been assumed or acquired by another school district or education service district pursuant to a transfer of juvenile detention education program responsibilities to another school district or education service district. Where such reorganization occurs, a teacher shall be transferred to the employment of the school district or education service district that assumed or acquired program responsibilities. The teacher shall be allowed to transfer accrued sick leave, seniority and status as a contract teacher. However, the district to which the program is transferred is obligated to hire displaced teachers only to the extent that such would complement a cost-effective staffing plan in the reorganized program.

(5)(a) An administrator shall serve a probationary period that does not exceed three years, unless the administrator and the school district mutually agree to a shorter time period. Following a probationary period, an administrator shall be employed by a school district pursuant to a three-year employment contract. An administrator may be dismissed or have a reduction in pay during the term of a contract for any reason set forth for dismissal of a teacher in ORS 342.865, or pursuant to ORS 342.934 (5). If an administrator is dismissed or has a reduction in pay during the term of the contract, the administrator may appeal to the Fair Dismissal Appeals Board in the same manner as provided for the appeal of a dismissal or a nonextension of a contract teacher. An administrator may not appeal the nonextension of a contract to the Fair Dismissal Appeals Board.

(b) The administrator may be assigned and reassigned at will during the term of the contract.

(c) The district school board may elect not to extend the administrator’s contract for any cause the school board in good faith considers sufficient. Prior to March 15 of the second year of the administrator’s contract, the school board shall take one of the following actions:

(A) Issue a new three-year contract effective July 1 following the March 15 of the second year of the administrator’s contract;

(B) Provide, in writing, notice that the contract will not be renewed or extended; or

(C) Extend the existing contract for a period of not more than one year.

(6) If an administrator receives notice of contract nonextension prior to the expiration of the administrator’s contract, the administrator shall have the right to fill any vacant teaching position in the district for which the contract administrator is licensed and competent as defined in ORS 342.934, provided the administrator has three years’ teaching experience in Oregon that has been successful, in the judgment of the district superintendent. [1965 c.608 §§5,6; 1977 c.880 §2; 1983 c.554 §1; 1983 s.s. c.1 §2; 1993 c.480 §2; 1997 c.864 §§; 2001 c.681 §9]
(2)(a) The district school board shall develop an evaluation process in consultation with school administrators and with teachers. If the district's teachers are represented by a local bargaining organization, the board shall consult with teachers belonging to and appointed by the local bargaining organization in the consultation required by this paragraph.

(b) The district school board shall implement the evaluation process that includes:

(A) The establishment of job descriptions and performance standards which include but are not limited to items included in the job description;

(B) A preevaluation interview which includes but is not limited to the establishment of performance goals for the teacher, based on the job description and performance standards;

(C) An evaluation based on written criteria which include the performance goals;

(D) A post-evaluation interview in which:

(i) The results of the evaluation are discussed with the teacher; and

(ii) A written program of assistance for improvement is established, if one is needed to remedy any deficiency specified in ORS 342.865 (1)(a), (d), (g) or (h); and

(E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any applicable collective bargaining agreement. No witness or document related to the peer assistance or the record of peer assistance shall be admissible in any proceeding before the Fair Dismissal Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS 342.835, without the mutual consent of the district and the teacher provided with peer assistance.

(c) Nothing in this subsection is intended to prohibit a district from consulting with any other individuals.

(3) Except in those districts having an average daily membership, as defined in ORS 327.006, of fewer than 200 students, the person or persons making the evaluations must hold teaching licenses. The evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

(4) The evaluation reports shall be maintained in the personnel files of the district.

(5) The evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher.

(6) A teacher may make a written statement relating to any evaluation, reprimand, charge, action, or any matter placed in the teacher's personnel file and such teacher's statement shall be placed in the personnel file.

(7) All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. A teacher shall have the right to attach the teacher's response, or other relevant documents, to any document included under this subsection.

(8) The personnel file shall be open for inspection by the teacher, the teacher's designee and the district school board and its designees. District school boards shall adopt rules governing access to personnel files, including rules specifying whom school officials may designate to inspect personnel files.

(9) A program of assistance for improvement or evaluation procedure shall not be technically construed, and no alleged error or unfairness in a program of assistance for improvement shall cause the overturning of a dismissal, nonrenewal of contract, nonrenewal of contract or other disciplinary action unless the contract teacher suffered a substantial and prejudicial impairment in the teacher's ability to comply with school district standards. [1971 c.570 §5; 1973 c.298 §3; 1973 c.458 §1; 1977 c.881 §3; 1979 c.598 §1; 1979 c.668 §2a; 1987 c.663 §1; 1989 c.491 §29; 1997 c.864 §9]

342.865 Grounds for dismissal or contract nonextension of contract teacher.

(1) No contract teacher shall be dismissed or the teacher's contract nonextended except for:

(a) Inefficiency;

(b) Immorality;

(c) Insubordination;

(d) Neglect of duty, including duties specified by written rule;

(e) Physical or mental incapacity;

(f) Conviction of a felony or of a crime according to the provisions of ORS 342.143;

(g) Inadequate performance;

(h) Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth; or

(i) Any cause which constitutes grounds for the revocation of such contract teacher's teaching license.

(2) In determining whether the professional performance of a contract teacher is adequate, consideration shall be given to regular and special evaluation reports pre-
342.875 Suspension; reinstatement.
Whenever a district superintendent has reason to believe that cause exists for the dismissal of a contract teacher on any ground specified in ORS 342.865 (1)(b) to (f), and when the district superintendent is of the opinion that immediate suspension of the teacher is necessary for the best interest of education in the district, the district superintendent may suspend a contract teacher from the position without prior notice to the teacher. The teacher’s salary shall continue during the first five days of the suspension period. However, within five days after such suspension becomes effective, either procedure shall be commenced for the dismissal of the teacher pursuant to the provisions of ORS 342.805 to 342.937. A copy of ORS 342.805 to 342.937 shall also be sent to the board. Notice of the board’s action shall be given to the contract teacher as soon as practicable by certified mail, return receipt requested or in the manner provided by law for the service of a summons in a civil action.

342.885 Contract teachers; procedure for dismissal or contract nonextension; appeal. (1) Contract teachers shall be employed by a school district pursuant to two-year employment contracts.

(2) Authority to dismiss or not extend a contract teacher is vested in the district school board subject to the provisions of the fair dismissal and contract extension procedures of ORS 342.805 to 342.937 and only after recommendation of the dismissal or nonextension of contract is given to the district school board by the superintendent.

(3)(a) At least 20 days before recommending to a board the dismissal of the contract teacher, the district superintendent shall give written notice to the contract teacher by certified mail or delivered in person of the intention to make a recommendation to dismiss the teacher. The notice shall set forth the statutory grounds upon which the superintendent believes such dismissal is justified, and shall contain a plain and concise statement of the facts relied on to support the statutory grounds for dismissal. If the statutory grounds specified are those specified in ORS 342.865 (1)(a), (c), (d), (g) or (h), then evidence shall be limited to those allegations supported by statements in the personnel file of the teacher on the date of the notice to recommend dismissal, maintained as required in ORS 342.850. Notice shall also be sent to the district school board and to the Fair Dismissal Appeals Board. A copy of ORS 342.805 to 342.937 shall also be sent to the contract teacher.

(b) If, after the 20-day notice required by paragraph (a) of this subsection, the district school board takes action to approve the recommendation for dismissal from the superintendent, the dismissal takes effect on or after the date of the district school board’s action, as specified by the board. Notice of the board’s action shall be given to the contract teacher as soon as practicable by certified mail, return receipt requested or in the manner provided by law for the service of a summons in a civil action.

(4)(a) Upon recommendation of the district superintendent, the district school board may extend a contract teacher’s employment for a new two-year term by providing written notice to the teacher no later than March 15 of the first year of the contract. Any new contract that extends the teacher’s employment for a new term shall replace any prior contracts.

(b) If the district school board does not extend a contract teacher’s contract by March 15 of the first year of the contract, the district superintendent, or the superintendent’s designee, shall place the teacher on a program of assistance for improvement. The district superintendent or the superintendent’s designee may, in addition, place any other teacher on a program of assistance for improvement if in the judgment of the district superintendent or designee a program of assistance for improvement is needed.

(c) Provided that the district school board has not extended the teacher’s contract for a new two-year term, the district board, upon recommendation of the superintendent, may elect by written notice to the teacher no later than March 15 of the second year of the teacher’s contract not to extend the teacher’s contract based on any ground specified in ORS 342.865. A contract teacher whose contract is not extended may appeal the nonextension to the Fair Dismissal Appeals Board.

(5) Notwithstanding ORS 243.650 to 243.782 or the provisions of any collective bargaining agreement entered into after August 15, 1997, no grievance or other claim of violation of applicable evaluation procedures,
or fundamental unfairness in a program of assistance for improvement, shall be filed while a teacher is on a program of assistance. All statutes of limitation and grievance timelines shall be tolled while the subject claims are held in abeyance under this moratorium provision. Except as provided in this subsection, the moratorium and tolling period ends on the date the program of assistance for improvement is completed, not to exceed one year, after which any claims subject to this provision may be pursued as otherwise provided by law or contract. In the case of a contract teacher who does not receive contract extension by March 15 of the first year of the teacher’s contract, the moratorium period shall last until the teacher receives notice of contract extension or non-extension and no later than March 15 of the following school year, or until the teacher receives notice of dismissal. A contract teacher who is dismissed or receives notice of contract nonextension, and who appeals to the Fair Dismissal Appeals Board, such appeal shall be the teacher’s sole and exclusive remedy. If a contract teacher does not appeal a contract nonextension or dismissal to the Fair Dismissal Appeals Board, such appeal shall be the teacher’s sole and exclusive remedy. If a contract teacher does not appeal a contract nonextension or dismissal to the Fair Dismissal Appeals Board but instead pursues contract grievances to arbitration alleging a violation of evaluation procedures or fundamental unfairness in a program of assistance for improvement, the arbitrator shall not have authority to award reinstatement of the contract teacher, but may award other remedies including but not limited to back pay, front pay, compensatory damages and such further relief as the arbitrator deems appropriate. A program of assistance for improvement shall not be technically construed, and no alleged error or unfairness in a program of assistance shall cause the overturning of a dismissal, nonextension of contract, nonrenewal of contract or other disciplinary actions unless the contract teacher suffered a substantial and prejudicial impairment in the teacher’s ability to comply with school district standards.

(6) No teacher may be dismissed, laid off or caused to suffer nonextension or nonrenewal of a contract based upon the teacher’s salary placement or other compensation.  [1965 c.608 §1; 1971 c.570 §7; 1973 c.298 §5; 1977 c.881 §5; 1979 c.668 §3; 1997 c.864 §12]

342.905 Appeal procedure; arbitration as alternative. (1) If the district school board dismisses the teacher or does not extend the contract of the contract teacher, the teacher or the teacher’s representative may appeal that decision to the Fair Dismissal Appeals Board established under ORS 342.930 by depositing by certified mail addressed to the Superintendent of Public Instruction and a copy to the superintendent of the school district:

(a) In the case of dismissal, within 10 days, as provided in ORS 174.120, after receipt of notice of the district school board’s decision, notice of appeal with a brief statement giving the reasons for the appeal.

(b) In the case of a contract nonextension, within 15 days, as provided in ORS 174.120, after receipt of the written notice of nonextension of a contract, notice of appeal with a brief statement giving the reasons for the appeal.

(2)(a) As soon as practicable after the time the notice of appeal is received by the Superintendent of Public Instruction, the superintendent shall appoint a panel of three members from the Fair Dismissal Appeals Board for the purpose of conducting a hearing. Insofar as practicable, the panel shall be selected from those members of the board serving in positions where the average daily membership as determined in ORS 342.930 most nearly coincides with that of the involved district. The panel shall consist of:

(A) One member from the category representing district school board members;

(B) One member from the category not affiliated with common or union high school districts; and

(C) One member from the category representing teachers or administrators, as follows:

(i) If the appeal is from a contract teacher in a teaching position, the panel shall include the teacher member of the board.

(ii) If the contract teacher is in an administrative position, an administrative member shall sit in place of the teacher member.

(b) The panel may not contain a member who is a resident of the district that is bringing the dismissal or nonextension.

(c) The Department of Education, at the department’s expense, shall provide to the panel appropriate professional and other special assistance reasonably required to conduct a hearing. The panel shall be empowered, on behalf of the contract teacher, the district superintendent and the district school board, to subpoena and swear witnesses and to require witnesses to give testimony and produce relevant evidence at or prior to the hearing.
(d) The executive secretary of the board may issue subpoenas on behalf of a panel. A person subpoenaed under this subsection may move to quash or modify the subpoena if it is oppressive or unreasonable. The motion must be made before the time specified in the subpoena for appearance or production of materials. The motion may be made to the executive secretary or the panel.

(e) In a case pending before a panel that involves a teacher’s performance at an Oregon Youth Authority facility, the panel assigned to the case may submit to the Director of the Oregon Youth Authority written questions that the panel unanimously agrees are relevant to the case. The director shall respond to the panel’s questions in writing within 20 days of the director’s receipt of the questions from the panel. If a question by the panel seeks information that is not confidential or privileged under Oregon or federal law, the director shall provide the information requested by the panel. If a question by the panel seeks information that is confidential or privileged under Oregon or federal law, the director, in responding to the question, may not disclose the confidential or privileged information but shall instead explain that the information being sought is confidential or privileged. The procedure outlined in this paragraph is not in lieu of any other mechanism that may be available to the panel or parties for obtaining or presenting evidence.

(3) The Attorney General shall assign an assistant, at no cost to either involved party, to advise the Fair Dismissal Appeals Board, to be present at any hearing held by a panel, and to perform those tasks at the request of the board that would normally require legal training.

(4) Within 10 days after receipt of the notice of an appeal of contract nonextension, the district shall serve upon the Fair Dismissal Appeals Board and the teacher a written statement of reason for the contract nonextension, which shall include:

(a) A plain and concise statement of the facts relied on to support the statutory grounds for nonextension of the contract;

(b) The statutory grounds upon which the district believes such contract nonextension is justified; and

(c) A list of witnesses and documents upon which the district will rely at hearing.

(5)(a) At least 10 days prior to the hearing, the teacher shall provide a list of witnesses and exhibits to the Fair Dismissal Appeals Board panel and the school district.

(b) The Fair Dismissal Appeals Board panel shall hold a contested case hearing under ORS chapter 183 within 100 days of the receipt by the teacher of notice of dismissal or of the statement of reasons in the case of contract nonextension. No later than 140 days after the filing of an appeal, consistent with due process, the Fair Dismissal Appeals Board panel shall prepare and send a written decision to the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The hearing shall be private unless the teacher requests a public hearing. At the hearing, the district and the contract teacher shall have the right to be present and be heard, to be represented by counsel, to present evidence and cross-examine adverse witnesses and to offer evidence that in the panel’s judgment is relevant to the dispute. The panel may take all reasonable steps to require the parties to conclude the hearing in an expeditious manner.

(6) When the Fair Dismissal Appeals Board panel has completed its hearing, it shall prepare a written decision and send it to the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction. The Fair Dismissal Appeals Board panel shall determine whether the facts relied upon to support the statutory grounds cited for dismissal or nonextension are true and substantiated. If the panel finds these facts true and substantiated, it shall then consider whether such facts, in light of all the circumstances and additional facts developed at the hearing that are relevant to the statutory standards in ORS 342.865 (1), are adequate to justify the statutory grounds cited. In making such determination, the panel shall consider all reasonable written rules, policies and standards of performance adopted by the school district board unless it finds that such rules, policies and standards have been so inconsistently applied as to amount to arbitrariness. The panel shall not reverse the dismissal or nonextension if it finds the facts relied upon are true and substantiated unless it determines, in light of all the evidence and for reasons stated with specificity in its findings and order, that the dismissal or nonextension was unreasonable, arbitrary or clearly an excessive remedy.

(7)(a) Subject to subsection (6) of this section and paragraph (b) of this subsection, if the Fair Dismissal Appeals Board panel finds that the facts relied on to support the recommendation of the district superintendent are untrue or unsubstantiated, or if true and substantiated, are not adequate to justify the statutory grounds cited as reason for the dismissal or nonextension, and so notifies the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction, the teacher shall be reinstated and the teacher shall receive
such back pay as ordered by the Fair Dismissal Appeals Board panel for the period between the effective date of the dismissal or nonextension and the date of the order reinstating the teacher, or the date when the district actually reinstates the teacher, whichever is later. However, nothing in this section requires a school district to pay the teacher until the reinstatement occurs if the district has other legal grounds for not reinstating the teacher.

(b) So long as the right of the district board under subsection (9) of this section and under ORS 183.480 and 183.500 to judicial review of the action of the Fair Dismissal Appeals Board remains unexpired, the district school board may withhold the reinstated teacher from performance of teaching duties, unless otherwise ordered by the court having jurisdiction of the appeal.

(c) Subject to ORS 342.850 (9), if the Fair Dismissal Appeals Board panel determines that the procedures described in ORS 342.850 (2)(b)(A) to (D) have not been substantially complied with, the teacher may be reinstated with back pay as provided in paragraph (a) of this subsection.

(8) Subject to subsection (6) of this section, if the Fair Dismissal Appeals Board panel finds the facts relied on to support the recommendation of the district superintendent true and substantiated, and that those facts justify the statutory grounds cited as reason for the dismissal or nonextension and so notifies the contract teacher, the district superintendent, the district school board and the Superintendent of Public Instruction in writing, the dismissal or nonextension becomes final on the date of the notice.

(9) An appeal from action of the Fair Dismissal Appeals Board panel shall be taken in the manner provided in ORS 183.480.

(10)(a) If both the district board and the teacher or teacher’s representative agree, arbitration may be used as an alternative to a hearing before a Fair Dismissal Appeals Board panel to determine if the teacher’s dismissal or nonextension of a contract is in compliance with the standards of ORS 342.805 to 342.910. If the teacher or teacher’s representative desires to use the arbitration procedure, the request for arbitration shall be included in the request for appeal that is filed with the Superintendent of Public Instruction under this section. Within 10 days of the time the superintendent of the district is notified of the teacher’s intent to appeal the dismissal or nonextension of a contract, the superintendent of the district shall notify the teacher or teacher’s representative and the Superintendent of Public Instruction as to whether the district has agreed to use the arbitration procedure. If the district determines not to use the arbitration procedure, the hearing procedure shall be continued under this section in the same manner as if no request for arbitration had been made. If the arbitration procedure is used, the teacher has no further rights to a hearing before a Fair Dismissal Appeals Board panel.

(b) The procedures for selection of the arbitrator are those in the applicable collective bargaining agreement. If there is no provision or agreement or if the agreement does not contain a procedure for selection, the parties shall request a list of five arbitrators from the Employment Relations Board and shall choose an arbitrator by alternative striking of names until one name is left. The remaining person shall act as the arbitrator. The Employment Relations Board shall compile a roster of qualified arbitrators from which the lists are to be taken.

(c) In determining whether the district board’s dismissal or nonextension of the teacher should be sustained, the arbitrator shall use the same reasons, rules and levels of evidence as are required for the Fair Dismissal Appeals Board under ORS 342.805 to 342.910. 

342.910 Waiver of contract grievance claim if appeal of dismissal decision filed; waiver of certain rights and procedures. (1) Any teacher who files an appeal of a dismissal or nonextension of a contract decision with the Fair Dismissal Appeals Board, upon motion of the school district, shall be required to waive any contract grievance claim regarding the same dismissal or nonextension of a contract as a condition to Fair Dismissal Appeals Board or subsequent judicial review.

(2) A school district and an exclusive bargaining representative of teachers may agree to waive all or any part of the rights and procedures provided under ORS 342.805 to 342.937 if third party review of any dismissal or nonextension of a contract teacher is available. 

342.915 [1965 c.608 §13; 1971 c.570 §9; 1979 c.668 §5; repealed by 1997 c.864 §29]

342.925 [1965 c.608 §14; repealed by 1971 c.570 §15]

342.930 Fair Dismissal Appeals Board; rules. (1) A Fair Dismissal Appeals Board is created, consisting of 20 members appointed by the Governor, subject to confirmation by the Senate as provided in ORS 171.562 and 171.565. Five members shall be administrators in common or union high school districts, five members shall be contract teachers, five members shall be members of common or union high school districts at the time of their appointment and five
members shall not be affiliated with any common or union high school district. At least one member from each category shall be resident of a school district with an average daily membership as defined in ORS 327.006, of less than 1,500 students; one from each category shall be resident of a school district containing from 1,500 to 4,500 students; and one from each category shall be resident of a school district containing over 4,500 students.

(2) Except as provided in subsection (3) of this section, the term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) A member whose term has expired may continue to serve for the following limited purposes:

(a) To conduct a hearing and prepare a written decision if the member was appointed to a panel in accordance with ORS 342.905 (2) before the expiration of the member’s term; or

(b) To reconsider a decision if the member served on the panel originally hearing an appeal and a motion for reconsideration is filed prior to an appeal to the Court of Appeals.

(4) The continued service of a member as provided in subsection (3) of this section shall not prevent a successor from taking office at the time prescribed in subsection (2) of this section.

(5) Members shall be entitled to compensation and expenses as provided in ORS 292.495 for each day or part thereof during which they perform duties under ORS 342.805, 342.815, 342.835, 342.850, 342.875, 342.895 to 342.910, 342.805, 342.815, 342.835, 342.850, 342.875, 342.895 to 342.910 and this section, to be paid by the district school board from which the appeal is taken. However, any member of the board who would be entitled to receive a per diem except for being employed in full-time public service may receive the payment if service on the board is performed while the member is not under obligation to perform contractual teaching or administrative duties.

(6) The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(7) A majority of the members of the board constitutes a quorum for the transaction of business.

(8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of this section and ORS 342.905 and 342.910.

342.934 Procedure for reduction of teacher staff due to funding or administrative decision. (1) The procedure for reduction in teacher staff positions resulting from the school district’s lack of funds to continue its educational program at its anticipated level or resulting from the district’s elimination or adjustment of classes due to administrative decision shall be as provided in this section. However, nothing in this section is intended to interfere with the right of a fair dismissal district to discharge, remove or fail to renew the contract of a probationary teacher pursuant to ORS 342.853.

(2) The school district shall make every reasonable effort to:

(a) Transfer teachers of courses scheduled for discontinuation to other teaching positions for which they are licensed and qualified.

(b) Combine teaching positions in a manner which allows teachers to remain qualified so long as the combined positions meet the curriculum needs of the district and the competence consideration specified in subsection (4) of this section.

(3) In determining teachers to be retained when a school district reduces its staff under this section, the school district shall:

(a) Determine whether teachers to be retained hold proper licenses at the time of layoff to fill the remaining positions.

(b) Determine seniority of teachers to be retained, calculated from the first day of actual service as teachers with the school district inclusive of approved leaves of absence. Ties shall be broken by drawing lots.

(c) Determine competence and merit of teachers, if necessary, under subsection (4) of this section.

(4) If a school district desires to retain a teacher with less seniority than a teacher being released under this section, the district shall determine that the teacher being retained has more competence or merit than the teacher with more seniority who is being released.

(5) An administrator shall retain status and seniority as a contract teacher and voluntarily may return to teaching in a reduction in staff situation. However, an administrator who was never employed as a
The district shall not agree in any collective bargaining agreement to waive the right to consider competence in making decisions about the order of reduction in staff or recall of staff. Nothing in this subsection shall prevent a school district and the exclusive bargaining representative from agreeing to alternative criteria for competence determinations under this subsection so long as the criteria ensure that all retained teachers are qualified for the positions they fill. As used in this subsection, “qualified” means the measurement of the teacher’s ability to teach the particular grade level or subject matter in which the teacher is placed after the reduction in force. Qualifications shall be measured by more than seniority and licensure, but may include other criteria that reasonably measure the teacher’s fitness to teach the relevant grade or subject level. Determinations of competence or qualifications under this subsection may take into account requirements for any special needs students.

(a) “Competence” means the ability to teach a subject or grade level based on recent teaching experience related to that subject or grade level within the last five years, or educational attainments, or both, but not based solely on being licensed to teach. The district may consider a teacher’s willingness to undergo additional training or pursue additional education in deciding upon questions of competence.

(b) “Merit” means the measurement of one teacher’s ability and effectiveness against the ability and effectiveness of another teacher.

342.935 Reimbursement for teacher dismissal costs. The Superintendent of Public Instruction may reimburse any school districts for all or part of the costs reasonably related to a dismissal of a contract teacher or nonextension of a contract teacher’s contract, or appeal therefrom under ORS 342.905 to 342.937, provided that the school district is the ultimate prevailing party. The superintendent may consider the school district’s ability to pay the costs related to the dismissal or nonextension of the contract teacher, and seek such funds from the Emergency Board as may be in the superintendent’s judgment necessary to carry out this provision.

Notwithstanding any other law, a district school board may conduct internal investigations of alleged employee misconduct or wrongdoing at any time.

Note: 342.961 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 342 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.
342.965 **Interchange of teachers.** A district school board may provide for the interchange of teachers with school districts of other states or countries. Teachers exchanged shall teach one year, the year’s service outside the state being credited to them as service in the district in which they are regularly employed when the interchange is made. The salary of the Oregon teacher shall be paid by the Oregon school district and the salaries of the teachers from outside of Oregon shall be paid by the school districts in their respective states or countries. [Formerly 342.510]

342.970 [Formerly 342.520; repealed by 1993 c.45 §195]

342.975 [Formerly 342.560; 1973 c.270 §16; 1977 c.783 §2; repealed by 1993 c.45 §196]

342.980 [Formerly 342.575; 1967 c.67 §15; 1973 c.270 §17; repealed by 1993 c.45 §196]

342.982 [1977 c.635 §7; renumbered 342.495]

342.985 **Qualifications to teach distance learning course.** A person teaching a distance learning course originating in Oregon must:

1. Have a teaching license issued by the Teacher Standards and Practices Commission with the appropriate subject matter endorsement; or

2. Be employed by a post-secondary institution accredited by the Northwest Association of Schools and Colleges and have the appropriate subject matter preparation. [1991 c.710 §3]

342.990 [Repealed by 1965 c.100 §456]
Chapter 343
2005 EDITION
Special Education Services

GENERAL PROVISIONS
343.035 Definitions
343.041 Supervision of programs for children with disabilities by Superintendent of Public Instruction; board rules; complaint procedure; staff training; public agency cooperative agreements
343.045 Criteria for development and operation of special programs; board rules
343.055 Administration of programs by Superintendent of Public Instruction; board rules; powers of board
343.065 Employment of personnel to supervise types of services for special programs; duties; distribution of training materials
343.085 Tuition prohibited

SPECIAL EDUCATION PROCEDURES
343.146 Determination of eligibility for special education services; evaluation; reevaluation; medical or vision examination; health assessment
343.151 Individualized education program; contents; procedures; review; revision; rules of State Board of Education; standard forms; alternate forms
343.155 Procedures to protect rights of children with disabilities; board rules; content of rules
343.157 Duty of school districts to identify, locate and evaluate resident children in need of special education or early intervention
343.159 Requirements for written notice to parents of child with disability; contents of notice; language or mode of communication of parent
343.164 Parental consent requirements for pre-placement evaluation, placement or re-evaluation; exceptions
343.165 Circumstances requiring hearing; deadline for requesting hearing; hearing rules; expedited hearing; independent hearing officer
343.167 Result of hearing; effect of procedural violations; deadline for decision; cost of hearing; rules
343.173 Parental right to examine district records; independent evaluation; hearing; costs
343.175 Civil action following hearing; deadline; attorney fees; limitations; reduction of fees
343.177 Educational placement during administrative or judicial proceedings; circumstances where placement may be changed
343.181 Transfer of special education rights to child with disability upon age of majority; notice
343.183 Effect of school district failure to comply; withholding funds; expense of independent evaluation
343.193 Duty to report disabled child not enrolled in special education program; effect of report

ADMINISTRATION OF SPECIAL EDUCATION
343.221 Special education required; district projected activities and cost statement; permitted contracts for services
343.223 Assistive technology devices or services required; rules to define devices and services
343.224 School district liability for expense of noneducational care
343.236 State reimbursed or operated local, county or regional programs; rules
343.239 Annual billing for students served by or enrolled in certain programs; calculation of amount of billing; notice; payment deadline; distribution of moneys
343.243 Recovery of amount from State School Fund for children enrolled in certain programs; calculation of amount recovered; disposition of amount recovered
343.247 Special Education Account
343.261 Instruction of certain hospitalized children; rules
343.285 Use of state funds to match federal funds
343.287 State Advisory Council for Special Education; members; duties; expenses
343.293 Local advisory councils on special education; duties
343.295 Document of successful completion

TALENTED AND GIFTED CHILDREN
343.391 Purpose of ORS 343.391 to 343.413
343.395 Definitions for ORS 343.391 to 343.413
343.396 Nature of programs
343.397 Plan of instruction for talented and gifted children
343.399 State aid to local districts; criteria
343.401 Use of funds appropriated for ORS 343.391 to 343.413
343.404 Funding for program development
343.407 Identification of talented and gifted students
343.409 Talented and gifted programs required
343.411 When identification and programs for certain children required or optional; state guidelines
343.413 Short title

SERVICES TO PRESCHOOL CHILDREN WITH DISABILITIES
343.455 Early childhood special education provided by prekindergartens; service requirement
343.465 Policy on services to preschool children with disabilities; agency coordination of services
Note  Effect of unavailability of federal funds on programs for preschool children—1993 c.409 §8

343.475 Program of early childhood special education and early intervention services; service areas; primary contractor; voluntary local early childhood system plan; residency; sanctions

343.485 Rules relating to confidentiality of records

343.495 Operation of early childhood special education or early intervention programs by department

343.499 State Interagency Coordinating Council; appointment; member qualifications; duties; terms; use of federal funds; department's duties; meetings; conflicts

343.507 Local early intervention interagency advisory council; members; officers

343.511 Interagency agreements to provide services; contents

343.513 Eligibility criteria

343.517 Parent-initiated referral to determine eligibility

343.521 Individualized family service plan; rules for content, development, review and revision of plan; forms

343.523 Service coordination requirements for early intervention and early childhood special education

343.527 Requirements for written notice to parents of preschool child with disability; contents of notice; language or mode of communication of parent

343.531 Procedural safeguards

343.533 Transportation service to preschool children with disabilities; cost

343.534 Allocation of state funds to approved providers

343.555 Definitions for ORS 343.565 to 343.595

343.565 Proficiency in reading and writing for blind student; use of Braille

343.575 Instruction in Braille; individualized education program requirements

343.585 Requirement that textbook publishers supply material in format from which Braille version can be produced

343.600 State policy encouraging use of Braille

343.650 Definitions for ORS 343.650 to 343.680

343.660 Facilities and services for disadvantaged children

343.670 Advance payment to districts

343.680 Advance payments and reimbursements to districts of at least 40,000 for operation and construction costs

343.810 Definitions for ORS 343.810 to 343.835

343.830 Summer programs for migrant children

343.835 Reimbursement; district expenditures not subject to Local Budget Law

343.923 Department duties for programs for students with moderate to severe retardation; rules

343.961 Responsibility for costs of education of children in long-term care or treatment; district providing education; notice required before student dismissed from treatment program
(a) Designed to meet the developmental needs of children with disabilities and the needs of the family related to enhancing the child’s development;

(b) Selected in collaboration with the parents; and

(c) Provided:

(A) Under public supervision;

(B) By personnel qualified in accordance with criteria established by rules of the State Board of Education; and

(C) In conformity with an individualized family service plan.

(7) “Individualized education program” means a written statement of an educational program for a child with a disability that is developed, reviewed and revised in a meeting in accordance with criteria established by rules of the State Board of Education for each child eligible for special education and related services under this chapter.

(8) “Individualized family service plan” means a written plan of early childhood special education, related services, early intervention services and other services developed in accordance with criteria established by rules of the State Board of Education for each child eligible for services under this chapter.

(9) “Instruction” means providing families with information and skills that support the achievement of the goals and outcomes in the child’s individualized family service plan and working with preschool children with disabilities in one or more of the following developmental areas: Communication development, social or emotional development, physical development, including vision and hearing, adaptive development and cognitive development.

(10) “Mediation” means a voluntary process in which an impartial mediator assists and facilitates two or more parties to a controversy in reaching a mutually acceptable resolution of the controversy and includes all contacts between a mediator and any party or agent of a party, until such time as a resolution is agreed to by the parties or the mediation process is terminated.

(11) “Order” has the meaning given that term in ORS chapter 183.

(12) “Other services” means those services which may be provided to preschool children with disabilities and to their families that are not early childhood special education or early intervention services and are not paid for with early childhood special education or early intervention funds.

(13) “Parent” means the parent, person acting as a parent or a legal guardian, other than a state agency, of the child or the sur-
rogate parent. “Parent” may be further defined by rules adopted by the State Board of Education.

(14) “Preschool children with disabilities” means all children from:

(a) Birth until three years of age who are eligible for early intervention services because they are experiencing developmental delay or have diagnosed mental or physical conditions that will result in developmental delay; or

(b) Three years of age to eligibility for entry into kindergarten who need early childhood special education services because they are experiencing developmental delay or because they have been evaluated as having one of the conditions listed for school-age children under subsection (1) of this section.

(15) “Related services” means transportation and such developmental, corrective and other supportive services as are required to assist a child with disabilities to benefit from special education, and includes speech-language and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, medical services for diagnostic or evaluation purposes and parent counseling and training. “Related services” does not include a medical device that is surgically implanted or the replacement of a medical device that is surgically implanted.

(16) “School district” means a common or union high school district or an education service district that is charged with the duty or contracted with by a public agency to educate children eligible for special education.

(17) “Service coordination” means the activities carried out by a service coordinator to assist and enable a preschool child with disabilities and the child’s family to receive the rights, procedural safeguards and services that are authorized under the state’s early intervention and early childhood special education programs and to coordinate access to other services designated on the individualized family service plan.

(18)(a) “Special education” means specially designed instruction at no cost to the parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions and in other settings, and instruction in physical education.

(b) “Special education” also includes speech-language services, transition services or other related services designated by rule if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

(19) “Unaccompanied homeless youth” has the meaning given that term in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434a(6).

(20) “Ward of the state” means a child who is temporarily or permanently in the custody of, or committed to, a public or private agency through the action of the juvenile court. “Ward of the state” may be further defined by rules adopted by the State Board of Education.

343.041 Supervision of programs for children with disabilities by Superintendent of Public Instruction; board rules; complaint procedure; staff training; public agency cooperative agreements. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public Instruction shall be responsible for the general supervision of all special education programs for children with disabilities, early childhood special education and early intervention services for preschool children with disabilities within the state, including all such programs administered by any state agency or common or union high school district or education service district.

(2) All special education programs for children with disabilities, early childhood special education and early intervention services for preschool children with disabilities within this state shall meet the standards and criteria established therefor by the State Board of Education.

(3) The State Board of Education shall adopt by rule procedures whereby the superintendent investigates and resolves complaints that the Department of Education, a local education agency or an early intervention or early childhood special education contractor has violated a federal law or statute that applies to a special education or early childhood special education program.

(4) The State Board of Education shall adopt rules relating to the establishment and maintenance of standards to ensure that personnel providing special education and early childhood special education and early intervention services are appropriately and adequately trained.
(5) The Governor shall direct that agencies affected by this section enter into cooperative agreements to achieve necessary uniformity in meeting the standards and criteria established by the state board under subsection (2) of this section.

(6) The Governor shall direct that each public agency obligated under federal or state law to provide or pay for any services that are also considered special education or related services necessary for ensuring a free appropriate public education to children with disabilities, including but not limited to the Department of Human Services, enter into cooperative agreements with the Department of Education concerning:

(a) Allocation among agencies of financial responsibility for providing services;

(b) Conditions, terms and procedures for reimbursement; and

(c) Policies and procedures for coordinating timely and appropriate delivery of services.

(7) All cooperative agreements entered into under subsections (5) and (6) of this section shall include procedures for resolving interagency disputes. [1977 c.528 §3; 1989 c.491 §30; 1991 c.749 §2; 1999 c.45 §199]

343.045 Criteria for development and operation of special programs; board rules. The State Board of Education shall establish by rule criteria to guide the development and operation of special programs authorized by this chapter. The Superintendent of Public Instruction shall apply these criteria in certifying such programs for reimbursement specifically provided by law for such programs. The criteria shall be limited to educational services and educational programs and shall not include treatment. [Formerly 343.235; 1975 c.621 §1; 1977 c.714 §10; 1989 c.491 §31]

343.050 [Repealed by 1953 c.110 §2]

343.055 Administration of programs by Superintendent of Public Instruction; board rules; powers of board. (1) The Superintendent of Public Instruction shall administer all programs established under this chapter. The State Board of Education, consistent with the provisions of ORS 342.120 to 342.430, shall adopt rules relating to qualifications of teachers, supervisors, work experience coordinators, coordinators of volunteer services and trainers of volunteer personnel, courses of study, admission, eligibility of children, size of special facilities, rooms and equipment, supervision, territory to be served, and such other rules as the board considers necessary to administer this chapter.

(2) Out of such funds as may otherwise be appropriated for the purposes enumerated in this section, the State Board of Education may:

(a) Purchase and prepare equipment and supplies to be loaned to school districts and county or regional special education facilities which provide approved programs for children with disabilities in the public schools.

(b) Contract with and pay an educational institution, either within or without the state, for the purpose of providing educational services for children who are both deaf and blind.

(c) Purchase and prepare equipment and supplies to be loaned to early childhood special education and early intervention contractors that provide approved programs for preschool children with disabilities. [Formerly 343.500; 1967 c.239 §1; 1975 c.621 §2; 1989 c.491 §32; 1991 c.749 §3; 1993 c.45 §199]

343.060 [Repealed by 1953 c.110 §2]

343.065 Employment of personnel to supervise types of services for special programs; duties; distribution of training materials. (1) The Superintendent of Public Instruction shall employ personnel qualified by training and experience to supervise the types of services required by the special programs authorized by this chapter. Personnel so employed shall assist the school districts, county and regional facilities, early childhood special education programs, early intervention services and hospitals in the organization and development of special programs authorized by this chapter, shall have general supervision of such programs, and shall assist school districts, early childhood special education and early intervention contractors in obtaining required services, equipment and materials, particularly where the number of children is too small to justify district or contractor purchase of equipment and materials.

(2) The Department of Education shall distribute to all school districts administrative guidelines, technical assistance materials, practice guidance materials and other training materials it develops for the purpose of assisting school districts and education service districts in complying with the provisions of this chapter and with rules adopted by the department under this chapter.

(3) Upon receipt of any materials described in subsection (2) of this section, a school district or education service district shall distribute copies of the materials to all instructional staff. [Formerly 343.255; 1991 c.749 §4; 1999 c.639 §2]

343.070 [Repealed by 1953 c.110 §2]

343.075 [1965 c.100 §393; 1973 c.728 §5; repealed by 1975 c.621 §17]
SPECIAL EDUCATION PROCEDURES

343.146 Determination of eligibility for special education services; evaluation; reevaluation; medical or vision examination; health assessment. (1) To receive special education, children with disabilities shall be determined eligible for special education services under a school district program approved under ORS 343.045 and as provided under ORS 343.221.

(2) Before initially providing special education, the school district shall ensure that a full and individual evaluation is conducted to determine the child’s eligibility for special education and the child’s special educational needs.

(3) Eligibility for special education shall be determined pursuant to rules adopted by the State Board of Education.

(4) Each school district shall conduct a reevaluation of each child with a disability in accordance with rules adopted by the State Board of Education.

(5) If a medical or vision examination or health assessment is required as part of an initial evaluation or reevaluation, the evaluation shall be given:

(a) In the case of a medical examination, by a physician licensed to practice by a state board of medical examiners;

(b) In the case of a health assessment, by a nurse licensed by a state board of nursing and specially certified as a nurse practitioner or by a licensed physician assistant; and

(c) In the case of a vision examination, by an ophthalmologist or optometrist licensed by a state board.

343.149 [1999 c.989 §22; repealed by 2005 c.209 §41 and 2005 c.662 §17]

343.150 [Repealed by 1965 c.100 §456]

343.151 Individualized education program; contents; procedures; review; revision; rules of State Board of Education; standard forms; alternate forms. (1) School districts shall ensure that an individualized education program is developed, reviewed and revised for each child with a disability, as defined in ORS 343.035, pursuant to the rules of the State Board of Education.

(2) The State Board of Education shall establish by rule the contents of an individualized education program, including transition services, and the procedures for the development, review and revision of an individualized education program. The board shall also adopt by rule standard forms for use in developing an individualized education program.

(3) Each school district shall use the individualized education program forms established by rule under subsection (2) of this section in the development, review and revision of all individualized education programs.

(4) Notwithstanding subsection (3) of this section, a school district may use alternate forms in the development, review and revision of an individualized education program if the school district submits the form to the Department of Education and the department approves the use of the alternate form.

(5) In considering whether to approve an alternate form under subsection (4) of this section, the department shall consider whether the form meets the requirements for the contents of an individualized education program adopted under subsection (2) of this section and whether the form satisfies the intent of subsection (4) of this section to reduce unnecessary or confusing paperwork. The department shall approve or disapprove an alternate form submitted under subsection (4) of this section within 10 days of receiving the alternate form.

343.153 [1979 c.423 §2 (enacted in lieu of 343.077); 1985 c.555 §11; 1989 c.491 §33; 1991 c.795 §2; repealed by 1993 c.45 §203]

343.155 Procedures to protect rights of children with disabilities; board rules; content of rules. The State Board of Education shall establish by rule procedures to protect the rights of every child with a disability who is eligible for special education and every child who has a reasonable cause to believe he has a disability, including:

(1) Rules providing for the participation of the parents of a child with a disability in meetings regarding the child’s identification, evaluation, individualized education program,
educational placement and the provision of a free appropriate public education to the child.

(2) Rules governing the procedures for the appointment of a surrogate for the parent and other rules necessary to protect the special educational rights of the child, which shall include, but need not be limited to, rules applicable whenever:

(a) No parent of the child can be identified or located after reasonable efforts;

(b) There is reasonable cause to believe that the child has a disability and is a ward of the state;

(c) The child is an unaccompanied homeless youth; or

(d) The child reaches the age of majority and has been determined not to have the ability to give informed consent regarding the child’s education.

(3) Rules prescribing mediation procedures, resolution sessions and hearings procedures if identification, evaluation, individual education program or placement is contested.

(4) Rules prescribing when notice of procedural safeguards must be given to the parents or the child with disabilities who has reached the age of majority, the content of the notice and the language of the notice.

(5) Rules prescribing standards and procedures for disciplinary actions for behavior or misconduct of a child with a disability.

(6) Other procedural safeguards as required by law.

343.157 Duty of school districts to identify, locate and evaluate resident children in need of special education or early intervention. Pursuant to rules of the State Board of Education, school districts shall identify, locate and evaluate all resident children who may have disabilities and be in need of special education, early childhood special education or early intervention.

343.159 Requirements for written notice to parents of child with disability; contents of notice; language or mode of communication of parent. (1) A school district shall give written notice to the parents of a child with a disability a reasonable time before the school district:

(a) Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child; or

(b) Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

(2) The written notice must comply with the rules prescribed by the State Board of Education.

(3) The written notice required under subsection (1) of this section shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(4) If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to ensure:

(a) That the notice is translated orally or by other means to the parent in the parent’s native language or other mode of communication;

(b) That the parent understands the content of the notice; and

(c) That there is written evidence that the requirements of this subsection have been met.

343.160 [Repealed by 1965 c.100 §456]

343.163 [1979 c.423 §5 (enacted in lieu of 343.077); 1991 c.795 §3; repealed by 1993 c.749 §6 (343.164 enacted in lieu of 343.163)]

343.164 Parental consent requirements for preplacement evaluation, placement or reevaluation; exceptions. (1) A school district shall obtain informed written parental consent before the school district conducts a preplacement evaluation and before a child with a disability is initially placed in a program providing special education and related services.

(2) A school district shall obtain informed written parental consent before the school district conducts a reevaluation of a child with a disability.

(3) Notwithstanding subsection (2) of this section, written parental consent need not be obtained if the school district can demonstrate that it has taken reasonable measures to obtain consent and that the child’s parent has failed to respond.

(4) The school district shall follow procedures prescribed in rules of the State Board of Education when necessary consent is not obtained.

343.165 Circumstances requiring hearing; deadline for requesting hearing; hearing rules; expedited hearing; independent hearing officer. (1) A hearing shall
be conducted pursuant to rules of the State Board of Education if:

(a) The parent requests a hearing to contest the determination of the school district concerning the identification, evaluation, individualized education program or educational placement of the child; or

(b) The school district requests a hearing to obtain a decision regarding whether its identification, evaluation, individualized education program or educational placement of the child is appropriate or whether the district’s proposed action is necessary to provide the child with a free appropriate public education.

(2) Notwithstanding subsection (1)(b) of this section, a school district may not request a hearing if a parent refuses consent for placement in a program providing special education and related services.

(3)(a) Except as provided in paragraph (b) of this subsection, a hearing described in subsection (1) of this section must be requested within two years after the date of the act or omission that gives rise to the requested within two years after the date of the act or omission that gives rise to the

(b) The timeline described in paragraph (a) of this subsection does not apply to a parent if the parent was prevented from requesting the hearing due to:

(A) Specific misrepresentations by the school district that it had resolved the problem forming the basis of the complaint; or

(B) The school district withholding from the parent information that the district was required to provide under this chapter.

(4) The State Board of Education shall adopt rules that establish when a school district is obligated to initiate a contested case hearing to ensure that a student with disabiliities is provided with a free appropriate public education.

(5) The board’s rules in subsection (1) of this section shall be as consistent as possible with the procedures applicable to a contested case under ORS chapter 183. However, the board’s rules shall provide that:

(a) Any party to a hearing has the right to prohibit the introduction of any evidence that has not been disclosed to that party at least five business days before the hearing; and

(b) The hearing officer may prohibit the introduction of any evidence regarding evaluations and recommendations based on those evaluations that a party intends to use at the hearing, if the evidence has not been disclosed to the other party at least five business days before the hearing, unless the other party consents to the introduction of the evidence.

(6) Notwithstanding subsection (5) of this section, in an expedited hearing the evidence must be disclosed to the other party not later than two business days before the hearing.

(7) The parent shall be entitled to have the child who is the subject of the hearing present at the hearing and to have the hearing open to the public.

(8) An expedited hearing shall be held if:

(a) In a dispute over a disciplinary action for a child with a disability, the child’s parent disagrees with a determination that the child’s behavior was not a manifestation of the child’s disability or with any decision regarding the child’s educational placement; or

(b) The school district believes that maintaining the current placement for the child is substantially likely to result in injury to the child or others.

(9) The hearing shall be conducted by an independent hearing officer appointed by the Superintendent of Public Instruction. The hearing officer:

(a) Shall not be:

(A) An employee of a school district involved in the education or care of the child;

(B) An employee of the Department of Education; or

(C) A person having any personal or professional interest that would conflict with the person’s objectivity in the hearing.

(b) Shall possess:

(A) Knowledge of, and the ability to understand, the provisions of state and federal special education laws, regulations and legal interpretations by federal and state courts;

(B) The knowledge and ability to conduct hearings in accordance with appropriate standard legal practice; and

(C) The knowledge and ability to render and write decisions in accordance with standard legal practice. \[1979 c.423 §6 (enacted in lieu of 343.077); 1989 c.252 §1; 1989 c.491 §35; 1991 c.765 §5; 1993 c.45 §206; 1993 c.749 §8; 1999 c.989 §16; 2001 c.483 §1; 2005 c.662 §5\]

343.167 Result of hearing; effect of procedural violations; deadline for decision; cost of hearing; rules. (1) If the finding at the hearing held under ORS 343.165 is that the identification, evaluation and educational placement by the district are appropriate and that the child is being provided a free appropriate public education, the hearing officer shall decide in support of the determination of the district.

(2) If the finding at the hearing is that the identification, evaluation or educational placement is not appropriate or that the
child is not being provided a free appropriate public education, the hearing officer shall grant appropriate relief within the hearing officer’s scope of authority.

(3) In matters alleging a procedural violation, a hearing officer may find that a child did not receive a free appropriate public education only if the procedural inadequacies:

(a) Impeded the child’s right to a free appropriate public education;

(b) Significantly impeded the parents’ opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the child; or

(c) Caused a deprivation of educational benefits.

(4) Nothing in subsection (3) of this section shall be construed to preclude a hearing officer from ordering a school district to comply with procedural requirements.

(5) The decision shall be entered not later than 45 days after the request for hearing is filed unless an extension has been granted by the hearing officer at the request of the parent or the school district. Copies of the decision shall be sent to the parent and to the school district accompanied by a statement describing the method of appealing the decision.

(6) In expedited hearings conducted pursuant to ORS 343.165 (8), the State Board of Education shall adopt rules that require a hearing within 20 school days of the date the hearing is requested and a determination within 10 school days after the hearing.

(7) Pursuant to rules of the State Board of Education, the Superintendent of Public Instruction shall bill the school district for all reasonable costs connected with the appointment of an independent hearing officer and the conduct of a due process hearing. The district shall make payment to the Department of Education for the cost of the hearing within 30 days of receipt of the billing. [1979 c.423 §7 (enacted in lieu of 343.077); 1989 c.252 §3; 1989 c.483 §8 (enacted in lieu of 343.077); 1993 c.749 §9; 1999 c.989 §17; 2001 c.662 §8]

343.170 [Repealed by 1965 c.100 §456]

343.173 Parental right to examine district records; independent evaluation; hearing; costs. (1) Notwithstanding the limitation on access to records under ORS 192.410 to 192.505, 326.565, 326.575 and 336.187, the parent is entitled at any reasonable time to examine all of the records of the school district pertaining to the identification, evaluation and educational placement of the child and the provision of a free appropriate public education to the child.

(2) Any parent is entitled to obtain an independent evaluation at the expense of the school district if the parent disagrees with an evaluation obtained by the district.

(3) If the school district disagrees with the parent’s request for an independent educational evaluation, the district may initiate a hearing under ORS 343.165 to show that the district’s evaluation is appropriate. If the final decision is that the district’s evaluation is appropriate, the parent has the right to an independent educational evaluation, but not at the district’s expense.

(4) If the parent requests an independent educational evaluation of the child, the school district shall provide information about where an independent educational evaluation may be obtained.

(5) If a hearing officer appointed under ORS 343.165 requests an independent educational evaluation as part of a hearing, the school district shall pay the cost of the evaluation.

(6) For purposes of this section, “independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the child in question. [1979 c.423 §8 (enacted in lieu of 343.077); 1989 c.252 §3; 1989 c.491 §36; 1993 c.45 §207; 1999 c.889 §18]

343.175 Civil action following hearing; deadline; attorney fees; limitations; reduction of fees. (1) A decision under ORS 343.165 is final unless the parent or the school district files a civil action under section (2) of this section.

(2) Either party aggrieved by the finding and decision of the hearing officer may commence a civil action in any court of competent jurisdiction.

(3) In any action brought under this section, the court shall receive the records from the administrative proceeding, shall hear additional evidence at the request of a party and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

(4) Any civil action brought under this section shall be commenced within 90 days of the date of the hearing officer’s final order.

(5) In any action or proceeding brought under ORS 343.165 or in an appeal from any action or proceeding brought under ORS 343.165, the court, in its discretion, may award reasonable attorney fees as part of costs to:

(a) The parents of a child with a disability, if the parents are the prevailing party;

(b) A prevailing party who is the Department of Education or school district against
the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable or without foundation; or

(c) A prevailing party who is the Department of Education or a school district against the attorney of a parent, or against the parent, if the parent’s complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

(6) Attorney fees awarded under this section shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating these fees.

(7) Attorney fees may not be awarded and related costs may not be reimbursed under this section for services performed after a written offer of settlement to a parent if:

(a) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure, or in case of an administrative hearing, more than 10 days before the hearing begins;

(b) The offer is not accepted within 10 days; and

(c) The relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(8) Notwithstanding subsection (7) of this section, attorney fees and related costs may be awarded to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(9) Attorney fees may not be awarded relating to any meeting of the individualized education program team unless the meeting is convened as a result of an administrative proceeding under ORS 343.165, or as a result of judicial action. A resolution session is not considered a meeting convened as a result of an administrative hearing or judicial action, or an administrative hearing or judicial action.

(10) Attorney fees may not be awarded for a mediation that is conducted before a request for a hearing under ORS 343.165.

(11) The court shall reduce the amount of attorney fees awarded under this section if:

(a) The parent unreasonably protracted the final resolution of the controversy;

(b) The amount of the attorney fees unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation and experience;

(c) The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

(d) In requesting a hearing under ORS 343.165 (1)(a), the attorney representing the parent did not provide written notice to the Superintendent of Public Instruction that included:

(A) The child’s name, address and school;

(B) A description of the problem and facts relating to the problem; and

(C) A proposed resolution of the problem.

(12) The court shall not reduce fees under subsection (11) of this section if:

(a) The school district unreasonably protracted the final resolution of the controversy; or

(b) The school district violated the procedural safeguards as set forth in ORS 343.146 to 343.183. [1979 c.423 §9 (enacted in lieu of 343.077); 1983 c.731 §9; 1989 c.252 §4; 1993 c.45 §208; 1993 c.749 §12; 1999 c.989 §19; 2001 c.104 §116; 2005 c.662 §7]

343.177 Educational placement during administrative or judicial proceedings; circumstances where placement may be changed. (1) During the pendency of any administrative or judicial proceedings concerning the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child, the child shall remain in the then current educational program placement.

(2) Notwithstanding subsection (1) of this section, the placement of a child may be changed if:

(a) The parent consents to placement in a program provided or selected by the district at the district’s expense until the proceedings referred to in subsection (1) of this section are completed if applying for initial admission to a public school;

(b) The parent and the school district agree to temporary placement in some other program;

(c) The school district orders a change in placement to an appropriate interim alternative educational setting for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the child’s disability:

(A) Due to a weapon, illegal drug or controlled substance incident; or

(B) Because the child has inflicted serious bodily injury upon another person while at school, on school premises or at a school
function under the jurisdiction of the Department of Education or school district;

(d) A hearing officer orders a change in placement to an appropriate interim alternative educational setting for up to 45 school days due to the substantial likelihood of injurious behavior, pursuant to rules of the State Board of Education; or

(e) School personnel order a change in placement to an interim alternative educational setting for more than 10 school days for a child with a disability who violates a code of student conduct and the behavior that gave rise to the violation is determined not to be a manifestation of the child’s disability.

(3) If the placement of a child with a disability is changed under subsection (2)(e) of this section:

(a) The relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration as the disciplinary procedures would be applied to children without disabilities;

(b) The child continues to be entitled to a free appropriate public education under ORS 339.252, although the education may be provided in an interim alternative educational setting; and

(c) The child shall remain in the interim alternative educational setting pending the decision of a hearing officer or until the expiration of the school district’s determination of duration of the change in placement under paragraph (a) of this subsection, whichever occurs first.

(4) For the purposes of subsection (2)(b) of this section, a decision of a hearing officer under ORS 343.165 that agrees with the child’s parents that a change of placement is appropriate shall be treated as an agreement between the school district and the parents. [1979 c.423 §10 (enacted in lieu of 343.077); 1991 c.795 §7; 1993 c.749 §13; 1995 c.237 §1; 1999 c.989 §20; 2005 c.662 §8]

343.180 [Repealed by 1965 c.100 §456]

343.181 Transfer of special education rights to child with disability upon age of majority; notice. When a child with a disability reaches the age of majority as described in ORS 109.510 or 109.520 or is emancipated pursuant to ORS 419B.550 to 419B.558:

(1) The rights accorded to the child’s parents under this chapter transfer to the child;

(2) The school district shall provide any written notice required to both the child and the parents; and

(3) The school district shall notify the child and the parents of the transfer of rights. [1999 c.989 §9]

343.183 Effect of school district failure to comply; withholding funds; expense of independent evaluation. (1) In addition to and not in lieu of any other sanction that may be imposed against a noncomplying school district, the Superintendent of Public Instruction may withhold all or any part of the funds otherwise due a district for special education until the district complies with the requirements of ORS 343.146 to 343.183.

(2) If the Superintendent of Public Instruction finds that the school district has refused to pay for the independent evaluation when the results thereof required the determination of the school district to be revised significantly, the superintendent may withhold from funds due the district for special education an amount not to exceed the expense incurred by the parent in obtaining the independent evaluation. The superintendent shall use the funds thus withheld for payment of the costs of the independent evaluation. [1979 c.423 §11 (enacted in lieu of 343.077); 1989 c.491 §37]

343.185 [1979 c.423 §12 (enacted in lieu of 343.077); 1983 c.294 §1; 1989 c.158 §1; repealed by 1991 c.795 §15]

343.187 [1979 c.423 §14 (enacted in lieu of 343.077); 1989 c.491 §38; 1991 c.795 §8; renumbered 339.623 in 1991]

343.190 [Repealed by 1965 c.100 §456]

343.193 Duty to report disabled child not enrolled in special education program; effect of report. (1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact officially is a disabled child who is eligible for but not enrolled in a special education program and may cause an investigation, in

(2) Nothing in ORS 40.225 to 40.295 shall affect the duty to report imposed by subsection (1) of this section except that a physician, licensed psychologist, member of the clergy or attorney shall not be required to report information communicated by an adult if such information is privileged under ORS 40.225 to 40.295.

(3) Upon receipt of a report under subsection (1) of this section, the Superintendent of Public Instruction shall verify whether the child is enrolled in a special education program and may cause an investigation, including an evaluation under ORS 343.146, to be made to determine whether the child is eligible for a program under ORS 343.221.

(4) As used in this section, “public or private official” has the meaning given in ORS 419B.005. [1979 c.536 §6; 1983 c.740 §108; 1989
343.221 Special education required; district projected activities and cost statement; permitted contracts for services. In order to provide special education for children with disabilities, the district school board of any school district in which there are school-age children who require special education:

(1) Shall submit an annual projected activities and cost statement to the Superintendent of Public Instruction for a program of special education for the district’s children with disabilities. The proposed district program shall include provisions for providing special education and related services and be designed to meet the unique needs of all resident children with disabilities.

(2) Shall provide special education for such children consistent with the projected activities and cost statement.

(3) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with another school district if the district school boards jointly agree to provide special education.

(4) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with an education service district if:

   (a) The contract is consistent with the local service plan of the education service district developed pursuant to ORS 334.175 and the school districts within the education service district approve the contract by a resolution adopted in the manner provided in ORS 334.175.

   (b) The school districts contracts with an education service district pursuant to ORS 334.185.

(5) May contract with private agencies or organizations approved by the State Board of Education for special education.

(6) May use the services of public agencies, including community mental health and developmental disabilities programs, which provide diagnostic, evaluation and other related services for children.

(7) May contract for the provision of related services by a person in private practice if that person is registered, certified or licensed by the State of Oregon as qualified to provide a particular related service that requires registration, certification or licensing by the state. 

Note: The amendments to 343.221 by section 6, chapter 828, Oregon Laws 2005, become operative July 1, 2006. See section 7, chapter 828, Oregon Laws 2005. The text that is operative until July 1, 2006, is set forth for the user’s convenience.

343.221 In order to provide special education for children with disabilities, the district school board of any school district in which there are school-age children who require special education:

(1) Shall submit an annual projected activities and cost statement to the Superintendent of Public Instruction for a program of special education for the district’s children with disabilities. The proposed district program shall include provisions for providing special education and related services and be designed to meet the unique needs of all resident children with disabilities.

(2) Shall provide special education for such children consistent with the projected activities and cost statement.

(3) May, when the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for special education for such children with another school district or an education service district if:

   (a) The district school boards jointly agree to provide special education.

   (b) The school districts within the education service district approve the contract by a resolution adopted in the manner provided in ORS 334.175 (2).

   (c) Any school district within the education service district contracts with the education service district in the manner provided in ORS 334.175 (3) for such special education.

(4) May contract with private agencies or organizations approved by the State Board of Education for special education.

(5) May use the services of public agencies, including community mental health and developmental disabilities programs, which provide diagnostic, evaluation and other related services for children.

(6) May contract for the provision of related services by a person in private practice if that person is registered, certified or licensed by the State of Oregon as qualified to provide a particular related service that requires registration, certification or licensing by the state.
343.223 Assistive technology devices or services required; rules to define devices and services. (1) Each school district shall make assistive technology devices or assistive technology services, or both, available to a child with a disability if required as part of a child’s special education, related services or supplementary aids and services.

(2) The State Board of Education shall establish by rule the definitions of assistive technology devices and assistive technology services. [1993 c.749 §15]

Note: 343.223 was added to and made a part of ORS chapter 343 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

343.224 School district liability for expense of noneducational care. School districts shall not be financially responsible for noneducational care of a child with disabilities unless that district has participated in development of the child’s individualized education plan that clearly documents such care is prerequisite to the child receiving a free and appropriate education and the placement is for educational program needs, rather than care needs. [Formerly 343.367]

343.225 [1959 c.510 §5 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.544 §48; repealed by 1965 c.100 §456]

343.227 [1965 c.100 §398; 1975 c.621 §5; 1993 c.45 §213; 1993 c.316 §1; repealed by 1999 c.989 §36]

343.230 [Repealed by 1953 c.710 §23]

343.231 [1959 c.510 §6 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

343.234 [1953 c.710 §2; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.235 [1959 c.510 §11 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.236 State reimbursed or operated local, county or regional programs; rules. (1) The Superintendent of Public Instruction may provide special education on a local, county or regional program of special education or the superintendent may contract for the operation and administration of the program with a school district or an education service district.

(3) The State Board of Education by rule shall establish eligibility criteria and educational standards for the programs described in subsection (1) of this section and those programs in facilities operated under ORS 346.010.

(4) A school district which contracts to provide a program under this section shall be paid for the state-approved program as determined and funded by the Legislative Assembly. Contracting school districts are authorized to negotiate supplemental programs with participating school districts. [1965 c.100 §401; 1975 c.621 §7; 1985 c.555 §2; 1991 c.167 §24; 1991 c.795 §14; 1993 c.749 §16; 2003 c.226 §18; 2005 c.306 §1]


343.239 (1) The Superintendent of Public Instruction may provide special education on a local, county or regional basis without regard to county boundaries in all areas of the state for children who have:

(a) A visual impairment;
(b) A hearing impairment;
(c) Blindness or deafness, or both;
(d) An orthopedic impairment; or
(e) Autism.

(2) The Superintendent of Public Instruction may operate and administer a local, county or regional program of special education or the superintendent may contract for annual billing for students served by or enrolled in certain programs; calculation of amount of billing; notice; payment deadline; distribution of moneys. (1) The Department of Education shall bill annually each resident school district for children who are residents of the school district and are served under ORS 343.236 or enrolled in a program under ORS 346.010.

(2) A billing under this section shall be in an amount equal to (the amount of federal funds received by the school district through...
the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., divided by the number of eligible children under the Individuals with Disabilities Education Act who are reported by the school district as receiving special education services on the December 1 special education census) multiplied by the number of children who are eligible under the Individuals with Disabilities Education Act and served under ORS 343.236 or enrolled in a program under ORS 346.010.

(3) The department shall notify each resident school district of the estimated amount of the billing no later than March 30 after the December 1 census.

(4) The department shall bill each resident school district no later than the November 1 following the March 30 notification under subsection (3) of this section. The resident school district shall pay the amount of the billing out of the school district’s Individuals with Disabilities Education Act grant award no later than January 1 following the November 1 billing. In lieu of payment, a school district may request that the department withhold the billing amount from any unclaimed federal grant funds that are payable to the school district.

(5) The department shall distribute the moneys made available from billings under this section to each program providing services to children under ORS 343.236 or to the program in which children are enrolled under ORS 346.010. [2001 c.64 §1]

Note: 343.239 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 343 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

343.240 (Repealed by 1953 c.710 §23)

343.241 [1959 c.510 §3 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]; repealed by 1965 c.100 §46

343.243 Recovery of amount from State School Fund for children enrolled in certain programs; calculation of amount recovered; disposition of amount recovered. (1) The Department of Education shall recover from the State School Fund an amount for each child who is enrolled in a special education program under ORS 343.261, 343.961 and 346.010.

(2) The amount recovered shall be equal to (a) the average net operating expenditure per student of all school districts during the preceding school year multiplied by (b) the resident average daily membership of students enrolled in the special education program one-half of the school day or more, exclusive of preschool children covered by ORS 343.533.

(3) The children covered by this section shall be enumerated in the average daily membership of the district providing the instruction but credit for days’ attendance of such children shall not accrue to such school district for the purpose of distributing state school funds.

(4) The liability of a district shall not exceed the amount established under this section even if the child is otherwise subject to ORS 336.575 and 336.580.

(5) The amounts recovered from the State School Fund shall be credited to the appropriate subaccount in the Special Education Account. [1985 c.555 §1; 1987 c.282 §1; 1989 c.875 §1; 1989 c.971 §5; 1991 c.167 §25; 1991 c.780 §37; 1999 c.684 §1; 2001 c.36 §1; 2001 c.900 §243]

343.244 [1953 c.710 §7; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]

343.245 [1959 c.510 §7 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]; repealed by 1965 c.100 §46

343.246 [1993 c.749 §11; repealed by 2001 c.36 §3]

343.247 Special Education Account. (1) There is established in the General Fund a separate account to be known as the Special Education Account. All moneys received by the Department of Education under this section shall be deposited in the State Treasury to the credit of the account and appropriated continuously for purposes of ORS 343.261, 343.961 and 346.010. The account shall be divided into two subaccounts:

(a) A subaccount for education under ORS 343.261 and 343.961.

(b) A subaccount for education under ORS 346.010.

(2) If the amount credited under subsection (1)(a) of this section and the General Fund appropriation for these programs are not adequate to meet costs, the Department of Education shall submit a revised budget to the Legislative Assembly or, if the Legislative Assembly is not in session, the Emergency Board. [1985 c.555 §8; 1993 c.45 §215]

343.248 [1953 c.710 §8; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]

343.250 [Repealed by 1953 c.710 §23]

343.251 [1959 c.510 §8 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]; repealed by 1965 c.100 §46

343.254 [1953 c.710 §9; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]

343.255 [1959 c.510 §9 (343.211 to 343.291 and 343.9902) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part]; 1965 c.100 §391; renumbered 343.065]
343.258 [1953 c.710 §1; repealed by 1959 c.510 §1 (343.211 to 343.291 enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.260 [Repealed by 1953 c.710 §23]

343.261 Instruction of certain hospitalized children; rules. Under rules adopted by the State Board of Education:

(1) The Superintendent of Public Instruction, in cooperation with the hospital authorities, shall be responsible for payment of the cost and oversight of the educational programs for children through 21 years of age in the following institutions:

(a) State-operated hospitals;
(b) The Oregon Health and Science University hospitals and clinics; and
(c) Private hospitals not including psychiatric facilities which:
   (A) Have the capacity to admit patients from throughout the state;
   (B) Provide specialized intensive treatment for children with severe, low-incidence types of disabling conditions; and
   (C) Admit children who can expect to be hospitalized for extended periods of time or rehospitalized frequently.

(2) The superintendent shall be responsible for the payment of the cost of the education by contract with the school district in which the state-operated hospital, the Oregon Health and Science University hospital or clinic or the private hospital is located. The hospital shall be responsible for the costs of transportation, care, treatment and medical expenses. The payments may be made to the school district, or at the discretion of the school district, to the district providing the education, as set forth in subsection (3) of this section, from the funds appropriated for the purpose.

(3) The school district in which the state-operated hospital, the Oregon Health and Science University hospital or clinic or the private hospital is located shall be responsible for providing the education directly or through an adjacent school district or through the education service district in which the program is located or one contiguous thereto.

(4) The superintendent shall make the final determinations concerning the eligibility of hospitals to receive state funding under this section. [1959 c.510 §10 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §403; 1971 c.602 §11; 1975 c.621 §9; repealed by 1993 c.45 §216]

343.264 [1953 c.710 §12, 15; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.265 [1959 c.510 §13 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.266 [1953 c.710 §§13, 14; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.270 [Repealed by 1953 c.710 §23]

343.271 [1959 c.510 §12 (343.211 to 343.291 enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §403; 1971 c.602 §11; 1975 c.621 §9; repealed by 1993 c.45 §216]

343.274 [1953 c.710 §§5, 10, 19; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.275 [1959 c.510 §14 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); repealed by 1965 c.100 §456]

343.277 [1965 c.100 §405; 1971 c.449 §5; repealed by 1993 c.45 §217]

343.278 [1953 c.710 §20, 21; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.280 [Repealed by 1953 c.710 §23]

343.281 [1959 c.510 §15 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1965 c.100 §406; 1969 c.519 §1; 1975 c.621 §10; 1977 c.714 §7; 1985 c.555 §16; 1987 c.158 §60; repealed by 1991 c.780 §30]

343.283 [1985 c.555 §13; repealed by 1991 c.780 §30]

343.284 [1953 c.710 §4; repealed by 1959 c.510 §1 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part)]

343.285 Use of state funds to match federal funds. Where federal funds are made available on a matching basis for special education, state funds available for special education may be used to match the federal funds. [1959 c.710 §§16, 17, 20 (343.211 to 343.291 and 343.990(2) enacted in lieu of 343.234 to 343.304 as compiled in 1957 Replacement Part); 1963 c.570 §18; 1965 c.100 §407; 1969 c.519 §2; 1975 c.621 §11]

343.287 State Advisory Council for Special Education; members; duties; expenses. (1) There is created a State Advisory Council for Special Education, consisting of members appointed by the Superintendent of Public Instruction. Members shall be representative of the geographic areas of this state.

(2) Members must include:
   (a) Individuals with disabilities;
   (b) Parents or guardians of children with disabilities ages birth through 26;
   (c) Teachers;
   (d) State and local education officials, including officials who carry out activities under part B of subchapter VI of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et. seq.;
   (e) Administrators of programs for children with disabilities;
(f) Representatives of institutions of higher education that prepare personnel to work in special education and related services;

(g) Representatives of other state agencies involved in the financing or delivery of related services;

(h) Representatives of private schools and representatives of public charter schools as defined in ORS 338.005;

(i) At least one representative of a vocational, community or business organization concerned with the provision of transition services to children with disabilities;

(j) A representative from the Department of Human Services responsible for foster care;

(k) Representatives from the Oregon Youth Authority and Department of Corrections; and

(L) Other persons associated with or interested in the education of children with disabilities.

(3) A majority of the members shall be individuals with disabilities or parents of children with disabilities ages birth through 26.

(4) The State Advisory Council for Special Education shall:

(a) Review aspects of the statewide program of education of children with disabilities and advise the Superintendent of Public Instruction and the Department of Education on such programs;

(b) Advise the Superintendent of Public Instruction and the Department of Education of unmet needs in the education of children with disabilities;

(c) Comment publicly on any rules proposed for adoption by the Department of Education concerning special education;

(d) Assist the state in developing and reporting data and evaluations concerning special education;

(e) Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports on special education; and

(f) Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities.

(5) Out of the funds appropriated to the Department of Education, the department shall reimburse members for necessary travel and other expenses under ORS 292.495 (2).
TALENTED AND GIFTED CHILDREN

343.391 Purpose of ORS 343.391 to 343.413. The purpose of ORS 343.391 to 343.413 is to facilitate the identification and education of talented and gifted children. [1959 c.528 §1; 1963 c.570 §21; 1971 c.613 §1; 1979 c.385 §2; 1987 c.335 §1]

343.395 Definitions for ORS 343.391 to 343.413. As used in ORS 343.391 to 343.413, unless the context requires otherwise:

(1) “Application” means a request by a school district for state funds to develop and operate programs for students under an approved, written plan as contained in ORS 343.397.

(2) “Board” means the State Board of Education.

(3) “Department” means the Department of Education.

(4) “Identification” means the formal process of screening and selecting talented and gifted children according to administrative rules established by the board.

(5) “School district” has the same meaning as in ORS 330.005 (2) and also includes, where appropriate, an education service district, state operated schools or programs or a consortium of school districts submitting a joint plan.

(6) “Superintendent” means the Superintendent of Public Instruction.

(7) “Talented and gifted children” means those children who require special educational programs or services, or both, beyond those normally provided by the regular school program in order to realize their contribution to self and society and who demonstrate outstanding ability or potential in one or more of the following areas:

(a) General intellectual ability as commonly measured by measures of intelligence and aptitude.

(b) Unusual academic ability in one or more academic areas.

(c) Creative ability in using original or nontraditional methods in thinking and producing.

(d) Leadership ability in motivating the performance of others either in educational or noneducational settings.

(e) Ability in the visual or performing arts, such as dance, music or art. [1959 c.528 §2; 1963 c.570 §22; 1965 c.100 §409; 1971 c.613 §2; 1979 c.385 §2; 1987 c.335 §1]

343.396 Nature of programs. It is legislative policy that, when talented and gifted programs are offered, the programs should be provided by common or union high school districts, combinations of such districts or education service districts, in accordance with ORS 334.175, and that the state will provide financial and technical support to the districts to implement the education programs within the limits of available funds. [1979 c.385 §§8; 1981 c.833 §2]

Note: 343.396 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 343 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

343.397 Plan of instruction for talented and gifted children. Any school district may submit to the Superintendent of Public Instruction for approval a written plan of instruction for talented and gifted children. The plan shall include, but not be limited to:

(1) A statement of school district policy on the education of talented and gifted children;

(2) An assessment of current special programs and services provided by the district for talented and gifted children;

(3) A statement of district goals for providing comprehensive special programs and services and over what span of time the goals will be achieved;

(4) A description of the nature of the special programs and services which will be provided to accomplish the goals; and

(5) A plan for evaluating progress on the district plan including each component program and service. [1959 c.528 §§5, 6, 7; 1963 c.570 §§22; 1965 c.100 §410; 1971 c.613 §3; 1979 c.385 §§3]

343.399 State aid to local districts; criteria. (1) Any school district may apply for state funds for special programs and services for talented and gifted children identified in the district.
(2) The Superintendent of Public Instruction shall annually establish a date after which no further applications shall be received for state funds under this section.

(3) The superintendent shall select applications from among those that comply with ORS 343.391 to 343.413 and rules adopted by the State Board of Education. Any criteria used by the superintendent to evaluate applications shall include, but not be limited to:

(a) A statement of the school district’s present level of special educational programs and services for the talented and gifted and how the special educational programs and services contained in the application conform with the school district’s written plan.

(b) Identification procedures that comply with rules adopted by the board.

(c) A detailed budget for the program expenditures.

(d) A description of the individual student assessment and evaluative procedures and tools.

(e) A justification of special educational services and programs identified talented and gifted students in terms of the student assessment and evaluation.

(f) An evaluation design which meets standards set forth by the Department of Education. [1959 c.528 §8; 1963 c.570 §24; 1965 c.100 §411; 1971 c.613 §4; 1979 c.385 §4]

343.401 Use of funds appropriated for ORS 343.391 to 343.413. (1) The funds specifically appropriated for the program under ORS 343.391 to 343.413 shall be distributed to districts that have approved, written plans and have submitted an application to the Superintendent of Public Instruction which has been approved.

(2) State funds shall be allocated on an approved program cost basis, the amount of which shall be established by the State Board of Education annually.

(3) No application shall be approved by the superintendent unless the district agrees to expend district funds for special educational programs for talented and gifted children in an amount equal or greater than the amount of state funds approved by the superintendent.

(4) The districts shall account for the grant funds as expended for the identified pupils on a form acceptable to the Department of Education, as described in rules adopted by the board. [1959 c.528 §9; 1963 c.570 §24a; 1965 c.100 §412; 1971 c.613 §5; 1979 c.385 §5]

343.403 (1959 c.528 §10; 1963 c.570 §25; repealed by 1965 c.100 §456)
343.413 Short title. ORS 343.407 to 343.413 shall be known as the Oregon Talented and Gifted Education Act. [1987 c.397 §2]

343.415 [1975 c.455 §2; 1991 c.693 §19; 1993 c.45 §228; renumbered 329.515 in 1993]

343.420 [1955 c.658 §1; 1961 c.541 §2; 1965 c.100 §414; repealed by 1975 c.621 §17]

343.425 [1975 c.455 §3; 1993 c.45 §229; renumbered 329.225 in 1993]

343.430 [1955 c.658 §3; 1961 c.541 §3; repealed by 1965 c.100 §456]

343.435 [1975 c.455 §4; renumbered 329.235 in 1993]

343.440 [1955 c.658 §6; 1957 c.219 §1; 1959 c.182 §1; 1961 c.541 §4; 1963 c.570 §25a; repealed by 1965 c.100 §417 (343.441 enacted in lieu of 343.440)]

343.441 [1965 c.100 §418 (enacted in lieu of 343.440); repealed by 1975 c.621 §17]

343.445 [1965 c.100 §416; repealed by 1975 c.621 §17]

343.450 [1955 c.658 §8; 1961 c.541 §5; 1963 c.570 §25b; 1965 c.100 §419; repealed by 1975 c.621 §17]

343.455 Early childhood special education provided by prekindergartens; service requirement. (1) Oregon prekindergartens, as defined in ORS 329.170, shall be responsible for providing early childhood special education as defined in ORS 343.035 (5).

(2) Not less than 10 percent of the population of children served in Oregon prekindergartens shall be children who are eligible to receive early childhood special education. [1991 c.733 §4; 1993 c.45 §231; 2001 c.381 §25]

343.460 [1955 c.658 §10; 1959 c.182 §2; 1961 c.541 §6; 1963 c.570 §25c; 1965 c.100 §420; repealed by 1975 c.621 §17]

343.465 Policy on services to preschool children with disabilities; agency coordination of services. (1) It is the policy of this state to respect the unique nature of each child, family and community with particular attention to cultural and linguistic diversity, and to support a system of services for preschool children with disabilities and their families that:

(a) Recognizes the importance of the child’s family, supports and builds on each family’s strengths and respects family decision-making and input regarding service options and public policy.

(b) Identifies, evaluates and refers services for preschool children with disabilities at the earliest possible time.

(c) Uses specialized services and all other community services and programs for children, including community preschools, Head Start programs, community health clinics, family support programs and other child-oriented agencies.

(d) Uses a variety of funding sources for preschool children with disabilities and their families, including public and private funding, insurance and family resources.

(e) Assists families in utilizing necessary services in the most cost-effective and efficient manner possible by using a coordinated planning and implementation process.

(f) Insures that all children and their families, regardless of disability, risk factors or cultural or linguistic differences, are able to utilize services for which they would otherwise be qualified.

(g) Encourages services and supports for preschool children with disabilities and their families in their home communities and in settings with children without disabilities.

(h) Recognizes the importance of developing and supporting well-trained and competent personnel to provide services to preschool children with disabilities, and their families.

(i) Evaluates the system’s impact on the child and family, including child progress, service quality, family satisfaction, transition into public schooling, longitudinal and cumulative reporting over several biennia and interagency coordination at both the state and local level.

(j) Reports information described in paragraph (i) of this subsection to the State Interagency Coordinating Council, the Governor, the Superintendent of Public Instruction, the State Board of Education and the Legislative Assembly each biennium.

(2) In carrying out the provisions of subsection (1) of this section, the Department of Education, the Department of Human Services and the Department of Higher Education shall coordinate services to preschool children with disabilities, or who are at risk of developing disabling conditions, and their families. All program planning, standards for service, policies regarding services delivery and budget development for services for preschool children with disabilities, and their families shall reflect the policy outlined in subsection (1) of this section and elaborated through rules and agreements. [1991 c.749 §7; 1995 c.79 §187]

Note: Section 8, chapter 409, Oregon Laws 1993, provides:

Sec. 8. Effect of unavailability of federal funds on programs for preschool children. If federal funds are not available for programs for preschool children with disabilities for children from birth to three years of age, the program shall be continued with state funding at least at the current level but the additional requirements imposed on the program by this Act shall not be required and school districts shall not be required to comply with the additional requirements. [1993 c.409 §8]

343.470 [1955 c.658 §11; 1959 c.182 §3; 1961 c.541 §7; 1963 c.570 §26; 1965 c.100 §421; 1969 c.544 §8; repealed by 1975 c.621 §17]

311
343.475 Program of early childhood special education and early intervention services; service areas; primary contractor; voluntary local early childhood system plan; residency; sanctions. (1) In accordance with rules adopted by the State Board of Education, the Superintendent of Public Instruction shall develop and administer a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early childhood special education and early intervention services for preschool children with disabilities and may:

(a) Establish and designate service areas throughout the state for the delivery of early childhood special education and early intervention services that shall meet state and federal guidelines and be delivered to all eligible children.

(b) Designate in each service area a primary contractor that shall be responsible for the administration and coordination of early childhood special education and early intervention services to all eligible preschool children and their families residing in the service area.

(2) Early childhood special education and early intervention services shall:

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law.

(3) Preschool children with disabilities shall be considered residents of the service area where the children are currently living, including children living in public or private residential programs, hospitals and similar facilities.

(4) In addition to any other remedy or sanction that may be available, the Superintendent of Public Instruction may withhold funds and terminate the contract of any contractor that fails to comply with any provisions of the contract. [1991 c.749 §8; 1993 c.45 §232; 2001 c.831 §27]

343.480 [1955 c.658 §13; 1965 c.100 §422; 1965 c.358 §1; repealed by 1975 c.621 §17]

343.495 Operation of early childhood special education or early intervention programs by department. (1) If no contractor is designated for a service area, and no qualified county agency is available to manage the necessary services or to subcontract the services, the Department of Education may provide early childhood special education and early intervention services in a local, county or service area.

(2) Contractors designated under this section shall:

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law.

(3) Programs operated by the Department of Education must comply with rules adopted by the State Board of Education for early childhood special education and early intervention contractors. [1991 c.749 §10; 1993 c.45 §233; 2001 c.831 §27]

343.498 [1991 c.749 §11; 1993 c.45 §234; repealed by 1993 c.409 §4 (343.499 enacted in lieu of 343.498)]

343.499 State Interagency Coordinating Council; appointment; member qualifications; duties; terms; use of federal funds; department’s duties; meetings; conflicts. (1)(a) There is created the State Interagency Coordinating Council.

(b) The Governor shall appoint members of the council from a list of eligible appointees provided by the council and agencies described in subsection (2) of this section and shall ensure that the membership of the council reasonably represents the population of this state.

(c) The Governor shall designate one member of the council to serve as the chairperson, or if the Governor chooses not to name a chairperson, the council may elect one of its members to serve as chairperson. However, any member of the council who represents the Department of Education may not serve as the chairperson of the council.

(2) The membership of the council shall be composed as follows:

(a) At least 20 percent of the council members shall be parents, including minority parents, of preschool children with disabilities or of children with disabilities who are 12 years of age or younger who have knowledge of or experience with programs for infants and toddlers with disabilities. At least one council member shall be a parent of an infant or toddler with a disability or of a
child with a disability who is six years of age or younger.

(b) At least 20 percent of the council members shall be public or private providers of early intervention and early childhood special education services.

(c) At least one council member shall be a member of the Legislative Assembly.

(d) At least one council member shall be involved in personnel preparation.

(e) At least one council member shall represent the Department of Human Services.

(f) At least one council member shall represent the federal Head Start program.

(g) At least one council member shall represent the Child Care Division of the Employment Department.

(h) At least one council member shall represent the Department of Education.

(i) At least one council member shall represent the Department of Consumer and Business Services.

(j) At least one council member shall represent the State Commission on Children and Families.

(k) At least one council member shall represent the Child Development and Rehabilitation Center of the Oregon Health and Science University.

(L) At least one council member shall be a member of the State Advisory Council for Special Education created under ORS 343.287.

(m) At least one council member shall be a representative designated by the state coordinator for homeless education.

(n) At least one council member shall represent the state child welfare agency responsible for foster care.

(o) At least one council member shall represent the state agency responsible for children’s mental health.

(p) At least one council member shall be from the agency responsible for the state Medicaid program.

(q) The council may include other members appointed by the Governor, including but not limited to one representative from the United States Bureau of Indian Affairs or, where there is no school operated or funded by the bureau, from the Indian Health Service or the tribe or tribal council.

(3) An individual appointed to represent a state agency that is involved in the provision of or payment for services for preschool children with disabilities under subsection (2)(e) and (h) to (k) of this section shall have sufficient authority to engage in making and implementing policy on behalf of the agency.

(4) The State Interagency Coordinating Council shall:

(a) Advise the Superintendent of Public Instruction and the State Board of Education on unmet needs in the early childhood special education and early intervention programs for preschool children with disabilities, review and comment publicly on any rules proposed by the State Board of Education and the distribution of funds for the programs and assist the state in developing and reporting data on and evaluations of the programs and services.

(b) Advise and assist the represented public agencies regarding the services and programs they provide to preschool children with disabilities and their families, including public comments on any proposed rules affecting the target population and the distribution of funds for such services, and assist each agency in developing services that reflect the overall goals for the target population as adopted by the council.

(c) Advise and assist the Department of Education and other state agencies in the development and implementation of the policies that constitute the statewide system.

(d) Assist all appropriate public agencies in achieving the full participation, coordination and cooperation for implementation of a statewide system that includes but is not limited to:

(A) Seeking information from service providers, service coordinators, parents and others about any federal, state or local policies that impede timely service delivery; and

(B) Taking steps to ensure that any policy problems identified under subparagraph (A) of this paragraph are resolved.

(e) Advise and assist the Department of Education in identifying the sources of fiscal and other support for preschool services, assigning financial responsibility to the appropriate agencies and ensuring that the provisions of interagency agreements under ORS 343.511 are carried out.

(f) Review and comment on each agency’s services and policies regarding services for preschool children with disabilities, or preschool children who are at risk of developing disabling conditions, and their families to the maximum extent possible to assure cost-effective and efficient use of resources.

(g) To the extent appropriate, assist the Department of Education in the resolution of disputes.

(h) Advise and assist the Department of Education in the preparation of applications and amendments thereto.
(i) Advise and assist the Department of Education regarding the transition of preschool children with disabilities.

(j) Prepare and submit an annual report to the Governor and to the United States Secretary of Education on the status of early intervention programs operated within this state.

(5) The council may advise appropriate agencies about integration of services for preschool children with disabilities and at-risk preschool children.

(6) Terms of office for council members shall be three years, except that:

(a) The representative from the State Advisory Council for Special Education shall serve a one-year term; and

(b) The representatives from other state agencies and the representative from the Legislative Assembly shall serve indefinite terms.

(7) Subject to approval by the Governor, the council may use federal funds appropriated for this purpose and available to the council to:

(a) Conduct hearings and forums;

(b) Reimburse nonagency council members pursuant to ORS 292.495 for attending council meetings, for performing council duties, and for necessary expenses, including child care for parent members;

(c) Pay compensation to a council member if the member is not employed or if the member must forfeit wages from other employment when performing official council business;

(d) Hire staff; and

(e) Obtain the services of such professional, technical and clerical personnel as may be necessary to carry out its functions.

(8) Except as provided in subsection (7) of this section, council members shall serve without compensation.

(9) The Department of Education shall provide clerical and administrative support, including staff, to the council to carry out the performance of the council’s function as described in this section.

(10) The council shall meet at least quarterly. The meetings shall be announced publicly and, to the extent appropriate, be open and accessible to the general public.

(11) No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under state law. [1993 c.409 §5 (enacted in lieu of 343.498); 1999 c.989 §24; 2001 c.900 §54; 2005 c.662 §10]

343.500 [1955 c.658 §§4, 5; 1957 c.219 §2; 1961 c.541 §9; 1965 c.100 §390; renumbered 343.055]


343.505 [1971 c.602 §2; repealed by 1975 c.621 §17]

343.507 Local early intervention interagency advisory council; members; officers. (1) Each contractor for early childhood special education and early intervention services shall assist in the development of a local early intervention interagency advisory council in every county within the contractor’s service area.

(2) Each local early intervention interagency advisory council shall include as members at least 20 percent parents of preschool children with disabilities, 20 percent providers of early childhood special education and early intervention services or other services to preschool children with disabilities, a representative of the State Commission on Children and Families and representatives from public and private agencies that serve young children and their families, including but not limited to Head Start and Oregon prekindergartens, community child care, the Child Care Division of the Employment Department, local school districts, education service districts, Department of Education regional special education programs, community mental health and developmental disabilities programs, Department of Human Services health programs, child welfare programs and public assistance programs, Indian education agencies, migrant programs serving young children and community colleges.

(3) Each local early intervention interagency advisory council shall select its own chairperson and vice chairperson and fix the duties of its officers.

(4) The department shall establish procedures pursuant to rules of the State Board of Education for seeking and considering local council advice regarding the selection of contractors, coordination of services and procedures for local resolution of disputes. [1991 c.749 §12; 1993 c.45 §25; 1995 c.278 §42; 1959 c.389 §25; 2001 c.900 §55]

343.509 [1971 c.602 §3; repealed by 1975 c.621 §17]

343.510 [1955 c.658 §12; repealed by 1965 c.100 §456]

343.511 Interagency agreements to provide services; contents. (1) The Department of Education shall enter into written interagency agreements with state or federal agencies contracting for, or providing services to, preschool children with disabilities or who are at risk of developing disabling conditions, and their families.

(2) Each interagency agreement shall include:

(a) Components necessary to insure effective cooperation and coordination among
the agencies involved in providing services to preschool children with disabilities.

(b) A clear description of financial responsibility of the agencies for paying for early childhood special education and early intervention services, case management services and other services to preschool children with disabilities and their families.

(c) Procedures for resolving, in a timely manner, interagency disputes regarding services, eligibility or financial responsibility related to eligible children.

(d) A description of each agency’s procedure for resolving internal disputes regarding the agency’s services, eligibility determination or financial responsibility.

(e) A process for the Department of Education to follow to achieve resolution of disputes within the agency entering into the agreement with the department, if the given agency is unable to resolve its own internal disputes within 60 calendar days. [1991 c.749 §14]  

343.513 Eligibility criteria. The State Board of Education shall establish by rule procedures prescribing the eligibility criteria for early childhood special education and early intervention services. [1991 c.749 §15]  

343.515 [1971 c.602 §4; repealed by 1975 c.621 §17]  

343.517 Parent-initiated referral to determine eligibility. (1) Whenever the parent of a child believes that the child is eligible for early childhood special education or early intervention services or is concerned about the child’s developmental progress, the parent may initiate a referral to the contractor, or the designated referral and evaluation agency, in the county where the child resides.

(2) Services contractors, community agencies or individuals in the community may also assist the family to initiate a referral if they believe that a child is eligible for early childhood special education or early intervention services or they are concerned about the child’s developmental progress.

(3) Nothing in this section shall relieve school districts of the duty to identify, locate and evaluate preschool children with disabilities under ORS 343.157. [1991 c.749 §16; 1993 c.45 §206; 1993 c.749 §19]  

343.519 [1971 c.602 §10; repealed by 1975 c.621 §17]  

343.520 [1955 c.658 §14; repealed by 1965 c.100 §456]  

343.521 Individualized family service plan; rules for content, development, review and revision of plan; forms. (1) In accordance with the rules of the State Board of Education, the agencies under contract with the Department of Education to provide early childhood special education or early intervention services must ensure that an individualized family service plan is developed for each preschool child with a disability, as defined in ORS 343.035, who is determined eligible for early childhood special education or early intervention services and for the child’s family. The Department of Education or its contractors shall not be responsible for the cost of other services of the individualized family service plan that are not early childhood special education or early intervention services.

(2) The State Board of Education shall establish by rule the contents of an individualized family service plan and the procedures for the development, review and revision of an individualized family service plan.

(3) Each agency under contract with the Department of Education to provide early childhood special education or early intervention services shall use the individualized family service plan forms established by the Department of Education in the development, review and revision of individualized family service plans. [1991 c.749 §17; 1993 c.409 §6; 1995 c.227 §2; 1999 c.999 §26; 2003 c.396 §1; 2005 c.662 §11]  

343.523 Service coordination requirements for early intervention and early childhood special education. Service coordination shall be provided as an early intervention service or may be provided as other services for children and families in early childhood special education as defined under ORS 343.035 and shall include:

(1) Coordinating all services across agency lines;

(2) Assisting parents of eligible children in gaining access to early intervention services and other services identified in the individualized family service plan;

(3) Facilitating the timely delivery of available services; and

(4) Continuously seeking the appropriate services and situations necessary to benefit the development of each child being served for the duration of the child’s eligibility. [Formerly 343.095]  

343.525 [1971 c.602 §8; 1975 c.621 §14; renumbered 343.293]  

343.527 Requirements for written notice to parents of preschool child with disability; contents of notice; language or mode of communication of parent. (1) A contractor or contractor’s designee shall give written notice to the parents of a preschool child with a disability or the parents of a preschool child suspected of having a disability within a reasonable time before the contractor or the contractor’s designee:

(a) Proposes to initiate or change the identification, evaluation or placement of the child or the provision of early childhood spe-
of age, enrolled in programs under ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534, and the district may include those costs in its claims for transportation costs reimbursement by the state. No state agency is required to pay transportation other than the claims on the State School Fund. [Formerly 343.363]

343.534 Allocation of state funds to approved providers. (1) The funds specially appropriated to early childhood special education and early intervention services shall be contracted to providers that have been approved by the Superintendent of Public Instruction.

(2) State funds shall be allocated on an approved program basis, the amount of which shall be established pursuant to rules of the State Board of Education.

(3) The provider shall account for the grant funds as expended on a form acceptable to the superintendent pursuant to rules of the state board. [1991 c.749 §28]

343.535 [1971 c.602 §5; repealed by 1975 c.621 §17]
343.534 [1971 c.602 §6; repealed by 1975 c.621 §17]
343.535 [1971 c.602 §7; repealed by 1975 c.621 §17]
343.535 [1971 c.602 §15; repealed by 1975 c.621 §17]
343.535 [1959 c.218 §1; 1965 c.100 §423; 1965 c.237 §1; 1969 c.109 §1; repealed by 1975 c.621 §17]
343.535 [1959 c.218 §§2,3,10; 1963 c.570 §2; 1965 c.100 §424; 1965 c.237 §2; 1971 c.602 §12; repealed by 1975 c.621 §17]
343.534 [1965 c.100 §425; 1965 c.237 §3; repealed by 1975 c.621 §17]
343.535 [1959 c.218 §§4,8,9; 1965 c.100 §425; 1965 c.237 §3; repealed by 1975 c.621 §17]
343.534 [1959 c.218 §5; 1965 c.100 §426; 1965 c.237 §4; 1971 c.602 §12; repealed by 1975 c.621 §17]
343.535 [1959 c.218 §§6,7; repealed by 1965 c.100 §456]

APPROPRIATE LEARNING MEDIA FOR BLIND STUDENTS (BRaille)

343.565 Definitions for ORS 343.565 to 343.595. As used in ORS 343.565 to 343.595:

(1) “Braille” means the system of reading and writing through touch commonly known as standard English Braille.

(2) “Student who is blind” means an individual who:

(a) Is eligible for special education due to visual impairment; or

(b) Has a medically indicated expectation of visual deterioration. [1993 c.380 §2; 1999 c.989 §28]

343.575 Proficiency in reading and writing for blind student; use of Braille. (1) In developing the individualized education program for each student who is blind, the presumption shall be that proficiency in reading and writing is essential for the student to achieve satisfactory educational progress. Each student who is blind shall be assessed to determine the most appropriate
learning media, including but not limited to Braille. The individualized education program team shall determine the optimum learning media.

(2) Braille instruction and use are not required by this section if, in the course of developing the student’s individualized education program, all members of the team concur that the student’s visual impairment does not affect reading and writing performance commensurate with ability.

(3) Nothing in this section requires the exclusive use of Braille if other special education services are appropriate to meet the student’s educational needs. The provision of other appropriate services does not preclude Braille use or instruction. [1993 c.380 §3]

343.585 Instruction in Braille; individualized education program requirements. Instruction in Braille reading and writing provided under ORS 342.153 and 343.565 to 343.595 shall be sufficient to enable each student who is blind to communicate effectively. When the need for Braille is determined, the student’s individualized education program shall specify the extent and nature of the student’s training in Braille, pursuant to standards adopted by rule of the State Board of Education. [1993 c.380 §4]

343.595 Requirement that textbook publishers supply material in format from which Braille version can be produced. The State Board of Education shall require a publisher of a textbook produced from which Braille version can be published.

343.600 State policy encouraging use of Braille. It shall be the policy of this state that blind students who, due to lack of visual acuity or perception, cannot read print material at a competitive rate of speed and with facility, or who have a reasonable expectation of visual deterioration, shall be encouraged to learn to read and write Braille. [Formerly 343.945]

343.610 [1955 c.15 §1; 1955 c.410 §1; repealed by 1963 c.21 §2]

343.620 [1955 c.15 §2; 1955 c.410 §2; repealed by 1963 c.21 §2]

343.630 [1955 c.15 §3; 1955 c.410 §3; repealed by 1963 c.21 §2]

343.640 [1955 c.410 §4; repealed by 1963 c.21 §2]

**DISADVANTAGED CHILDREN**

343.650 Definitions for ORS 343.650 to 343.680. As used in ORS 343.650 to 343.680, unless the context requires otherwise:

(1) “Disadvantaged children” means children who in their backgrounds are socially or culturally deprived to such a degree that without supplemental facilities and services they cannot profit in the regular school program to the same extent as children with normal backgrounds.

(2) “Facilities and services”:

(a) Means special equipment, materials, supplies and services and regular equipment, materials, supplies and services to the extent that they are specially used or consumed in providing special education for the primary purpose of preventing or overcoming learning deficiencies; and

(b) Includes special classes, special instruction in or in addition to regular classes, nursery schools and kindergartens, extracurricular programs, camp and recreation programs, testing and research programs, orientation programs, counseling and guidance programs, cafeteria service, transportation and the construction and use of special schools or centers, or the construction of additions thereto. [1965 c.531 §1; 1967 c.443 §1]

343.660 Facilities and services for disadvantaged children. The district school board of any school district in which the regular school program is inadequate for the educational needs of disadvantaged children may provide facilities and services for such children during and outside of regular school hours and regular school days. [1965 c.531 §2; 1973 c.707 §4; 1973 c.750 §14]

343.670 Advance payment to districts. Notwithstanding the provisions of any other law, the Department of Education may make advance payment from funds received by the Department of Education pursuant to Public Law 89-10, as further amended by Public Law 95-561, to school districts based on the estimated cost of any approved program or service to be provided. [1965 c.531 §6; 1989 c.491 §43; 1993 c.45 §238]

343.680 Advance payments and reimbursements to districts of at least 40,000 for operation and construction costs. (1) For the purposes of carrying out the provisions of ORS 343.650 to 343.670 the Department of Education shall advance to or reimburse any common or union high school district with at least 40,000 average daily membership, as defined by ORS 327.006, from funds specifically appropriated for such purposes, such amounts as may from time to time be certified by such district as required therefor.
(2) The certificate shall specify separately:
   (a) The amounts required for operations; and
   (b) The amounts required for construction of special schools or centers, or additions thereto.

(3) The amounts obtained for construction shall be related to progress of construction as determined by the district.

(4) Any amounts remaining unexpended and unobligated as of June 30 of the fiscal year or biennium for which they were appropriated shall revert to the General Fund. [1961 c.443 §3; 1981 c.487 §1; 1993 c.45 §239]

343.685 [1979 c.277 §9; repealed by 1981 c.487 §2]
343.705 [1973 c.724 §2; renumbered 336.790 in 1993]
343.710 [1957 c.206 §1; 1965 c.100 §427; renumbered 336.795 in 1993]
343.720 [1957 c.206 §2; 1959 c.421 §2; 1965 c.100 §428; 1969 c.407 §1; 1969 c.623 §1; 1973 c.724 §3; 1979 c.307 §7; renumbered 336.800 in 1993]
343.730 [1957 c.206 §3; 1959 c.421 §3; 1961 c.658 §1; 1963 c.235 §2; 1965 c.100 §429; 1965 c.549 §1; 1969 c.407 §2; 1969 c.623 §2; 1973 c.724 §4; 1981 c.473 §3; 1983 c.583 §3; 1989 c.491 §44; 1991 c.709 §8; 1993 c.748 §2; renumbered 336.805 in 1993]
343.750 [1957 c.206 §1; 1961 c.473 §5; renumbered 336.815 in 1993]
343.760 [1981 c.473 §2; 1983 c.380 §4; 1983 c.338 §916; repealed by 1983 c.583 §8]

MIGRANT CHILDREN

343.810 Definitions for ORS 343.810 to 343.835. As used in ORS 343.810 to 343.835, unless the context requires otherwise:
(1) “Migrant child” means a child between 3 and 21 years of age who is in the custody of migrant workers whether or not they are parents of the child.
(2) “Migrant worker” means an individual engaged in agricultural labor who does not regularly reside in the county in which the individual is performing the agricultural labor.
(3) “School district” includes education service districts and state institutions. [1961 c.502 §1; 1963 c.570 §30; 1965 c.100 §430; 1987 c.243 §1]
343.815 [1961 c.502 §§2,3; repealed by 1963 c.570 §33]
343.820 [1961 c.502 §4; repealed by 1963 c.570 §33]
343.825 [1961 c.502 §5; repealed by 1963 c.570 §33]

343.830 Summer programs for migrant children. School districts may establish summer programs for migrant children to supplement the regular school program and provide instruction in those educational areas in which the migrant child needs special help. The summer programs may be attended by migrant children who will attend regular school sessions in the ensuing school year. [1961 c.502 §§7,8; 1963 c.570 §31; 1965 c.100 §431]

343.835 Reimbursement; district expenditures not subject to Local Budget Law. Pursuant to rules of the State Board of Education, school districts shall submit a proposed budget for summer programs to the Superintendent of Public Instruction for approval. Upon completion of the summer program the claim shall be presented to the Superintendent of Public Instruction for reimbursement which shall be made only for the actual and approved expenses incurred in the program. Expenditures made by a school district in carrying out a summer program shall not be subject to the Local Budget Law (ORS 294.305 to 294.565). [1961 c.502 §9; 1963 c.570 §31a; 1965 c.100 §432; 1989 c.491 §45]
343.910 [Formerly 343.130; 1965 c.100 §433; repealed by 1993 c.45 §241]
343.920 [Formerly 343.370; repealed by 1959 c.645 §2]

MISCELLANEOUS PROVISIONS

343.923 Department duties for programs for students with moderate to severe retardation; rules. The Department of Education shall:
(1) Pursuant to rules of the State Board of Education, require that programs for students with moderate to severe retardation meet program standards.
(2) Supply the Department of Human Services with information, on forms developed by the Department of Human Services, concerning all students with moderate to severe retardation who are 15 years of age and older, which the Department of Human Services needs to serve and plan for their transition to adult living and work situations.
(3) Implement programs for students with moderate to severe retardation under ORS 343.236 in a manner that continues the pattern of services in neighborhood and community schools which existed on July 1, 1985. [1985 c.555 §12; 1989 c.971 §7; 1991 c.795 §11]
343.925 [1961 c.274 §1; 1965 c.100 §182; renumbered 334.215]
343.926 [1989 c.971 §6; 1991 c.795 §12; repealed by 1991 c.780 §30]
343.930 [Formerly 343.380; repealed by 1959 c.645 §2]
343.940 [Formerly 343.390; 1965 c.100 §434; repealed by 1975 c.693 §21]
343.945 [1989 c.265 §2; renumbered 334.600 in 1993]
343.950 [1957 c.562 §§1,2,3,4,5; 1959 c.645 §1; 1963 c.570 §§22,1965 c.100 §7; renumbered 326.510 and then 343.960]
343.960 [Formerly 343.950 and then 326.510; 1975 c.620 §1; 1977 c.251 §1; 1977 c.586 §1; 1979 c.700 §1; 1981 c.916 §1; repealed by 1985 c.555 §19 (343.961 enacted in lieu of 343.960 and 343.965)]
343.961 Responsibility for costs of education of children in long-term care or treatment; district providing education; notice required before student dismissed from treatment program. (1) The Department of Education shall be responsible for payment of the cost of the education in programs with which the Department of Human Services or Oregon Youth Authority contracts for long-term care or treatment. Programs eligible for such education shall be in accordance with criteria adopted by rule by the State Board of Education.

(2) The Department of Education shall be responsible for payment of the costs of such education by contract with the school district, excluding transportation, care, treatment and medical expenses. The resident district shall provide transportation to pupils enrolled in programs under ORS 430.715 who live at home but require day treatment. The payments may be made to the school district or, at the discretion of the school district, to the district providing the education, as set forth in subsection (3) of this section, from the funds appropriated for the purpose.

(3) The school district in which the agency is located is responsible for providing the education directly or through an adjacent school district or through the education service district in which the program is located or one contiguous thereto. The instruction may be given in facilities of such districts or in facilities provided by such agency.

(4) The school district may request the Department of Education to combine several private agency school programs into one contract with a school district, an adjacent school district or an education service district.

(5) The Department of Human Services shall give the school district providing the education at a treatment program 14 days’ notice before a student is dismissed from the treatment program.

(6) The Department of Education may make advances to such school district from funds appropriated therefor based on the estimated agreed cost of educating the pupils per school year. Advances equal to 25 percent of such estimated cost may be made on September 1, December 1 and March 1 of the current year. The balance may be paid whenever the full determination of cost is made.

(7) School districts which provide the education described in this section on a year-round plan may apply for 25 percent of the funds appropriated therefor on July 1, October 1, January 1, and 15 percent on April 1. The balance may be paid whenever the full determination of cost is made.

(8) In addition to the payment methods described in this section, the Department of Education may:

(a) Negotiate interagency agreements to pay for the cost of education in treatment programs operated under the auspices of the State Board of Higher Education; and

(b) Negotiate intergovernmental agreements to pay for the cost of education in treatment programs operated under the auspices of the Oregon Health and Science University Board of Directors.

[enacted in lieu of 343.960 and 343.965; 1987 c.223 §1; 1989 c.1011 §1; 1991 c.780 §13; 1991 c.795 §13; 1993 c.749 §20; 1997 c.521 §26]
Chapter 344
2005 EDITION
Career and Professional Technical Education; Rehabilitation; Adult Literacy

PROFESSIONAL TECHNICAL EDUCATION
344.055 Policy on professional technical education and employment training
344.058 Frontier Learning Network program; grant
344.070 Revolving accounts for federally sponsored education or training; advances; uses
344.080 Reimbursement vouchers; accounts and records; bond
344.090 Procedure when training and educational programs are no longer needed, or when advances are improperly handled or accounted for
344.100 Acceptance of provisions of federal Act
344.120 Payment of claims approved by board
344.130 Cooperation by district school boards to establish professional technical training

COORDINATION OF CONTINUING EDUCATION
344.257 Definition of “continuing education”
344.259 Coordination of continuing education

VOCATIONAL REHABILITATION
344.511 Definitions for ORS 344.511 to 344.690 and 344.710 to 344.730
344.530 Department of Human Services rehabilitation duties
344.540 Federal cooperation
344.550 Eligibility for and extent of rehabilitation services
344.555 Training under apprenticeship program
344.560 Application; form
344.570 Action upon application
344.580 Payments exempt from process
344.590 Appeal and hearing
344.600 Unauthorized use of official rehabilitation data
344.620 State Vocational Rehabilitation Account; federal funds; custody and disbursement; records
344.630 Gifts for rehabilitation purposes
344.685 Vocational Rehabilitation Revolving Fund
344.690 Advances to fund from account; repayment

REHABILITATION FACILITIES
344.710 Rehabilitation facility defined
344.720 Establishment of rehabilitation facilities; application; approval
344.730 Financial report
344.735 State advisory committee; members; duties

YOUTH APPRENTICESHIP, TRAINING AND WORK BASED LEARNING PROGRAMS
344.745 Youth apprenticeship, training and work based learning programs; number of participants; qualifications; guidelines; credit
344.750 Ratios of apprentices or trainees; workers’ compensation coverage required; wages; hours; removal
344.753 Employers eligible for reimbursement for costs of training programs; education service credits
344.755 Loss of eligibility for tax credit and for program participation
344.757 Gifts and grants

ADULT LITERACY
344.760 Legislative findings on adult literacy
344.765 Establishment of literacy coalitions by community colleges
344.770 Short title

REHABILITATION OF WORKERS
344.840 Professional technical instruction in public schools for workers; reimbursement
344.850 Reimbursements to Department of Human Services
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]

PROFESSIONAL TECHNICAL EDUCATION

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 workforce 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 that 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 workforce 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 ensure the development and implementation of quality programs. Both the governmental and private sectors should make a commitment to professional technical training as an investment that 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 ensure 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 instruc-
tion 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, knowledge, 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 career, and learning how to obtain a job. It may continue through post-secondary technical institutions, community colleges and apprenticeship programs and may continue through skill upgrading or retraining for a new career.

(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.

344.058 Frontier Learning Network program; grant. Each biennium, in addition to and not in lieu of any other moneys, the Department of Education shall award a grant to the Frontier Learning Network professional technical education program. The grant may be used for:

1. Mobile classrooms;
2. Developing information and technical systems;
3. Creating and implementing curricula;
4. Capital improvements;
5. Teachers and technical staff;
6. Distance learning communications expenses; and
7. Special project materials.

344.060 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.
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 sums originally were withdrawn. Upon receipt of notification from the superintendent 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 §252]

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, 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 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 economic 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 §252]

344.140 [Repealed by 1979 c.570 §4]

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

344.205 [1975 c.637 §1; 1977 c.227 §1; 1993 c.45 §251; repealed by 1997 c.652 §63]

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

344.225 [1975 c.637 §2; 1977 c.227 §2; 1993 c.45 §253; repealed by 1997 c.652 §63]

344.235 [1975 c.637 §3; 1977 c.227 §3; 1993 c.45 §254; repealed by 1997 c.652 §63]

344.245 [1975 c.637 §5; 1977 c.227 §4; 1993 c.45 §255; repealed by 1997 c.652 §63]

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

COORDINATION OF CONTINUING EDUCATION

344.257 Definition of “continuing education.” (1) For the purposes of ORS 344.259, “continuing education” means organized instruction to serve the needs of post-secondary students, including but not limited to:

(a) Courses as offered to the regular full-time resident post-secondary student consisting of professional preparatory courses and professional supplementary, technical, academic and professional courses;

(b) Developmental education, consisting of adult basic education, high school completion courses for a high school diploma, instruction to pass the General Educational Development (GED) tests, English as a second language instruction, and remedial instruction;

(c) Educational activities, consisting of adult self-improvement courses and Federal Cooperative Extension Service; and

(d) Hobby and recreation activities.

(2) “Continuing education” for a community college is limited to instruction within district boundaries and instruction outside district boundaries offered under contract. [Formerly 344.450; 1997 c.11 §7; 1997 c.230 §1; 1997 c.249 §107]

344.259 Coordination of continuing education. (1) The State Board of Education shall coordinate continuing education in lower division, developmental, adult self-improvement, professional and technical education for agencies under its regulatory authority. The State Board of Higher Education shall coordinate continuing education in upper division and graduate education for institutions under its jurisdiction.
(2) When significantly adverse impact is alleged by one or more of the agencies listed in this subsection, the affected parties jointly shall provide for written agreements. These agreements shall allocate responsibility for planning and providing continuing education or off-campus instruction in specific areas or by specific types. The agencies are:

(a) The State Board of Education.
(b) The State Board of Higher Education.
(c) Community college districts.
(d) Independent colleges.
(e) Proprietary schools.

(3) In the event the affected parties fail to reach a written agreement within 120 days following receipt of written notice of the allegation, either party may request the Education and Workforce Policy Advisor to review and to recommend resolution.

(4) Nothing in this section prohibits the offering of upper division or graduate programs within 30 miles of the campus of the Department of Higher Education institution offering the program, or the offering of lower division programs within 30 miles of the campus offering the program in areas outside a community college district. Such programs are entitled to the same college credit and financial support as programs offered on the campus of the institution. [Formerly 348.460; 1997 c.652 §1; 2006 c.14 §1(2)]

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


344.320 [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; 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]


344.330 [Repealed by 1959 c.566 §8]

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


344.350 [Repealed by 1959 c.566 §8]


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]

VOCA TIONAL 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) “Department” means the Department of Human Services.
(2) “Director” means the Director of Human Services.
(3) “Disabled individual” means any person who has a substantial occupational handicap due to a physical or mental condition except blindness.
(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 untrained.
(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 Department of Human Services, 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, and materials.

(1) 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; and

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

(2) 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.

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

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

(5) 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 department.

(6) 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.

(7) Deposit in the State Vocational Rehabilitation Account all funds collected or received from activities described in subsection (6) of this section, which shall be used for the operation of facilities necessary for the sheltered employment of severely disabled individuals as determined by the department.

(8) 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; 2001 c.900 §57; 2005 c.755 §21]
344.540 Federal cooperation. The Department of Human Services:

(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. (1) Vocational rehabilitation services shall be provided to any disabled individual:

(a) 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.

(b) Who is eligible for vocational rehabilitation service under the terms of an agreement with another state or with the federal government.

(2) 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 Department of Human Services, 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; 2005 c.22 §240]

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 660.002 to 660.210, or in a trade or craft for which training standards are established under ORS 660.002 to 660.210, the training shall be subject to the provisions of ORS 660.002 to 660.210, and shall be under the jurisdiction of the State Apprenticeship Council in cooperation with the Department of Human Services.

(2) This section is not intended to limit any necessary financial assistance to 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 Director of Human Services may require.

344.570 Action upon application. Whenever the Department of Human Services 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 [1963 c.522 §7; 1971 c.779 §5; repealed by 2001 c.900 §261]

344.575 [1963 c.522 §3a; repealed by 2001 c.900 §261]

344.577 [1963 c.522 §8; 1971 c.779 §6; repealed by 2001 c.900 §261]

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 Department of Human Services’ decision or delay in making a decision shall be entitled to appeal to the department, and opportunity for hearing as a contested case shall be accorded as provided in ORS chapter 183 and chapter 734, Oregon Laws 1971. [Amended by 1967 c.552 §6; 1971 c.734 §38]

Note: Legislative Counsel has substituted “chapter 734, Oregon Laws 1971,” for the words “this 1971 Act” in section 38, chapter 734, Oregon Laws 1971, compiled as 344.590. Specific ORS references have not been substituted, pursuant to 173.160. The sections for which substitution otherwise would be made may be determined by referring to the 1971 Comparative Section Table located in Volume 20 of ORS.

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 De-
partment of Human Services, no person shall solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquire in the use of, any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation directly or indirectly derived from the records, papers 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. The account shall consist of all moneys made available to the Department of Human Services for rehabilitation purposes. All moneys in the account are continuously 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 department. The department 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 departmental activity against which each withdrawal is charged. [Amended by 1967 c.552 §8; 1969 c.597 §167; 1983 c.297 §1; 2001 c.900 §58; 2005 c.795 §22]

344.630 Gifts for rehabilitation purposes. The Department of Human Services 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 department 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 Revolving Fund. (1) There is established the Vocational Rehabilitation Revolving Fund, not to exceed the sum of $750,000, for the use of the Department of Human Services. The revolving fund shall be deposited with the State Treasurer to be held in a special account against which the department 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 department and all vouchers for payments made from the fund shall be approved by the Director of Human Services. When payments are so approved, reimbursements shall be made to the department revolvin account upon order of the director out of funds in the State Vocational Rehabilitation Account. [1967 c.483 §§2; 1969 c.597 §168; 1969 c.614 §§3,3a; 2001 c.900 §58]

344.690 Advances to fund from account; repayment. (1) The warrants shall be drawn as provided by law in favor of the Department of Human Services on funds in the State Vocational Rehabilitation Account in the State Treasury. The funds so advanced shall be used by the department 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 Revolving Fund by the department, 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 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 department to the State Treasurer at times and in amounts agreed upon between the State Treasurer and the department. [1967 c.483 §3; 1969 c.597 §170; 2001 c.900 §231]

REHABILITATION FACILITIES

344.710 Rehabilitation facility defined. As used in ORS 344.720 and 344.730, “rehabilitation facility” means a nonprofit sheltered or community-based service established and operated by a public or private organ-
ization to provide two or more of the following services for individuals with disabilities:

1. Vocational assessment.
2. Community integration.
3. Training.
4. Employment.

344.720 Establishment of rehabilitation facilities; application; approval. (1) Upon approval of the rehabilitation facility and within the limits of available funds, the Department of Human Services 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 department.

3. The approval of the department 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 department applicable to rehabilitation facilities.

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 Department of Human Services a financial report on the preceding year in the form prescribed by the department.

344.735 State advisory committee; members; duties. (1) There is established a state advisory committee that shall function solely in an advisory capacity to the Director of Human Services on vocational rehabilitation services. The director shall appoint members to the advisory committee. A majority of the advisory committee shall be disabled persons.

2. The director shall include advisory committee recommendations in the Department of Human Services’ 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 department 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 department;

(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 department 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.

344.740 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 660.002 to 660.210 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 §258; 1993 c.765 §27]

344.747 [1993 c.765 §31; 1995 c.298 §2; repealed by 1997 c.652 §63]

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 not 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 279C.800 to 279C.870, except ORS 279C.820, 279C.825, 279C.865 and 279C.870.

(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 44 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 program. [1991 c.859 §2; 1993 c.45 §258; 1993 c.765 §28; 1995 c.298 §1; 2003 c.794 §257]

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 Oregon University System 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 Ad-
ministrative Services 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 ensure 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 workforce.

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

(4) Community colleges present the opportunity of a statewide network able to link libraries, providers of workforce development services, community schools, volunteer literacy groups and other providers of literacy services and resources. [1987 c.190 §3; 1993 c.45 §299]

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 ensure that community resources are used effectively and try to make more services available 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]

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)]

REHABILITATION OF WORKERS

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 §290]

344.850 Reimbursements to Department of Human Services. All reimbursements to the Department of Human Services 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 Department of Human Services. [Formerly 344.680; 1965 c.100 §443; 1983 c.297 §2]

344.990 [Repealed by 1965 c.100 §456]
Chapter 345
2005 EDITION

Private Schools

CAREER SCHOOLS
(Definitions)
345.010 Definitions for ORS 345.010 to 345.450 and 345.992 to 345.997
(Licensing)
345.015 Application of ORS 345.010 to 345.450
345.020 Duty and powers of Superintendent of Public Instruction; interest in career schools prohibited
345.030 Career schools to be licensed; requirements; license nontransferable; display of license
345.040 Approval of registration of agent required; bonding
345.060 Appointment of superintendent as agent for service of process; service of process
345.070 Registered agent identification credential; use
345.080 License and registration fees; disposition of fees; rules
345.100 Tuition Protection Fund; payments by schools; effect of failure to pay; claims; superintendent’s contracting authority
345.113 Negotiability of contract for student loan
345.115 Refund schedule as part of enrollment agreement; limit on advance deposit; when default occurs; tuition refunds
345.117 Address of state department as part of agreement
345.120 Investigations; probation; suspension or revocation of licenses
345.200 Proof of license required in suit by career school, agent or employee
345.230 Jurisdiction of courts; remedies are additional
345.240 Discrimination prohibited; complaint
(Standards)
345.320 Legislative findings and purpose
345.325 Minimum standards required; content
345.330 Advisory committee; function
345.340 Recommended minimum standards
(Hair Design, Barbering, Esthetics and Nail Technology Schools)
345.400 Regulation of schools teaching hair design, barbering, esthetics or nail technology; graduation requirements; rules
345.430 Determination of qualifications of out-of-state or out-of-country applicants to take board test
345.440 Safety and sanitation inspections by Oregon Health Licensing Agency
345.450 Annual inspection fee; transfer
PRIVATE ELEMENTARY AND SECONDARY SCHOOLS
(Definitions)
345.505 Definitions for ORS 345.505 to 345.575
(Registration)
345.515 Registration with department
345.525 Application for registration; qualifications
345.535 Criteria for registration
345.545 Evaluation and registration; expiration; renewal; lapse; notice on refusal to register school
345.555 Grounds for suspension, revocation or denial of renewal; procedure
345.565 Reports to department
(Advisory Committee)
345.575 Advisory committee; members; duties
(Miscellaneous)
345.585 Effect of teaching experience in private school or career school
PENALTIES
345.990 Criminal penalties
345.992 Civil penalties
345.995 Establishment of schedule of civil penalties; imposition of such penalties
345.997 Civil penalty credited to General Fund
PRIVATE SCHOOLS 345.030

CAREER SCHOOLS
(Definitions)

345.010 Definitions for ORS 345.010 to 345.450 and 345.992 to 345.997. As used in ORS 345.010 to 345.450 and 345.992 to 345.997:

(1) “Agent” means a person employed by or for a career school for the purpose of procuring students, enrollees or subscribers by solicitation in any form, made at a place or places other than the school office or place of business of such school.

(2) “Barbering” has the meaning given that term in ORS 690.005.

(3) “Board” means the State Board of Education.

(4) “Career school” or “school” means any private proprietary professional, technical, home study, correspondence, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession.

(5) “Esthetics” has the meaning given in ORS 690.005.

(6) “Hair design” has the meaning given in ORS 690.005.

(7) “License” means the authority the career school has been granted to operate under ORS 345.010 to 345.450.

(8) “Nail technology” has the meaning given in ORS 690.005.

(9) “Registration” means the approval by the Superintendent of Public Instruction of a teacher or agent to instruct in or to represent the school.

(10) “Superintendent” means Superintendent of Public Instruction. [Amended by 1957 c.279 §1; 1961 c.268 §1; 1965 c.529 §13; 1975 c.478 §3; 1979 c.148 §1; 1979 c.387 §2; 1989 c.333 §2; 1993 c.45 §261; 1995 c.343 §2; 1997 c.652 §32; 2005 c.546 §7]

345.020 Duty and powers of Superintendent of Public Instruction; interest in career schools prohibited.

(1) The Superintendent of Public Instruction shall administer ORS 345.010 to 345.450 and enforce all laws and rules relating to the licensing of career schools and agents.

(2) The superintendent may establish procedures whereby schools become eligible to participate in federal student assistance programs if approved by the United States Department of Education.

(3) The superintendent and the employees of the Department of Education shall not have financial interests in any career school and shall not act as agents or employees thereof. [Amended by 1955 c.527 §1; 1961 c.268 §3; 1975 c.478 §4; 1989 c.333 §3; 1995 c.343 §3]

345.030 Career schools to be licensed; requirements; license nontransferable; display of license. (1) No person shall open, conduct or do business as a career school in this state without obtaining a license under ORS 345.010 to 345.450.
(2) A license to conduct a career school shall be granted only after the applicant has presented proof satisfactory to the Superintendent of Public Instruction or the representative thereof that the applicant complies with applicable standards adopted under ORS 345.325. ORS 670.280 applies to individuals who hold positions of authority or control in the operation of the school and to its faculty members and agents.

(3) A career school licensed in any other state must be licensed in this state before establishing a physical presence in this state such as offices or agents, or both, for the purpose of solicitation of students.

(4) The school license is nontransferable. The licensee must give 30 days prior notification to the Department of Education when transferring ownership.

(5) Each career school shall display its license in a prominent place.

(6) No career school shall be issued a license or have its license renewed until the applicant furnishes the superintendent a financial statement, certified true and accurate and signed by the owner of the school.

(7) No career school shall be issued a license or have its license renewed until the applicant provides proof of compliance with the tuition protection policy established by the State Board of Education pursuant to ORS 345.110. [Amended by 1961 c.268 §4; paragraph (b) of subsection (2) and subsection (3) formerly 345.050; 1975 c.478 §5; 1989 c.333 §4; 1995 c.343 §6]

345.040 Approval of registration of agent required; bonding. (1) No person shall act in this state as an agent for a career school domiciled within or outside this state, unless the Superintendent of Public Instruction has approved the agent’s registration as a part of the school’s license under ORS 345.010 to 345.450. No person shall act as an agent for a career school unless and until the career school has obtained a license.

(2) For the purposes of licensing and student protection, persons acting as agents for a career school domiciled within or outside this state are employees of the school and shall be included under the school’s bonding or student protection policy, or both. Agents shall perform their duties and conduct their business in accordance with ORS 345.010 to 345.450.

(3) An agent shall be a person who has attained the age of 18 years, is of good moral character and is otherwise competent and qualified to safeguard and protect the interests of the public. [Amended by 1961 c.268 §§; 1973 c.827 §34; 1975 c.478 §6; 1979 c.744 §16; 1981 c.527 §1; 1989 c.333 §5; 1995 c.343 §5]

345.050 [Amended by 1961 c.268 §6; renumbered as part of 345.030]

345.060 Appointment of superintendent as agent for service of process; service of process. (1) Every agent for a career school not domiciled in this state shall be held to have appointed the Superintendent of Public Instruction as agent to accept service of all summonses, pleadings, writs and processes in all actions or proceedings brought against the applicant in this state. Service upon the superintendent shall be taken and held in all courts to be as valid and binding as if personal service thereof had been made upon the applicant within this state.

(2) When any summons, pleading, writ or process is served on the superintendent, service shall be by duplicate copies. One of the duplicates shall be filed in the office of the superintendent and the other immediately forwarded by certified mail to the agent thereby affected or therein named, at the agent’s last-known post-office address. If service is of a summons, the plaintiff therein also shall cause the agent to be served therewith in a manner provided by ORCP 7. [Amended by 1961 c.268 §7; 1975 c.478 §7; 1979 c.284 §138; 1989 c.333 §6; 1995 c.343 §6]

345.070 Registered agent identification credential; use. The employing school shall issue an identification credential to each agent registered under ORS 345.010 to 345.450 in the form and size prescribed by the Superintendent of Public Instruction. Each agent shall carry the credential at all times while engaged as an agent of the school. [Amended by 1961 c.268 §§; 1975 c.478 §§; 1989 c.333 §7]

345.080 License and registration fees; disposition of fees; rules. (1) Before issuing any licenses under ORS 345.010 to 345.450, the Superintendent of Public Instruction shall collect the following nonrefundable, annual license fees:

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<tr>
<th>In-State Schools</th>
<th>Fee</th>
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<td>Tuition Income Range</td>
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<td>$ 0 - 15,000</td>
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<td>50,001 - 125,000</td>
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<td>Over 1,000,000</td>
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<tr>
<th>Out-of-State Schools</th>
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<td>Over 1,000,000</td>
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(2) The State Board of Education may adopt, by rule, fees for teacher registration and fees for providing copies of student transcripts maintained at the Department of Education.

(3) All fees collected under this section shall be paid to the credit of the department. Such moneys are continuously appropriated to the department and shall be used for the administration of the licensing program under ORS 345.010 to 345.450. [Amended by 1955 c.527 §2; 1961 c.268 §9; 1975 c.478 §9; 1989 c.333 §8; 1993 c.45 §263; 1993 c.413 §5; 1999 c.638 §1; 2003 c.540 §1]

345.090 [Amended by 1961 c.268 §10; repealed by 1975 c.478 §28]

345.100 [Amended by 1961 c.268 §11; 1975 c.478 §10; repealed by 1989 c.333 §25]

345.110 Tuition Protection Fund; payments by schools; effect of failure to pay; claims; superintendent’s contracting authority. (1) The Tuition Protection Fund is established separate and distinct from the General Fund. Interest earned by the fund shall be credited to the fund. Proceeds of the fund are continuously appropriated to the Department of Education to protect students when a career school ceases to provide educational services and for administrative expenses incurred under subsection (5) of this section.

(2) The Superintendent of Public Instruction shall maintain and administer the fund, and the State Board of Education shall adopt by rule procedures governing the administration and maintenance of the fund, including requirements relating to contributions to and claims against the fund.

(3) Each career school shall pay to the Tuition Protection Fund an initial capitalization deposit in amounts and within time limits established by rule of the board. Thereafter, each school shall make installment payments based on a matrix adopted by rule of the board. In establishing the amount and frequency of payments, the board may consider the enrollment and financial condition of each school and such other factors as the board considers appropriate. The superintendent may deny, suspend or revoke the license of a school which fails to make payments or fails to conform to other requirements of this section or rules adopted by the board under this section.

(4) The superintendent shall deposit moneys received under this section with the State Treasurer in the Tuition Protection Fund.

(5) The superintendent may disburse moneys from the fund by checks or orders drawn upon the State Treasurer in conformance with rules of the board and only for tuition protection purposes, including the superintendent’s costs in administering and maintaining the fund.

(6) The superintendent may enter into contracts to carry out the purposes of the fund. The provisions of ORS 279.635 to 279.855 and ORS chapters 279A and 279B do not apply to contracts entered into under this subsection. [Amended by 1975 c.478 §11; 1981 c.897 §49; 1989 c.333 §9; 1991 c.534 §4; 1993 c.45 §264; 1995 c.343 §7; 2003 c.540 §2; 2003 c.794 §257a]

345.113 Negotiability of contract for student loan. (1) In any contract for the provision of instruction or training or other services by a career school on credit entered into between a career school and a student, or between a lending institution which regularly loan money to students of a particular career school and a prospective student of that career school, such contract, note or any instrument or evidence of indebtedness of the student shall have printed on the face thereof the words “Student Loan.” Such contract, note, instrument or evidence of indebtedness with the words “Student Loan” printed thereon shall not be a negotiable instrument within the meaning of ORS chapter 73. However, this section shall have no force or effect on the negotiability of any contract, promissory note, instrument or other evidence of indebtedness owned or guaranteed or insured by any state or federal governmental agency even though the contract, note, instrument or other evidence of indebtedness contains the wording required by this subsection.

(2) Notwithstanding the absence of such notice on a contract, note, instrument or evidence of indebtedness arising out of a contract for the provision of instruction or training or other services by a career school, an assignee of the rights of the career school or lending institution as described in subsection (1) of this section is subject to all claims and defenses of the student against the career school or lending institution arising out of the contract for provision of professional instruction or training or other services. Any agreement to the contrary shall be of no force or effect in limiting the rights of a student under this section. The assignee’s liability under this section shall not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. The restrictions imposed by this subsection shall not apply with respect to any promissory note, contract, instrument or other evidence of indebtedness owned or guaranteed or insured by any state or federal governmental agency even though said note, contract, instrument or other evidence of indebtedness shall contain the words required by subsection (1) of this section.
(3) An assignee of a student loan who in good faith enforces a security interest in property held by the student shall not be liable to such student for punitive damages in an action for wrongful repossession. The fact that a career school misrepresented the nature of the training or instruction or other services shall not, of itself, make an assignee’s repossession wrongful. [1975 c.478 §28; 1995 c.343 §8]

345.115 Refund schedule as part of enrollment agreement; limit on advance deposit; when default occurs; tuition refunds. (1) The enrollment agreement entered into between a person and a career school for the purpose of obtaining instruction or training shall contain a schedule for the refund of tuition, deposits and fees when the person does not complete the course or program of instruction or training which was the subject of the contract. No action or suit may be brought by a career school or its assigns if the enrollment agreement does not contain this refund schedule. This provision shall not limit the career school’s right to defend any action or suit brought by any person on a contract which does not contain such a schedule.

(2) The refund schedule required by subsection (1) of this section shall be established by the Superintendent of Public Instruction in consultation with the advisory committee appointed under ORS 345.330. In establishing the refund schedule, the superintendent shall consider:

(a) The reasonable, obligated and fixed costs of the career school, including but not limited to rent, personnel and nonreturnable supplies.

(b) The method of instruction.

(c) The reasonable value of services performed prior to cancellation of the course or program.

(3) The superintendent may establish varying refund schedules when the difference in services performed necessitates separate schedules.

(4) Nothing in this section is intended to prevent a career school from requiring an advance deposit of tuition on behalf of the person intending to enroll in a course or program offered by or through the career school. However, the advance deposit shall be limited to 20 percent of the total tuition and fees, excluding federal and state financial aid, unless the State Board of Education determines by rule that larger advance deposits are appropriate.

(5) A school shall be considered in default of the enrollment agreement when a course or program is discontinued or canceled or the school closes prior to completion of contracted services. When a school is in default, student tuition may be refunded on a pro rata basis if the superintendent determines that the school has made provision for students enrolled at the time of default to complete a comparable program at another institution at no additional tuition cost to the student beyond the original contract with the defaulting school. If the school does not make such provision, a total refund of all tuition and fees shall be made to the students. [1965 c.409 §2; 1967 c.67 §16; 1975 c.478 §12; 1989 c.333 §10; 1993 c.742 §78; 1995 c.343 §9]

345.117 Address of state department as part of agreement. Any enrollment agreement used within this state as a contract for instruction between a career school and a student shall have printed or stamped upon it: “Any inquiry a student may have regarding this contract may be made in writing to the school (name and address), or to the Superintendent of Public Instruction, Department of Education, (current address), Salem, Oregon (current zip code).” [1975 c.478 §22; 1989 c.333 §11; 1995 c.343 §10]

345.120 Investigations; probation; suspension or revocation of licenses. (1) On the written complaint of any person, the Superintendent of Public Instruction shall, and on the superintendent’s own motion may, investigate the actions of any career school or agent, or any person who assumes to act in either capacity within this state.

(2) As a result of the investigation, and in addition to any penalty that may be imposed under ORS 345.992, the superintendent may place a licensee on probation or may suspend or revoke any license issued under ORS 345.010 to 345.450 when the licensee has:

(a) Obtained a license by misrepresentation.

(b) Violated ORS 345.010 to 345.450 or any applicable rule.

(c) Ceased to engage in the business authorized by the license.

(d) Willfully used or employed any method, act or practice declared unlawful by ORS 646.608.

(3) When notice of suspension or revocation is issued, the licensee shall be notified and, upon request, shall be granted a contested case hearing under ORS 183.310 (2).

(4) A licensee placed on probation must be formally notified by the superintendent that it has deficiencies that must be corrected within a time specified in the notice.

(5) A licensee whose license is suspended is prohibited from advertising, recruiting or enrolling students but may remain in opera-
tion to complete training of students enrolled on the effective date of the suspension.

(6) A licensee whose license has been revoked is not authorized to continue in operation on and after the effective date of the revocation. [Amended by 1965 c.409 §3; 1975 c.478 §13; 1989 c.333 §12; 1993 c.45 §265; 1995 c.343 §11]

345.130 [Repealed by 1975 c.478 §29]
345.140 [Repealed by 1975 c.478 §29]
345.150 [Amended by 1971 c.734 §39; repealed by 1975 c.478 §29]
345.160 [Repealed by 1975 c.478 §29]
345.170 [Repealed by 1975 c.478 §29]
345.180 [Repealed by 1975 c.478 §29]
345.190 [Repealed by 1975 c.478 §29 and by 1975 c.759 §17]
345.200 [Repealed by 1975 c.478 §29 and by 1975 c.759 §17]

345.210 Proof of license required in suit by career school, agent or employee. No career school or its agents or employees shall bring or maintain any suit or action in any court in or of this state for a cause of suit or action arising out of doing business as a career school in this state, without alleging and proving that it has complied with the applicable licensing provisions of ORS 345.010 to 345.450 and 345.992 to 345.997 at the time such cause of suit or action arose. [Amended by 1975 c.478 §14; 1989 c.333 §13; 1993 c.343 §12]

345.220 [Amended by 1961 c.268 §12; 1965 c.529 §14; repealed by 1975 c.478 §29]

345.230 Jurisdiction of courts; remedies are additional. The remedies provided in ORS 345.010 to 345.450 and 345.992 to 345.997 are in addition to, and not exclusive of, any other remedies provided by law. [Amended by 1975 c.478 §15; 1975 c.759 §17a; 1991 c.67 §§5]

345.240 Discrimination prohibited; complaint. (1) No career school licensed under ORS 345.010 to 345.450 shall refuse admission to or discriminate in admission against or discriminate in giving instruction to any person otherwise qualified.

(2) Any violation of this section is an unlawful practice under ORS chapter 659A. Any person unlawfully discriminated against under this section may file a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries.

(3) A certified copy of a finding by the Commissioner of the Bureau of Labor and Industries under ORS 659A.850 that the school has violated this section shall be adequate proof of the violation.

(4) As used in this section, “discriminate” has the meaning given “discrimination” in ORS 659.850. [Amended by 1957 c.724 §11; 1973 c.714 §4; 1989 c.333 §14; 1993 c.45 §266; 1995 c.343 §13; 2001 c.621 §77]

345.250 [Amended by 1957 c.724 §12; repealed by 1989 c.333 §26]
345.310 [1965 c.529 §2; repealed by 1975 c.478 §29]

(Standards)

345.320 Legislative findings and purpose. (1) The Legislative Assembly finds that career schools are capable of increasing the educational opportunities available in this state or to residents of this state and of making a contribution to the social and economic progress of the people of this state. Career schools offer different approaches to education than do public schools and are often able to provide professional, technical and placement assistance not otherwise available.

(2) It is the purpose of ORS 345.010 to 345.450 to provide for the protection, education and welfare of the citizens of this state, its career schools and its students, by establishing minimum standards concerning quality of education, ethical and business practices, health and safety and fiscal responsibility, and protecting against standards, transient, unethical, deceptive or fraudulent practices. [1965 c.529 §3; 1975 c.478 §2; 1993 c.45 §267; 1995 c.343 §14]

345.325 Minimum standards required; content. The State Board of Education shall adopt by rule minimum standards for the licensing of career schools under ORS 345.010 to 345.450 that are reasonably calculated to ensure that:

(1) The quality and content of each course or program of instruction can achieve its stated objective;

(2) The facilities, instructional equipment and materials are sufficient to enable students to achieve the program goals and are adequate for the purposes of the program;

(3) The directors, administrators and instructors are properly qualified;

(4) Prior to an applicant signing an enrollment agreement, the school provides the applicant with a catalog or brochure that includes an accurate description of the program for which the applicant is enrolling, total costs of tuition and fees and other information specified by rule;

(5) Upon satisfactory completion of instruction and training, the student is given appropriate educational credentials;

(6) Adequate records and standard transcripts are maintained;

(7) The career school is maintained and operated in compliance with all applicable ordinances and laws;

(8) The career school is financially sound and capable of fulfilling its commitments to students;
(9) Neither the career school nor its agents engage in advertising, sales, collection, credit or other practices of any type which are unlawful under ORS 646.608;

(10) The directors, administrators, supervisors and instructors of the school are of good reputation and character, except that a school shall not be placed on probation or a license shall not be denied, suspended or revoked because a faculty member has been convicted of a crime except as authorized under ORS 670.280;

(11) Any student housing owned, maintained or approved by the career school is appropriate, safe and adequate;

(12) The school has a written placement assistance plan; and

(13) A license application from a new school or an application for approval of a new program from an existing school shall include labor market information that identifies the need for the new school or program. [1975 c.478 §21; 1979 c.744 §17; 1989 c.333 §15; 1993 c.45 §268; 1995 c.343 §15]

345.330 Advisory committee; function.
(1) The Superintendent of Public Instruction shall appoint a representative advisory committee consisting of 11 members who shall serve for terms of three years ending June 30. Of the membership of the committee:

(a) Seven members shall be persons affiliated with career schools as owners, directors, administrators, instructors or representatives, but not more than one member shall represent an out-of-state career school.

(b) Four members shall be persons who are not eligible under paragraph (a) of this subsection. At least one of these members shall have graduated from a career school.

(2) The advisory committee appointed under subsection (1) of this section shall:

(a) Make recommendations to the superintendent and State Board of Education concerning the need for professional and technical instructional and training facilities, the types of instruction and training needed and by whom these can best be provided.

(b) Recommend standards for career schools as provided in ORS 345.325 which are consistent with the purposes of such schools.

(c) Investigate and present findings to the State Board of Education on the administration and operation of laws relating to career schools. However, the investigations and findings of the advisory committee do not affect the authority of the superintendent to issue, deny, suspend or revoke the license of any career school.

(d) Consult with the superintendent in determining the refund schedule under ORS 345.115.

(e) Make recommendations to the superintendent concerning rule development for ORS 345.010 to 345.450 and 345.992 to 345.997.

(3) Members of the advisory committee are entitled to compensation and expenses as provided in ORS 292.495 from funds appropriated to the Department of Education for purposes of administering ORS 345.010 to 345.450. [1965 c.529 §4; 1967 c.67 §17; 1975 c.478 §16; 1989 c.333 §16; 1993 c.45 §269; 1995 c.343 §16]

345.340 Recommended minimum standards. Consistent with the requirements of ORS 345.325, the advisory committee shall recommend to the State Board of Education minimum standards for the operation of career schools. In making its recommendations, the committee shall consider changes in technological, economic and social conditions which affect employment needs, opportunities and skills. [1965 c.529 §5; 1975 c.478 §18; 1995 c.343 §17]

345.350 [1965 c.529 §§6, 10; repealed by 1975 c.478 §29]

345.360 [1965 c.529 §7; repealed by 1975 c.478 §29]

345.370 [1965 c.529 §8; 1975 c.478 §19; repealed by 1989 c.333 §26]

345.380 [1965 c.529 §11; repealed by 1975 c.478 §29]

(Hair Design, Barbering, Esthetics and Nail Technology Schools)

345.400 Regulation of schools teaching hair design, barbering, esthetics or nail technology; graduation requirements; rules. In addition to the other requirements of ORS 345.010 to 345.450, the rules adopted by the State Board of Education to regulate schools teaching hair design, barbering, esthetics or nail technology:

(1) May include rules the board considers necessary to protect the economic or physical health and safety of the public and of the students attending the school including compliance with ORS 345.110.

(2) Shall include rules that set standards for teachers teaching in schools licensed to teach hair design, barbering, esthetics or nail technology pursuant to ORS 345.010 to 345.450.

(3) Shall require the schools to teach, and require for graduation from the school, courses that meet the following minimum standards:

(a) (A) A minimum hourly training requirement for:

(i) Hair design, 1,450 hours;

(ii) Barbering, 1,100 hours;
(iii) Esthetics, 250 hours; and
(iv) Nail technology, 350 hours; and

(B) In addition to the programs listed in this subsection, a student is also required to successfully complete the following requirements once:

(i) Safety and sanitation, 150 hours; and
(ii) Career development, 100 hours.

(b) A student competency-based training requirement for hair design, barbering, esthetics or nail technology, if the school has developed written requirements for graduation that are approved by the Superintendent of Public Instruction. [1977 c.886 §9; 1987 c.31 §17; 1989 c.333 §18; 1989 c.333 §20; 1993 c.267 §20; 1995 c.79 §183; 2005 c.117 §9]

345.410 [1977 c.886 §30; 1987 c.31 §15; repealed by 1993 c.333 §20]

345.420 [1977 c.886 §31; 1983 c.151 §32; 1989 c.333 §18; 1993 c.45 §271; repealed by 1993 c.742 §77]

345.430 Determination of qualifications of out-of-state or out-of-country applicants to take board test. At the request of the Board of Cosmetology, the Superintendent of Public Instruction shall determine whether a person from out-of-state or out-of-country seeking a certificate in hair design, barbering, esthetics or nail technology is qualified to take the test of the Board of Cosmetology. A determination shall be made by an evaluation of academic transcripts, apprenticeship records and work experience documentation. If documentation is not available, the superintendent may refer the person to a career school for evaluation and recommendation. [1977 c.886 §33; 1987 c.33 §16; 1989 c.333 §19; 1993 c.267 §21; 1995 c.343 §19; 1999 c.425 §27; 2005 c.117 §10]

345.440 Safety and sanitation inspections by Oregon Health Licensing Agency. Safety and sanitation inspections performed in schools licensed under ORS 345.010 to 345.450 to teach hair design, barbering, esthetics or nail technology shall be conducted by the Oregon Health Licensing Agency. [1977 c.886 §34; 1987 c.31 §17; 1987 c.414 §150; 1993 c.45 §272; 1993 c.267 §22; 1995 c.343 §19a; 2001 c.104 §120; 2005 c.117 §11; 2005 c.648 §119]

345.450 Annual inspection fee; transfer. (1) In addition to the fees required by ORS 345.080, before issuing any license under ORS 345.010 to 345.450 to a school teaching hair design, barbering, esthetics or nail technology, and annually thereafter, the Department of Education shall collect a nonrefundable annual inspection fee of $100.

(2) The inspection fee collected under subsection (1) of this section shall be transferred to the Oregon Health Licensing Agency for inspections performed under ORS 345.440. [1977 c.886 §35; 1987 c.31 §18; 1987 c.414 §151; 1989 c.333 §20; 1993 c.45 §273; 1993 c.267 §23; 1995 c.343 §19b; 2001 c.104 §121; 2005 c.117 §12; 2005 c.648 §120]

345.460 [Formerly 690.275; 1989 c.333 §21; 1989 c.491 §52a; 1993 c.45 §274; repealed by 1995 c.343 §72]

345.470 [Formerly 690.087; 1989 c.333 §22; 1993 c.45 §275; repealed by 1995 c.343 §72]

PRIVATE ELEMENTARY AND SECONDARY SCHOOLS

(Definitions)

345.505 Definitions for ORS 345.505 to 345.575. As used in ORS 345.505 to 345.575 unless the context requires otherwise:

(1) “Educational services” means instructional programs but does not include programs limited solely to dancing, drama, music, religious or athletic instruction.

(2) “Private school” means a private elementary or secondary school operated by a person or by a private agency except as provided in ORS 339.050 (1) (c) or (d), offering education in prekindergarten, kindergarten, or grades 1 through 12 or any part thereof. [1975 c.557 §1; 1979 c.271 §1; 1985 c.579 §4; 1989 c.619 §5; 1991 c.67 §87; 1993 c.45 §276; 1999 c.59 §92; 1999 c.717 §6]

(Registration)

345.515 Registration with department. A school may be registered as a private school with the Department of Education in the manner provided in ORS 345.505 to 345.575. [1975 c.557 §2; 1993 c.45 §277]

345.525 Application for registration; qualifications. (1) The owner or operator of a private school, or the superintendent or principal thereof, may apply to the Department of Education for registration of the school by submitting an application therefor on a form provided by the department.

(2) In order to become registered, the applicant must demonstrate to the satisfaction of the department that:

(a) The teachers in the applicant schools are possessed of those qualifications necessary to establish the applicant’s fitness as a teacher, but such qualifications shall not include the requirement that teachers be licensed.

(b) The applicant and the school employees are qualified by education and experience to provide instruction at the grade level or in the program to which they are assigned.

(c) The facility at which the school is located and the operation thereof are adequate to protect the health and safety of the children enrolled therein, including but not limited to providing fire protection and sanitation.

(d) The curriculum in prekindergarten, kindergarten and grades 1 through 12 shall be such that it will consider the goals of modern education and the requirements of a
sound, comprehensive curriculum with particular emphasis on establishment of the highest practical standards, and in secondary schools establishment of academic standards necessary for students to qualify to attend community colleges and institutions of higher education both within and without the State of Oregon. Courses shall be taught for a period of time equivalent to that required for children attending public schools in the 1994-1995 school year. [1975 c.557 §3; 1979 c.271 §2; 1993 c.45 §278; 1995 c.769 §3; 2005 c.22 §241]

345.535 Criteria for registration. (1) In adopting criteria for the registration of private schools, the State Board of Education shall take into consideration the unique qualities of private education while seeking to further the educational opportunities of students enrolled in such schools.

(2) After consultation with the advisory committee appointed under ORS 345.575, the State Board of Education shall establish by rule minimum criteria for the registration of private schools.

(3) In establishing standards, the State Board of Education shall comply with the rules of the State Fire Marshal and the Department of Human Services relating to fire protection, health and sanitation. [1975 c.557 §4; 1989 c.491 §53]

345.545 Evaluation and registration; expiration; renewal; lapse; notice on refusal to register school. (1) Upon receipt of an application for registration, the Department of Education shall evaluate the private school and shall register the school if it finds that the school is in compliance with the requirements of ORS 345.525 and 345.535 and the rules adopted pursuant thereto. The registration expires October 14 next following its issuance. If the department refuses to register the school, it shall notify the applicant and give its reasons for the refusal.

(2) Registration under ORS 345.505 to 345.575 is renewable annually on or before October 15. Registration not renewed before October 15 shall be considered lapsed and may only be renewed in the manner required for initial registration. [1975 c.557 §5; 1979 c.387 §8]

345.555 Grounds for suspension, revocation or denial of renewal; procedure. (1) A registration issued under ORS 345.545 may be suspended or revoked or renewal thereof denied if the Department of Education finds:

(a) The private school fails to comply with the requirements of ORS 345.525 and 345.535 and the rules adopted pursuant thereto.

(b) A false statement is made in the application for the registration or any information or report required under ORS 345.505 to 345.575 or such information or report is not furnished when required.

(2) The procedures for suspension or revocation for refusal to issue or renew a registration under ORS 345.505 to 345.575 shall be considered a contested case within the meaning of ORS chapter 183 and the procedures applicable thereto shall apply to registrations under ORS 345.505 to 345.575. [1975 c.557 §6]

345.565 Reports to department. Every registrant shall furnish promptly such reports and information as the State Board of Education by rule requires. [1975 c.557 §7]

(Advisory Committee)

345.575 Advisory committee; members; duties. (1) An advisory committee of seven members is established, to be appointed by the State Board of Education, on recommendation of the Superintendent of Public Instruction. Six members shall be selected from nominees of organizations of private schools and other segments of private education. One additional member shall be a lay person who is not associated with a private school. Members shall serve for a term of four years. No member is eligible to serve more than two terms consecutively.

(2) Members of the advisory committee shall receive no compensation for their service.

(3) The advisory committee shall advise the board on minimum criteria for private schools and on matters pertaining to the administration of ORS 345.505 to 345.575. [1975 c.557 §8]

(Miscellaneous)

345.585 Effect of teaching experience in private school or career school. Teaching experience in a registered private school, as defined in ORS 345.505, or licensed career school, as defined in ORS 345.010, shall apply to meeting the requirements of ORS 342.135 (3)(a), 342.136 and 342.138. [1975 c.557 §12; 1989 c.333 §28; 1993 c.45 §279; 1995 c.343 §20; 1997 c.383 §14]

PENALTIES

345.990 Criminal penalties. (1) Violation of any provision of ORS 345.020, 345.030, 345.070, 345.115 or 345.325 is a Class B misdemeanor.

(2) Representation by a private school, as defined in ORS 345.505, that it is registered pursuant to ORS 345.505 to 345.575 when it is not registered is a Class C misdemeanor. [Amended by 1975 c.478 §26; subsection (2) enacted as 1975 c.557 §9; 1993 c.45 §280]
345.992 Civil penalties. (1) In addition to any other penalty provided by law, any person who violates any provision of ORS 345.010, 345.020, 345.030, 345.070, 345.115 or 345.117, or who engages in an unlawful trade practice as defined by ORS 646.608 shall incur a civil penalty for each violation in the amount prescribed by the schedule adopted under ORS 345.995.

(2) Civil penalties under this section shall be imposed as provided in ORS 183.745. [1975 c.478 §23; 1991 c.734 §17]

345.995 Establishment of schedule of civil penalties; imposition of such penalties. (1) After consultation with the advisory committee established under ORS 345.330, the State Board of Education shall adopt by rule a schedule or schedules establishing the amount of civil penalty that may be imposed for a particular violation of ORS 345.010 to 345.450. No civil penalty shall exceed $500 per violation. The board shall consult with the Attorney General before adopting the schedule of penalties for violations of ORS 345.120 (2)(d).

(2) In imposing a penalty for violation of ORS 345.010 to 345.450 pursuant to the schedule or schedules authorized by this section, the Superintendent of Public Instruction shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations of ORS 345.010 to 345.450 or rules adopted pursuant thereto.

(c) The economic and financial conditions of the person incurring a penalty.

(3) The penalty imposed under this section may be remitted or mitigated upon such terms and conditions as the superintendent considers proper and consistent with the public welfare.

(4) The superintendent may impose penalties which may be remitted or mitigated on condition that a particular violation not continue or occur after a certain period not to exceed 15 days. [1975 c.478 §24; 1991 c.67 §88; 1963 c.45 §281]

345.997 Civil penalty credited to General Fund. All penalties recovered under ORS 345.992 shall be paid into the State Treasury and credited to the General Fund. [1975 c.478 §25; 1989 c.706 §11; 1991 c.734 §18]
Chapter 346
2005 EDITION

Programs for Persons Who Are Blind or Deaf

TRAINING AND EDUCATION FACILITIES
346.010 Training and educational services for children who are deaf or blind
346.015 Preparing individual education plan prior to placement; consultation; declaration that district cannot provide education; rules
346.017 Enrollment of nonresident students in facilities permitted
346.019 Educational Facilities Fund
346.020 Course of instruction; admission of students; personnel; authority over students; rules
346.030 Application for admission
346.035 Annual review of individual education plan for certain children
346.041 Resident district responsible for transportation of pupils; Special Education Transportation Revolving Account
346.047 Authority of state board to hold property
346.055 Trust account for student funds
346.070 Aid to students who are deaf; rules

COMMISSION FOR THE BLIND
346.110 Definitions for ORS 346.110 to 346.270
346.120 Commission for the Blind; purpose
346.130 Commission members; confirmation; meetings; compensation and expenses
346.140 Administrator and other employees
346.150 Rules and regulations
346.155 Register of persons who are blind
346.165 Use of official records
346.167 Prohibited uses of records
346.169 Exchange of certain records between public and private agencies
346.170 Program for conservation and restoration of sight and prevention of blindness; free eye care
346.180 Vocational rehabilitation services
346.190 Industries for the Blind Program
346.210 Supplying materials and equipment to persons with visual impairment; ownership
346.220 Preference for products or services of persons with visual impairment in state purchases
346.230 Commission accounts; funds; appropriations; sales on credit
346.240 Payment of incidental expenses of commission
346.250 Program of social and educational services
346.260 Cooperation with Department of Human Services
346.265 Authority to cooperate with and receive grants from federal government
346.270 Receipt and expenditure of gifts and bequests
346.280 Commission for the Blind Account

VENDING FACILITIES ON PUBLIC PROPERTY
346.510 Definitions for ORS 346.510 to 346.570
346.520 Persons who are blind to operate vending facilities in public buildings or on public property; charges prohibited; exception
346.530 Notice to commission on vending facilities locations; statement of reason for refusal of commission offer
346.540 Duties of commission on vending facilities locations; statement of reason for refusal of commission offer
346.550 Commodities and articles that may be sold at vending facilities
346.560 Operator subject to applicable laws and ordinances
346.565 Participation in state health benefit plan and deferred compensation plan
346.570 Rights of persons operating vending facilities prior to August 20, 1957

ASSISTANCE DOGS FOR PERSONS WHO ARE BLIND OR DEAF
346.610 Definitions for ORS 346.610 to 346.630
346.620 Dog guide in place of public accommodation or on public transportation for person who is blind; liability
346.630 Prohibition against discriminating in renting housing because of dog guide; remedy
346.640 Definitions for ORS 346.640 to 346.660
346.650 Hearing ear dog in place of public accommodation or on public transportation for person who is deaf; liability
346.660 Prohibition against discriminating in renting housing because of hearing ear dog; liability

ASSISTANCE ANIMALS FOR PERSONS WITH PHYSICAL IMPAIRMENT
346.680 Definitions for ORS 346.680 to 346.690
346.685 Rights of person with physical impairment and trainer; prohibition on admission charge for animal; access to transportation; liability for damage by animal
346.687 Damages recoverable for harm or theft of assistance animal
346.690 Prohibition against discrimination in renting housing because of assistance animal; liability

PENALTIES
346.991 Penalties
346.010 Training and educational services for children who are deaf or blind
(1) Pursuant to rules of the State Board of Education, the Superintendent of Public Instruction shall provide free training and educational services for deaf or blind children, or children who are both deaf and blind, in facilities located in Marion County.

(2) The Superintendent of Public Instruction shall indicate which facilities shall serve as the school for the deaf and the school for the blind. The superintendent may order a change in all or part in the purpose and use of facilities available under this section whenever the superintendent determines that a change in purpose and use will better enable the state to meet its responsibilities for the education and training of deaf or blind children, or children who are both deaf and blind.

(3) The facilities shall be operated primarily for the provision of education and training services for children with sensory disabilities who cannot be efficiently served under the provisions of ORS chapter 343. [Amended by 1965 c.100 §444; 1971 c.301 §2; 1991 c.631 §1]

346.015 Preparing individual education plan prior to placement; consultation; declaration that district cannot provide education; rules
(1) Prior to convening a meeting to prepare an individual education plan for a mentally retarded or developmentally disabled child for whom placement at a school under ORS 346.010 may be considered, the agency that is providing the education for the child shall notify the local community mental health and developmental disabilities program. The mentally retarded and developmentally disabled program mental health case manager in consultation with the Department of Human Services shall evaluate whether the child also has needs for alternative residential care or other support services. If the evaluation determines this to be the case, but documents that community resources are not available to meet these needs, the school district may proceed with the meeting to prepare the individual education plan in which placement at a school under ORS 346.010 may be considered.

(2) An agency providing education under subsection (1) of this section may initiate the procedure in subsection (1) of this section for any child who is not mentally retarded or developmentally disabled when in the agency’s judgment a treatment or residential issue is prompting proposed placement under ORS 346.010.

(3) No child shall be placed in a facility operated under ORS 346.010 unless the district superintendent or the superintendent’s designee has signed a statement declaring that the district cannot provide a free appropriate public education for the child commensurate with the needs of the child as identified by the individual education plan of the child and that the facility is the least restrictive environment in which the child can be educated.

(4) By rule, the State Board of Education shall determine procedures to be followed by local education agencies in carrying out this section. [1985 c.555 §5; 1989 c.491 §54; 2001 c.36 §2; 2001 c.900 §61]

346.017 Enrollment of nonresident students in facilities permitted
(1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction may enroll a student in the facilities operated under ORS 346.010 if the student is not a resident of Oregon. However, priority for enrollment at the facilities shall be given to students who are residents of Oregon.

(2) The superintendent may charge tuition and fees to any student who is enrolled under this section.

(3) A student who is enrolled under this section shall not be considered a resident of any school district based on the enrollment and attendance at the facility. [1997 c.93 §1]

346.019 Educational Facilities Fund
(1) There is established an Educational Facilities Fund, separate and distinct from the General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the fund shall be credited to the fund.

(2) The moneys in the fund are appropriated continuously to the Superintendent of Public Instruction for purposes of the facilities operated under ORS 346.010. [1997 c.93 §2]

346.020 Course of instruction; admission of students; personnel; authority over students; rules
(1) The Superintendent of Public Instruction shall prescribe the course of instruction for students enrolled in facilities operated under ORS 346.010. The State Board of Education shall determine the procedures for placement, development of services and operation of the schools in conformance with state and federal laws relating to children who are eligible for special education and shall adopt the procedures by rule.
346.030 APPLICATION FOR ADMISSION. Application for admission to facilities operated under ORS 346.010 shall be made to the Department of Education. Application shall be made on forms which are provided by the department.

346.035 ANNUAL REVIEW OF INDIVIDUAL EDUCATION PLAN FOR CERTAIN CHILDREN. For children who are enrolled under ORS 346.010 and who are mentally retarded or developmentally disabled, the Department of Education shall notify the community mental health and developmental disabilities program of the date of the annual review of the individual education plan of the child for the purpose of including in the review the assigned case manager’s assessment of community resources that are available for treatment or residential needs the child might have.

346.040 RESIDENT DISTRICT RESPONSIBLE FOR TRANSPORTATION OF PUPILS; SPECIAL EDUCATION TRANSPORTATION REVOLVING ACCOUNT. (1) Transportation for pupils attending facilities under ORS 346.010 is the responsibility of the pupil’s resident school district. The district may provide transportation directly or by agreement with another school district, a public carrier or the Department of Education.

(2) The actual and necessary transportation expenses incurred under subsection (1) of this section, at a frequency consistent with a pupil’s individual education plan, shall be considered pupil transportation by the district for purposes of ORS 327.035 (1989 Edition).

(3) The resident school district shall reimburse the Department of Education for all transportation costs the department incurs on behalf of the district within 10 days after receipt of the itemized invoice.

(4) The payments of the resident school districts required under subsection (3) of this section and an amount specifically appropriated thereto shall be deposited in the State Treasury to the credit of the Special Education Transportation Revolving Account to be used by the Department of Education for the transportation of pupils attending facilities under ORS 346.010. The account shall be continuously appropriated for such purpose.

(5) Any unexpended and unobligated balance in the Special Education Transportation Revolving Account in excess of $70,000 as of September 1 of any year shall be transferred from the account to the General Fund to be available for general governmental purposes.

346.045 TRUST ACCOUNT FOR STUDENT FUNDS. (1) When the Superintendent of Public Instruction has in possession or under control in a bank account or otherwise, funds that are the property of the students enrolled in facilities operated under ORS 346.010 and may sell, transfer, assign, allot, set over or convey the property pursuant to legislative authority.

(2) The word “funds” as used in this section shall include, but shall not be limited to, moneys deposited with the superintendent for medical care or assistance of students, moneys derived from athletic activities, contributions for athletic, health, or recreation projects, and any other moneys received by the superintendent that are not required by law to be credited to other state funds or accounts.

(3) The Superintendent of Public Instruction or designee is authorized to receive any of the funds referred to in this section. The State Treasurer shall carry such funds in separate accounts for such institutions, but...
shall not credit such funds or any part thereof to any state fund for governmental purposes.

(4) Disbursements from the accounts for the purposes for which the contributions or payments were made, and for payment to persons lawfully entitled thereto, may be made by the Superintendent of Public Instruction or designee, by checks or orders drawn upon the State Treasurer. The superintendent shall be accountable for the proper handling of the accounts. [1971 c.301 §13; 1989 c.966 §28]

346.060 [Amended by 1957 c.182 §1; 1959 c.176 §1; 1961 c.484 §1; 1963 c.597 §1; 1965 c.100 §449; 1965 c.469 §1; 1969 c.597 §80k; 1971 c.301 §7; 1971 c.435 §1; repealed by 1973 c.713 §8]

346.070 Aid to students who are deaf; rules. (1) Subject to subsection (3) of this section, every deaf student who has been a resident of Oregon for the three years immediately preceding application and who is attending any university, college or other suitable school is eligible to apply for a state grant-in-aid to help defray approved expenses. If the student’s application for a grant-in-aid is approved by the Superintendent of Public Instruction, the Department of Education may make the grant-in-aid contingent upon the student’s attending a school of the superintendent’s choice.

(2) The grants-in-aid shall not exceed $1,000 to any student for any fiscal year and shall be paid out of any funds appropriated to the department for that purpose. The State Board of Education may adopt rules necessary to carry out this section.

(3) No deaf student shall receive a grant-in-aid under subsection (1) of this section for a period exceeding seven years. [Amended by 1957 c.396 §1; 1959 c.175 §1; 1965 c.100 §450; 1969 c.597 §80l; 1971 c.301 §8; 1977 c.750 §1; 1989 c.491 §58]

346.080 Notice to employees of reasonable assurance of continued employment; effect of notice to give notice. The Department of Education shall give the notice required by ORS 332.554 to all classified employees of the Oregon State School for the Deaf and the Oregon State School for the Blind in the same manner and to the same effect as notice given under ORS 332.554. [1985 c.685 §6; 1991 c.961 §4]

COMMISSION FOR THE BLIND

346.110 Definitions for ORS 346.110 to 346.270. As used in ORS 346.110 to 346.270:

(1) “Commission” means the Commission for the Blind.

(2) “Visually impaired individuals” includes individuals who are blind or have seriously impaired vision or who have conditions which might lead to blindness.

(3) “Blind person” means a person whose central visual acuity does not exceed 20/200 in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. [Amended by 1975 c.638 §1; 1989 c.224 §58]

346.120 Commission for the Blind; purpose. There is created a commission for the blind and the prevention of blindness to be known as the Commission for the Blind. The commission shall:

(1) Establish and be responsible for the administration of a program or programs for the blind which will promote, in the manner set forth in ORS 346.110 to 346.270, the welfare of visually impaired individuals including but not limited to cooperation by contract or otherwise with public and private agencies in providing services, programs and facilities for visually impaired individuals.

(2) Be responsible for the fiscal oversight of the commission, which includes but is not limited to:

(a) Regular review of financial statements of the commission;

(b) Participation in the development of the budget for the commission; and

(c) Directing the resources of the commission to implement program goals.

346.130 Commission members; confirmation; meetings; compensation and expenses. (1) The Commission for the Blind shall be appointed by the Governor and shall consist of seven members:

(a) Four members who are qualified persons within the legal definition of blind persons; and

(b) Three members appointed from among the areas of employers, labor, optometry, ophthalmology, and education of the blind. However, no more than one appointee shall represent the same area during the same term. To the greatest extent possible, appointments from the five areas shall be made on a rotating basis.

(2) The term of office of a member of the commission is two years. Vacancy in the office of a member shall be filled by the Governor for the unexpired term. Any member who is absent from three consecutive commission meetings or more than one-third of the scheduled meetings in one year shall be removed from office and the Governor shall fill the vacancy for the unexpired term. No person may serve on the commission for more than three consecutive terms of one year or more in length.
(3) All appointments of members of the commission by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) The commission shall hold meetings at least once every two months and such additional meetings as it may deem necessary.

(5) Each member is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1967 c.294 §1; 1966 c.100 §451; 1965 c.522 §1; 1968 c.314 §22; 1973 c.792 §10; 1975 c.638 §2; 1977 c.731 §1; 1979 c.411 §1]

346.135 [1977 c.731 §3; 1979 c.411 §2; repealed by 1993 c.742 §80]

346.140 Administrator and other employees. The Commission for the Blind shall employ an administrator and such other persons as may be necessary and fix their compensation, except as such compensation otherwise may be regulated by law. [Amended by 1973 c.713 §2]

346.150 Rules and regulations. (1) The Commission for the Blind may make and promulgate rules and regulations reasonably necessary or proper to carry out the provisions of ORS 346.110 to 346.270.

(2) The commission shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the commission. The use of such records, papers, files and communications by any other agency or department of government or person to which they may be furnished shall be limited to purposes for which they are furnished and by the provisions of law under which they may be furnished. [Subsection (2) enacted as 1971 c.312 §2]

346.160 Register of persons who are blind. The Commission for the Blind shall cause to be compiled and maintained as complete as possible a register of the blind in Oregon, which shall describe the extent of blindness, cause of blindness and such other facts in regard to each person so registered as the commission may deem advisable.

346.165 Use of official records. (1) The Commission for the Blind shall not disclose or use the contents of the register of the blind filed and maintained under the provisions of ORS 346.160, or any records, files, papers or communications for purposes other than those directly connected with the programs administered by the commission, and the register of the blind, the records, files, papers and communications are considered confidential.

(2) Notwithstanding subsection (1) of this section, ORS 346.150 (2) and 346.167, the minutes and records of official actions of the Commission for the Blind, its payroll, books of account and accounts of expenditures are public writings available to inspection in the manner provided in ORS 192.410 to 192.505. [1971 c.312 §§3, 5; 1983 c.740 §113]

346.167 Prohibited uses of records. No person or agency shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature, or for any purpose not directly connected with the administration of programs administered by the Commission for the Blind. [1971 c.312 §4]

346.169 Exchange of certain records between public and private agencies. (1) Notwithstanding the provisions of ORS 346.165 and 346.167, whenever a blind or blind and deaf person requests any public or private agency to exchange with another agency the records of the agency concerning the person making the request, the agency shall furnish the records to the designated agency.

(2) The request made under subsection (1) of this section may be made by a guardian of the blind or blind and deaf person.

(3) As used in this section, “record” includes name and address of the blind or blind and deaf person, medical and psychological records, and other information designated by the person requesting the exchange of records.

(4) Where appropriate, a request for an exchange of records made under the provisions of this section shall be subject to the confidentiality and access provisions of ORS 179.495, 326.565, 326.575, 336.187, 341.290, 344.600, 411.320, 419B.035 and 419B.045. [1975 c.557 §1; 1995 c.546 §103]

Note: 346.169 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 346 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

346.170 Program for conservation and restoration of sight and prevention of blindness; free eye care. (1) The Commission for the Blind shall maintain a program for the conservation and restoration of sight and the prevention of blindness, the objects of which shall be to inaugurate and cooperate in such measures for the prevention of blindness in Oregon as the commission may deem advisable.

(2) The commission in its discretion may arrange for and pay for the examination of the eyes of individual visually handicapped persons and may obtain and pay for medical and surgical treatment and glasses for such persons. [Amended by 1973 c.713 §3; 1975 c.638 §3]
346.180 Vocational rehabilitation services. The Commission for the Blind shall maintain a program of vocational rehabilitation services. The object of the program shall be to aid individuals with visual disabilities in finding employment, to provide such physical restoration as will increase their employability, to establish a program of small business enterprises in which such individuals are able to work, to establish individual programs of college and university instruction, also training in trades and occupations which may be followed in their homes and elsewhere, to cooperate with the United States Government in vocational rehabilitation programs for the blind, including establishment of small business enterprises for them in buildings owned or rented by the federal government and to assist individuals with visual disabilities, in whatever manner may seem advisable to the commission, in disposing of the products of their industries. [Amended by 1975 c.638 §4; 1989 c.224 §60]

346.190 Industries for the Blind Program. (1) The Commission for the Blind shall establish and maintain a program of industries for the blind. For that purpose, it shall equip and operate one or more training centers, one or more workshops and home industry activities for the employment of suitable blind persons, and may devise ways and means for the sale and distribution of the products and services of the Industries for the Blind Program. The commission may conduct such investigation and research as it may deem advisable in selecting new types of industries suitable for visually impaired workers.

(2) The commission shall pay visually impaired workers who have completed their training suitable compensation for their work in the Industries for the Blind Program. The services performed by workers within the Industries for the Blind Program shall be considered services for a nonprofit organization.

(3) The commission may employ such sighted persons as workers in the Industries for the Blind Program as are necessary to operate the program to the extent that such sighted workers do not constitute more than 25 percent of the total workforce of the program. The services performed by such sighted workers shall be considered services for a nonprofit organization.

(4) Except for those persons employed in a supervisory or administrative capacity:

(a) ORS chapter 240 does not apply to workers in the Industries for the Blind Program. However, the commission may allow vacation and sick leave to the employees of the Industries for the Blind Program consistent with the schedules established under the State Personnel Relations Law.

(b) Notwithstanding ORS 238.015, a worker in the Industries for the Blind Program working on July 21, 1973, shall become a member of the Public Employees Retirement System at the beginning of the first full pay period after the worker has completed 12 months’ service uninterrupted by a total of more than 30 working days during the 12 months’ period. This subsection shall not apply nor extend to workers entering the Industries for the Blind Program after July 21, 1973.

(5) As used in this section, “nonprofit organization” means an organization, or group of organizations, described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code. [Amended by 1957 c.190 §1; 1967 c.535 §1; 1969 c.240 §2; 1973 c.713 §4; 1979 c.468 §33; 1989 c.224 §61; 2005 c.218 §16]

346.200 (Repealed by 1973 c.713 §8)

346.210 Supplying materials and equipment to persons with visual impairment; ownership. The Commission for the Blind may, whenever it deems proper, aid individual visually impaired persons or groups of such persons by supplying materials, equipment or machinery to them, and also may assist them in the sale and distribution of their products. The ownership of the materials, equipment or machinery supplied to visually impaired persons may be transferred to such persons by the commission. [Amended by 1975 c.638 §5; 1977 c.277 §1; 1989 c.224 §62]

346.220 Preference for products or services of persons with visual impairment in state purchases. Whenever any of the products or services, including operation of vending facilities as defined in ORS 346.510 (2), of visually impaired individuals, produced under the supervision and direction of the Commission for the Blind, meet the requirements of any state department or institution as to quality, quantity and price, such products or services shall have preference and the state departments and institutions shall purchase from the commission such products or services as may be required. [Amended by 1975 c.638 §6; 1989 c.224 §63]

346.230 Commission accounts; funds; appropriations; sales on credit. (1) The Commission for the Blind shall keep separate books of accounts for its industries. All negotiable funds received by the commission from the sale of any products made at its workshops, or from the sale of products made under its supervision to which it has title, shall be paid into the State Treasury and by that office kept separate and apart from other funds. Funds so paid in shall be paid out only on warrants of the Oregon Depart-
ment of Administrative Services, based on duly verified vouchers, as other claims are paid, for the support and maintenance of industries, the payment of workers in such industries, the purchase of real estate, the planning, construction and remodeling of buildings for workshops and the carrying on of the work of the commission. The sums of money so paid in are continuously appropriated to the commission for the purposes stated.

(2) Subject to any other applicable law regulating the sale of goods on credit, the commission may sell products on credit as well as for cash. [Amended by 1959 c.98 §1; 1961 c.484 §2; 1983 c.740 §114; 2005 c.755 §23]

346.235 [1959 c.98 §3; repealed by 1965 c.448 §4]

346.240 Payment of incidental expenses of commission. The Oregon Department of Administrative Services may, from time to time, as may be necessary, draw a warrant in favor of the Commission for the Blind for a sum not exceeding $1,500 in any one amount, but not in any event in excess of the amount paid into the State Treasury under ORS 346.230, to be used for the purpose of paying for postage, expressage, freight, telegraph, telephone and other incidental expenses for which payment must be made in cash. The commission shall file with the Oregon Department of Administrative Services, from time to time, vouchers therefor. Before the commission shall receive any moneys to be expended for incidental expenses, the commission shall designate the person to whom the funds shall be paid. [Amended by 1973 c.713 §5; 1983 c.740 §115]

346.250 Program of social and educational services. The Commission for the Blind may establish a program of social and educational services for the purpose of ameliorating the condition of visually impaired individuals by providing instruction which will assist them in making the best possible adjustment to conditions resulting from loss or impairment of sight, as the commission may deem advisable. Special courses of instruction and training may be established at training centers and workshops for visually impaired individuals which shall include home economics, household mechanics, orientation to better living and such other instruction as will contribute to the economic and social adjustment of visually impaired individuals. Sighted persons with whom visually impaired individuals are living may, whenever the commission deems necessary, be given instruction that will assist them in caring for such visually impaired individuals. The commission through this program also shall cooperate with the Library of Congress and other agencies in the distribution of talking-book machines, sound-reproducing equipment and other devices designed for the use of the blind, and from time to time may cause to be made and distributed to visually impaired individuals in this state especially recorded subjects and Braille publications. [Amended by 1973 c.713 §6; 1989 c.224 §64]

346.260 Cooperation with Department of Human Services. The Commission for the Blind shall:

(1) Cooperate with the Department of Human Services in the administration of programs for the blind; and

(2) When requested by the department, make an investigation of an applicant eligible for programs for the blind and make recommendations to the department regarding services for the applicant and the employability of the applicant. [Amended by 2001 c.355 §1]

346.265 Authority to cooperate with and receive grants from federal government. In addition to its other powers, the Commission for the Blind may enter into agreements with, join with or accept grants from, the federal government for cooperative research, demonstration projects and personnel training programs. The commission is designated the state agency to receive any other federal funds available for the furtherance of the programs under the administration of the commission. [1961 c.484 §5]

346.270 Receipt and expenditure of gifts and bequests. The Commission for the Blind may receive moneys by gift or bequest and expend the moneys for any of the objects and purposes of the commission under ORS 346.120. Moneys received under this section shall be deposited with the State Treasurer in an account separate and distinct from the General Fund. Interest earned by the account shall be credited to the account. [Amended by 1965 c.100 §452; 1975 c.605 §1; 1989 c.966 §29]

346.280 [Repealed by 1975 c.605 §33]

346.290 Commission for the Blind Account. (1) There is established in the General Fund of the State Treasury an account to be known as the Commission for the Blind Account. Except for Industries for the Blind Program funds designated in ORS 346.230 and funds made available to the commission under ORS 346.270 or deposited pursuant to ORS 346.540, all moneys received by the commission for promoting the welfare of visually impaired individuals shall be paid into the State Treasury and credited to the Commission for the Blind Account. All moneys in the Commission for the Blind Account hereby are appropriated continuously for and shall be used by the commission for the respective purposes authorized by law.
346.520 Persons who are blind to operate vending facilities in public buildings or on public property; charges prohibited; exception. (1) For the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, blind persons licensed under the provisions of ORS 346.510 to 346.570 by the Commission for the Blind, as set forth in ORS 346.510 to 346.570, shall operate vending facilities in or on any public buildings or properties where, in the discretion of the head of the department or agency in charge of the maintenance of such buildings or properties, such vending facilities may properly and satisfactorily operate.

(2) Notwithstanding ORS 276.385, the department or agency in charge of the maintenance of a public building or property in or on which a vending facility is operated under ORS 346.510 to 346.570 shall not charge the Commission for the Blind or blind persons licensed under the provisions of ORS 346.510 to 346.570 any amount for:

(a) Rental of the space in or on which the vending facility is operated; or

(b) Utility costs in the operation of the vending facility.

(3) Subsection (2) of this section does not apply to charges imposed by the Department of Transportation. Subject to the availability of funds, the department may refrain from charging any amount for rental of space or utility costs described in subsection (2) of this section. [1957 c.295 §1; 1975 c.638 §8; 2003 c.268 §1]

346.530 Notice to commission on vending facilities locations; statement of reason for refusal of commission offer. (1) Each head of the department or agency in charge of the maintenance of public buildings or properties shall:

(a) Periodically notify the Commission for the Blind in writing of any and all existing locations where vending facilities are in operation or where vending facilities might properly and satisfactorily be operated.

(b) Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of permit for operation of any vending facility, inform the Commission for the Blind of such contemplated action.

(c) Inform the Commission for the Blind in writing of any and all existing locations where such vending facilities are planned or might properly and satisfactorily be operated in or about other public buildings or properties, such vending facilities may properly and satisfactorily operate.

VENDING FACILITIES ON PUBLIC PROPERTY

346.510 Definitions for ORS 346.510 to 346.570. As used in ORS 346.510 to 346.570, the term:

(1) “Blind person” means a person having not more than 20/200 visual acuity in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. Such blindness shall be certified by a licensed physician who specializes in diseases of the eye.

(2) “Vending facility” means:

(a) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment as are necessary or customarily used for the vending of such articles as may be approved by the Commission for the Blind and the agency having care, custody and control of the building or property in or on which the vending facility is located;

(b) Manual or coin operated vending machines or similar devices for vending such articles; or

(c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.

(3) “Operator” means the individual blind person responsible for the day to day conduct of the vending facility operation.

(4) “Public building” or “property” means any building, land or other real property, owned, leased or occupied by any department or agency of the State of Oregon or any of its political subdivisions except public elementary and secondary schools. [1957 c.295 §2; 1975 c.638 §7]
information to be given not less than 30 days prior to leasing, re-leasing, licensing or issuance of permit for operation of any vending facility in such public building or on such property.

(2) If the Commission for the Blind makes an offer to operate a vending facility under the provisions of this section and the offer is not accepted for reasons other than the decision to have no vending facility on the premises, such head of the department or agency shall notify the commission in writing of the reasons for refusing its offer, including but not limited to the terms and conditions of the offer which was accepted, if any.

(3) Any contract or agreement entered into subsequent to July 1, 1975, which is not in compliance with or in violation of ORS 346.220 and 346.510 to 346.570, shall be null and void. [1957 c.295 §3; 1965 c.471 §1; 1975 c.638 §9]

### 346.540 Duties of commission with respect to operation of vending facilities; rules.

1. The Commission for the Blind shall:

   a. Make surveys of public buildings or properties to determine their suitability as locations for vending facilities to be operated by blind persons and advise the heads of departments or agencies charged with the maintenance of such buildings or properties as to their findings.

   b. With the consent of the head of the department or agency charged with the maintenance of the buildings or properties, establish vending facilities in those locations which the Commission for the Blind has determined to be suitable, and may enter into leases or licensing agreements therefor.

   c. Select, train, license and install qualified blind persons as managers of such vending facilities.

   d. Adopt rules as it may from time to time deem necessary to assure the proper and satisfactory operation of such vending facilities, and for the benefit of vending facility operators.

   e. Provide for the continued operation of established vending facilities if a qualified blind person is not available until a qualified blind person is available for assignment as manager.

(2) If the head of the department or agency charged with the maintenance of buildings or properties does not consent to the establishment of vending facilities in locations in the building or on the property which were determined suitable by the commission, that person shall inform the commission in writing of the reasons why consent is not given.

(3) The commission may establish in the State Treasury a fund from the net proceeds of the operation of vending facilities. Money so deposited including the interest thereon shall be credited by the State Treasurer to a special checking account, separate and distinct from the General Fund. Disbursement may be made by check signed by the person designated by the commission. The fund shall be used for the purposes of and are continuously appropriated for maintenance and replacement of equipment, management services, assuring a fair minimum of return to vendors, or for such other purposes necessary and proper for the benefit of operators of vending facilities. Interest earned by the account shall be credited to the account. [1957 c.295 §4; 1965 c.471 §2; 1975 c.638 §10; 1981 c.271 §2; 1989 c.966 §30]

### 346.550 Commodities and articles that may be sold at vending facilities.

A vending facility operated under the provisions of ORS 346.510 to 346.570 shall be used solely for the vending of such commodities and articles as may be approved by the Commission for the Blind and by the head of the department or agency in charge of the maintenance of the building or property in or on which such facility is operated. [1957 c.295 §5; 1975 c.638 §11]

### 346.560 Operator subject to applicable laws and ordinances.

The operator of each vending facility operated under the provisions of ORS 346.510 to 346.570 shall be subject to the provisions of any and all laws and ordinances applying within the territory within which such facility is located including those requiring a license or permit for the conduct of such business or any particular aspect thereof. [1957 c.295 §6; 1975 c.638 §12]

### 346.565 Participation in state health benefit plan and deferred compensation plan.

1. A blind business enterprise manager, as described under ORS 346.510 to 346.570, or a blind employee of a private nonprofit Oregon corporation established and authorized by the Commission for the Blind to provide employment to the blind may participate in a health benefit plan available to state employees pursuant to ORS 243.105 to 243.285 at the expense of the manager or the blind employee.

(2) A blind business enterprise manager, as described under ORS 346.510 to 346.570, may participate in state deferred compensation plan established under ORS 243.401 to 243.507, contingent on participation not affecting the tax exempt status of other contributions to the deferred compensation plan.

(3) For the purposes of subsections (1) and (2) of this section, such managers and employees shall be considered eligible state
**346.570 Rights of persons operating vending facilities prior to August 20, 1957.**

(1) Those individuals who are operating vending facilities in public buildings or on public properties, as defined in ORS 346.510 prior to August 20, 1957, shall not be affected by ORS 346.510 to 346.570, except and only insofar as provided in ORS 346.530 (2).

(2) Any blind person who is presently operating a vending facility in or on public buildings or properties who desires to make use of the advantages of the program authorized by ORS 346.510 to 346.570 shall have the right to do so; and, in such instance, the Commission for the Blind may negotiate and consummate arrangements for the purchase of such vending facility equipment as it may deem necessary for the satisfactory operation of the vending facility. [1957 c.295 §7; 1975 c.638 §61]

**346.580 Rights of persons operating vending facilities after August 20, 1957.**

(1) The vending facilities authorized by ORS 346.510 to 346.570 shall have the right to use any vending facility equipment or property enrolled with the Commission for the Blind. [1957 c.295 §7; 1975 c.638 §13; 1987 c.158 §61]

**346.610 Definitions for ORS 346.610 to 346.630.** As used in ORS 346.610 to 346.630:

(1) “Blind person” means a person who has vision of 20/200 or less with the best correction or has a visual field of 20 degrees or less.

(2) “Dog guide” means a dog that is wearing a dog guide harness and is trained to lead or guide a blind person.

(3) “Dog guide trainee” means a dog undergoing training to lead or guide a blind person.

(4) “Trainer” means a person who trains dogs to lead or guide blind persons.

(5) “Mode of transportation” means any mode of public transportation operating within this state except for parlor, lounge, or club car of a common carrier by railroad.

(6) “Public accommodation” means a place of public accommodation as defined in ORS 659A.400. [1967 c.256 §8; 1981 c.179 §1; 1993 c.369 §35; 1995 c.618 §67]

**346.620 Dog guide in place of public accommodation for person who is blind; liability.** (1) A blind person shall have the right to have a dog guide with the blind person, and a trainer shall have the right to have a dog guide or dog guide trainee with the trainer, in any place of public accommodation or on any mode of transportation so long as the blind person or trainer controls the behavior of the dog.

(2) No blind person or trainer shall be required to pay an additional fee or admission charge for the dog guide.

(3) A blind person or trainer is liable for any damages done to a place of public accommodations or to any mode of transportation by the dog guide. [1967 c.256 §2; 1971 c.87 §2; part renumbered 346.991]

**346.630 Prohibition against discriminating in renting housing because of dog guide; remedy.**

(1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as defined in ORS 90.100, to a blind person on the basis of the person’s use or possession of a dog guide.

(2) A blind person shall have a cause of action to recover compensatory damages or $200, whichever is greater, from any landlord, as defined in ORS 90.100, who refuses to rent a dwelling unit, or who charges additional rent, on the basis of the person’s use or possession of a dog guide. The court may award reasonable attorney fees to the prevailing party in an action under this section.

(3) No blind person shall be required to pay an additional nonrefundable fee or an excessive deposit for the dog guide.

(4) A blind person is liable for any damages done to the dwelling unit by the dog guide. [1975 c.256 §8; 1981 c.179 §1; 1993 c.369 §35; 1995 c.618 §67]

**346.640 Definitions for ORS 346.640 to 346.660.** As used in ORS 346.640 to 346.660:

(1) “Deaf person” means a person whose hearing disability precludes successful processing of linguistic information through audition with or without a hearing aid.

(2) “Hearing dog” means a dog that is on an orange leash and that is trained to assist a deaf person.

(3) “Hearing dog trainee” means a dog undergoing training to assist a deaf person.

(4) “Mode of transportation” means any mode of public transportation operating within this state except for parlor, lounge, or club car of a common carrier by railroad.

(5) “Public accommodation” means a place of public accommodation as defined in ORS 659A.400. [1981 c.771 §3]

**346.650 Hearing dog in place of public accommodation or on public transportation for person who is deaf; liability.** (1) A deaf person shall have the right to have a hearing dog with the person, and a trainer of a hearing dog shall have the right to have the hearing dog or hearing dog trainee with the trainer, in any place of public accommodation or on any mode of transportation so long as the deaf person or trainer controls the behavior of the dog.

(2) No deaf person or trainer of a hearing dog shall be required to pay an additional
fee or admission charge for the hearing ear dog.

(3) A deaf person or trainer of a hearing ear dog is liable for any damages done to a place of public accommodations or to any mode of transportation by the hearing ear dog. [1981 c.771 §4]

346.660 Prohibition against discriminating in renting housing because of hearing ear dog; liability. (1) A landlord, as defined in ORS 90.100, may not refuse to rent a dwelling unit, as defined in ORS 90.100, to a deaf person on the basis of the use or possession of a hearing ear dog.

(2) No deaf person shall be required to pay an additional nonrefundable fee for the hearing ear dog.

(3) A deaf person is liable for any damages done to the dwelling unit by the hearing ear dog. [1981 c.771 §5; 1993 c.369 §36]

ASSISTANCE ANIMALS FOR PERSONS WITH PHYSICAL IMPAIRMENT

346.680 Definitions for ORS 346.680 to 346.690. As used in ORS 346.680 to 346.690:

(1) “Assistance animal” means any animal trained to assist a physically impaired person in one or more daily life activities, including but not limited to:

(a) Dog guides, as defined in ORS 346.610;
(b) Hearing ear dogs, as defined in ORS 346.640;
(c) An animal trained to pull a wheelchair;
(d) An animal trained to fetch dropped items; and
(e) An animal trained to perform balance work.

(2) “Assistance animal trainee” means any animal undergoing training to assist a physically impaired person.

(3) “Daily life activity” includes but is not limited to:

(a) Self-care;
(b) Ambulation;
(c) Communication; or
(d) Transportation.

(4) “Mode of transportation” means any mode of transportation operating within this state.

(5) “Physically impaired person” means any person who is permanently physically impaired, whose physical impairment limits one or more of daily life activities and who has a record of impairment and is regarded by health care practitioners as having such an impairment, requiring the use of an assistance animal including but not limited to blindness, deafness and complete or partial paralysis.

346.685 Rights of person with physical impairment and trainer; prohibition on admission charge for animal; access to transportation; liability for damage by animal. (1) A physically impaired person has the right to have an assistance animal with the physically impaired person, and a trainer has the right to have an assistance animal or assistance animal trainee with the trainer, in any place of public accommodation or on any mode of transportation so long as the physically impaired person or trainer controls the behavior of the animal.

(2) No physically impaired person or trainer shall be required to pay an additional fee or admission charge for the assistance animal.

(3) The assistance animal shall be allowed to accompany its owner in an ambulance or other mode of transport in the event of a medical emergency. If the owner is unconscious, the assistance animal shall be placed in an emergency veterinary clinic until the person regains consciousness and can make arrangements for the animal, or a relative responsible for the injured person is contacted and can make arrangements for the animal, or until the injured person dies, in which case the authorities will attempt to contact the school, where the animal was trained, for further action.

(4) A physically impaired person or trainer is liable for any damages done to a place of public accommodations or to any mode of transportation by the assistance animal. [1989 c.336 §2]

346.687 Damages recoverable for harm or theft of assistance animal. (1) In addition to and not in lieu of any other penalty provided by state law, a physically impaired person who uses an assistance animal or the owner of an assistance animal may bring an action for economic and noneconomic damages against any person who steals or, without provocation, attacks the assistance animal. The physically impaired person or owner may also bring an action for such damages against the owner of any animal that, without provocation, attacks an assistance animal. The action authorized by this subsection may be brought by the physically impaired person or owner even if the assistance animal was in the custody or under the
supervision of another person when the theft or attack occurred.

(2) If the theft of or unprovoked attack on an assistance animal described in subsection (1) of this section results in the death of the animal or the animal is not returned or if injuries sustained in the theft or attack prevent the animal from returning to service as an assistance animal, the measure of economic damages shall include, but need not be limited to, the replacement value of an equally trained assistance animal, without any differentiation for the age or the experience of the animal. In addition, the physically impaired person or owner may recover any other costs and expenses, including, but not limited to, costs of temporary replacement assistance services, whether provided by another assistance animal or a person, incurred as a result of the theft of or injury to the animal.

(3) If the theft of or unprovoked attack on an assistance animal described in subsection (1) of this section results in injuries from which the animal recovers and returns to service, or if the animal is stolen but is recovered and returns to service, the measure of economic damages shall include, but need not be limited to, the veterinary medical expenses, costs of temporary replacement assistance services, whether provided by another assistance animal or a person, and any other costs and expenses incurred by the physically impaired person or owner as a result of the theft of or injury to the animal.

(4) No cause of action arises under this section if the physically impaired person, owner or the person having custody or supervision of the assistance animal was committing a criminal or civil trespass at the time of the theft of or attack on the assistance animal.

(5) The court shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

346.990 Penalties.

(1) Violation of ORS 346.167 is punishable, upon conviction, by a fine of not more than $1,000 or by imprisonment in the county jail for not more than 60 days, or both.

(2) Violation of ORS 346.620 (1) or (2) is a Class C misdemeanor.

(3) Violation of ORS 346.650 or 346.660 is a Class C misdemeanor.

(4) Violations of ORS 346.680 to 346.690 are subject to the penalties provided in subsections (1) to (3) of this section.
Chapter 348
2005 EDITION
Student Aid; Education Stability Fund; Planning

POLICY
348.005 Policy on student financial aid

LOANS GENERALLY
348.010 Higher Education Student Loan Fund; investments
348.040 Definitions for ORS 348.040 to 348.070
348.050 Student loans from Common School Fund; terms and conditions; exceptions
348.070 List of suitable career schools
348.090 Loans guaranteed by state agency; payment of interest
348.095 Reimbursement by commission for default losses
348.105 Loan obligations enforceable against minor
348.115 Student loans for nursing programs; terms and conditions
348.117 Repayment of loans for nursing program; grounds for deferral

SCHOLARSHIPS AND GRANTS
348.180 Definitions
348.183 Legislative intent
348.186 Oregon Achievement Grant; qualifications; renewal
348.205 Oregon Opportunity Grant program
348.210 Scholarships at Eastern Oregon University; scholarships for certain foreign students
348.230 Scholastic grants at post-secondary institutions; qualified applicants; renewals
348.250 Procedure for awarding grants under ORS 348.230 and 348.260
348.260 Oregon Opportunity Grant qualifications and amount; renewal
348.280 Grant qualifications for students of Oregon Health and Science University
348.285 Scholarships for children of deceased or disabled public safety officer and former foster children
348.290 Determination of eligibility for scholarships under ORS 348.270; rules
348.300 Definitions for ORS 348.283
348.320 Oregon Troops to Teachers program; rules
348.340 Financial aid to study barbering, hairdressing, manicure and esthetics

RURAL MEDICAL EDUCATION LOANS
348.310 Loans for medical study; rules
348.320 Eligibility for loans; application; written agreement
348.330 Amount of loans
348.340 Cost-sharing community loan fund program; repayment; exception
348.350 Cost-sharing hospital loan fund program; limitation; admission to family practice programs
348.360 Renewal of loans
348.370 Repayment of loans; interest; conditions; exemption
348.390 Rural Medical Education Loan Fund; sources; use

STUDENT LOAN DEFAULT
348.393 Declaration of default; notice; suspension of certificate or license
348.395 Agreements to design and implement database matches and notification procedures
348.397 Notices to borrower; challenging default status; notice to entities
348.399 Prompt notice required if borrower no longer in default status; reinstatement of certificate or license

VOLUNTEERS IN SERVICE TO OREGON VOUCHERS
348.405 Definitions for ORS 348.405 to 348.425
348.410 Volunteers in Service to Oregon voucher program
348.415 Award of vouchers to eligible students; voucher characteristics; funds not personal income; when available; rules
348.420 VISTO Fund; sources; uses; limit on administrative expenditures
348.425 Report

COMMUNITY SERVICE VOUCHER PROGRAM
348.427 Voucher program established; amount; recipient eligibility
348.429 Voucher amount limited; Oregon Student Assistance Commission duties; vouchers not personal income; rules
348.431 Tracking system
348.433 Limitation on administrative expenditures
348.436 Community Service Voucher Fund

COOPERATION BETWEEN OREGON UNIVERSITY SYSTEM AND COMMUNITY COLLEGES
348.470 Legislative findings; cooperation between Oregon University System and community colleges

OREGON STUDENT ASSISTANCE COMMISSION
(Administration)
348.505 “Commission” and “financial aid” defined
348.510 Oregon Student Assistance Commission; term; vacancy; confirmation; qualifications
348.520 Duties
348.530 Powers; rulemaking authority
348.540 Officers of commission; quorum; meetings
348.550 Compensation and expenses of commission members
348.560 Staff; office space
348.563 Authority of Oregon Student Assistance Commission to require fingerprints
348.570 Funds and accounts created
348.575 Crediting of late loan repayments
348.580 Agreements with community foundations
348.590 Continuous appropriation of certain funds
348.592 Loan cancellation insurance

(Degrees)
348.594 Definition of “school” for ORS 348.594 to 348.615
348.596 Purpose of ORS 348.594 to 348.615
348.597 Applicability of ORS 348.594 to 348.615
348.599 Office of Degree Authorization
348.601 Office of Degree Authorization Account
348.603 Duties of commission relating to degree authorization and nondegree programs; approval of new post-secondary program or location; rules; fees
348.604 Exemption from ORS 348.594 to 348.615
348.605 Restrictions and duties of exempted schools
348.606 Conferring or offering of degree before approval obtained prohibited; fee; rules
348.607 Fee for exemption application; rules; prohibition on requirements for religious exemption
348.608 Certification by exempt school; suspension or revocation of exemption; appeal
348.609 Representation of possession of academic degree; complaints; civil penalties; rules; fees
348.612 Revocation of approval; hearing
348.615 Appeal procedure

(Scholarship Program Tax Credit)
348.616 Minimum criteria for certification of employer program; rules
348.618 Requirements for program certification application; acceptance and rejection of application
348.621 Requirements for tax credit certification application

(Alternative Student Loan Program)
348.625 Definitions for ORS 348.570 and 348.625 to 348.695
348.630 Eligible recipients; limitations; credit check
348.635 Establishment of loan terms and conditions
348.640 Administration of loans by private lenders; repayment to state; risk of loss
348.645 Administration of loans if private lenders withdraw; rules
348.650 Fees
348.655 Issuance of revenue bonds; amount; interest tax exempt
348.660 Determination to issue revenue bonds; duties of State Treasurer; factors to consider
348.665 Applicability of Uniform Revenue Bond Act; powers of State Treasurer

EDUCATION STABILITY FUND

(Generally)
348.696 Establishment; investment; earnings

(Oregon Growth Account)
348.701 Definitions for ORS 348.701 to 348.710
348.702 Oregon Growth Account
348.703 Management and investment of moneys in account; reporting requirement; contracts for investment advice and other services
348.704 Allocation, withdrawal and transfer of assets in account
348.706 Oregon Resource and Technology Development Subaccount
348.707 Oregon Growth Account Board; members; terms; compensation; powers and duties
348.710 Confidentiality of records, communications and information

(Oregon Education Fund)
348.716 Oregon Education Fund; use; payment of education lottery bonds

OREGON 529 COLLEGE SAVINGS NETWORK
348.841 Definitions for ORS 348.841 to 348.873
348.844 Policy on higher education qualified tuition savings program
348.849 Oregon 529 College Savings Board; membership
348.853 Board powers and duties; establishment of network; rules
348.856 Oregon 529 College Savings Network Fund
348.857 Network participation; contribution limitations; fees
348.860 Right to direct investment of contributions or earnings; liability for loss
348.863 Prohibitions and limitations on accounts
348.867 Designated beneficiary of account; confidentiality of account information
348.869 State interest in contributions and earnings
348.870 Account withdrawals; rules; report
348.873 Report to Governor and Legislative Assembly

COORDINATION OF STATE AGENCIES
348.890 Joint Boards of Education; meeting; implementation of agreements
(Temporary provisions relating to statewide articulation and transfer system are compiled as notes following ORS 348.890)
348.900 Needs assessment for health care occupations; evaluation of health care education programs
<table>
<thead>
<tr>
<th>EDUCATION COMMISSION OF THE STATES</th>
<th>PENALTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>348.950 Education Commission of the States; members; dues</td>
<td>348.982 Criminal penalty</td>
</tr>
</tbody>
</table>
POLICY

348.005 Policy on student financial aid.
(1) The Legislative Assembly finds that:
(a) The State of Oregon can achieve its full economic and social potential only if all Oregonians have the opportunity to contribute to the full extent of their capabilities and only when financial barriers to their educational goals are removed;
(b) All Oregonians who meet the appropriate admissions requirements should be able to attend any community college, state institution of higher education or independent not-for-profit institution of post-secondary education regardless of individual economic or social circumstances;
(c) The interests of this state are best served when public subsidies supporting college students are distributed fairly, equitably and consciously to ensure maximum access and choice for all Oregonians at the least cost to the taxpayers;
(d) Need-based student financial aid is an effective, efficient and essential means of assisting Oregonians who are unable to afford the full cost of higher education;
(e) Student financial aid allows Oregonians with limited resources to select academic programs based on their interests, aptitudes and career goals;
(f) Student financial aid encourages and permits capable and promising Oregonians to persist in their education and training within this state; and
(g) By assisting Oregonians in this manner, student financial aid contributes to the quality of life of each Oregonian and to the social, cultural and economic well-being of all Oregonians.
(2) It is the intention of the Legislative Assembly to establish financial assistance programs to enable qualified Oregonians who need student aid to obtain post-secondary education in Oregon’s community colleges, state institutions of higher education or independent not-for-profit institutions of post-secondary education.

348.040 Definitions for ORS 348.040 to 348.070.
As used in ORS 348.040 to 348.070, unless the context requires otherwise:

(1) “Commission” means the Oregon Student Assistance Commission.
(2) “Eligible student” means a person who is a resident of this state, as determined by the Oregon Student Assistance Commission, at the time of application for a loan under ORS 348.040 to 348.070.
(a) Who is enrolled in or has applied for enrollment in a qualified school;
(b) Who has demonstrated a satisfactory level of achievement in the high school or other school on the record of which the application for enrollment is based or in which the applicant is enrolled; and

(b) Repayments of loans identified in paragraph (a) of this subsection;
(c) Interest earned on student loans identified in paragraph (a) of this subsection; and
(d) Earnings from investments of the Higher Education Student Loan Fund.
(2) All moneys in the Higher Education Student Loan Fund are continuously appropriated to the Department of Higher Education for the purpose of granting student loans under the terms established by the National Defense Education Act of 1958 and amendments thereto, under terms of the Health Professions Educational Assistance Act of 1963 and the Nurses Training Act of 1964 and amendments thereto.
(3) The repayment in whole or part of any student loan made under terms of the National Defense Education Act of 1958 and amendments thereto, under terms of the Health Professions Educational Assistance Act of 1963 and the Nurses Training Act of 1964 and amendments thereto, shall be made pursuant to the provisions of the applicable federal statutes and repayment to the Higher Education Student Loan Fund shall be made in accordance with applicable federal statutes.
(4) Funds in the Higher Education Student Loan Fund not needed for student loans may be invested by the State Treasurer as other public funds are invested under ORS 293.701 to 293.820. The State Treasurer shall credit to the Higher Education Student Loan Fund any interest or other income derived from such investment.

348.040 Definitions for ORS 348.040 to 348.070. As used in ORS 348.040 to 348.070, unless the context requires otherwise:

(1) “Commission” means the Oregon Student Assistance Commission.
(2) “Eligible student” means a person who is a resident of this state, as determined by the Oregon Student Assistance Commission, at the time of application for a loan under ORS 348.040 to 348.070:
(a) Who is enrolled in or has applied for enrollment in a qualified school;
(b) Who has demonstrated a satisfactory level of achievement in the high school or other school on the record of which the application for enrollment is based or in which the applicant is enrolled; and

363
(c) Who can show the necessity for financial assistance in order to continue the applicant’s education.

(3) “Qualified school” means a school within this state which is a:

(a) Four-year, nonprofit, generally accredited institution of higher education;

(b) Accredited public or private community college or education center, or one recognized by a state educational agency;

(c) Career school that is approved by the Superintendent of Public Instruction;

(d) Medical or dental program offered by the Oregon Health and Science University;

(e) Veterinary program offered by Oregon State University; or

(f) Institution which is, in the opinion of the commission, comparable to such institutions, colleges, centers or schools.

(4) When the commission certifies that the course is not available within this state, a qualified school may include an institution, college, center or school not located in this state. [1965 c.532 §1; 1977 c.762 §6; 1981 c.324 §2; 1995 c.343 §33; 1999 c.704 §9]

348.050 Student loans from Common School Fund; terms and conditions; exceptions. (1) Upon approval of the loan application of an eligible student by the Oregon Student Assistance Commission, the Department of State Lands may loan an amount from the Common School Fund to the student in compliance with ORS 348.040 to 348.070. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the department may require cosigners on the loans.

(2) Loans granted under ORS 348.040 to 348.070 to eligible students by the department shall:

(a) Not exceed $1,000 in a single academic year to an undergraduate student.

(b) Not exceed $4,000 in a single academic year to a graduate or professional student.

(c) Not exceed $16,000 for all loans made to a student under ORS 348.040 to 348.070.

(3) Payment of interest shall be as follows:

(a) Medical and dental student borrowers at the Oregon Health and Science University and veterinary student borrowers at Oregon State University shall be assessed at least six percent interest per annum on the unpaid balance from the date of the note. Interest payments by these borrowers shall be deferred until they cease to be enrolled. During the interest deferment period, the Oregon Student Assistance Commission shall pay the department the negotiated rate of interest on an annual basis. The borrower shall reimburse the Oregon Student Assistance Commission for these interest payments as provided in subsection (4) of this section. These borrowers shall commence direct payment of accruing interest to the department at the time they cease to be enrolled.

(b) All other borrowers are required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (4) of this section.

(c) The Oregon Student Assistance Commission shall pay annually to the department a maximum of three percent per annum on the unpaid balance of all medical, dental and veterinary student borrower loans. The rate of this special payment may vary annually and will be negotiated by the Oregon Student Assistance Commission and the department.

(d) The interest rates to be charged the borrower for the school year as stated in paragraphs (a) and (b) of this subsection shall be negotiated by the department and the Oregon Student Assistance Commission.

(4)(a) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student’s graduation or other termination of the student’s education.

(b) Notwithstanding any other provision of this section, medical, dental and veterinary student borrowers who enter approved post-graduate study programs shall commence repayment of the principal and the accruing and deferred interest on loans no later than 12 months following the completion of the post-graduate study program or 60 months, whichever is sooner.

(c) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the department, with the consent of the Oregon Student Assistance Commission, from extending the repayment period to a date other than permitted by this subsection.

(5) Notwithstanding any other provision of this section, the department may loan an amount from the Common School Fund to a student under guaranteed programs authorized by the Higher Education Act of 1965, as amended, commonly known as the Guaranteed Student Loan Program and the Parent’s Loans for Undergraduate Students Program. Neither the limitations on amounts set forth in subsection (2) of this section nor the subsidies authorized by subsection (3) of this section apply to such loans. ORS 327.484
fault of a student loan under ORS 348.040 to
defaults shall also be available to reimburse the
loans to medical, dental and veterinary stu-
due to 348.070. Funds appropriated under ORS
default of a student loan under ORS 348.040 to
of State Lands for any loss resulting from de-
sion for default losses.
From funds avail-
other aid or assistance for the purpose of
school.
official, department or agency of the state or
gional equivalent or by the appropriate
sociation of Schools and Colleges, by its re-
approved or accredited by the Northwest As-
schools, the Superintendent of Public In-
ment so as to take advantage of any federal
against minor.
interest on such loans.
loans are guaranteed by a state agency. The
terms, conditions and rates of interest of
such loans may be determined by the depart-
ment so as to take advantage of any federal
statute providing for full or partial payment
of interest on such loans. [1967 c.477 §4]
348.095 Reimbursement by commis-
for default losses. From funds avail-
therefor, the Oregon Student Assistance
the Department of State Lands may make loans to
students who are Oregon residents if the
loans are guaranteed by a state agency. The
terms, conditions and rates of interest of
such loans may be determined by the depart-
ment so as to take advantage of any federal
statute providing for full or partial payment
of interest on such loans. [1967 c.477 §4]
348.105 Loan obligations enforceable
against minor. (1) As used in this section:
(a) “Educational institution” means any
post-secondary educational institution that is
approved or accredited by the Northwest As-
sociation of Schools and Colleges, by its re-
gional equivalent or by the appropriate
official, department or agency of the state or
nation in which the institution is located, and
that is:
(A) A four-year college or university;
(B) A junior college or community col-
ge; or
(C) A technical, professional or career
school.
(b) “Educational loan” means a loan or
other aid or assistance for the purpose of
furthering the obligor’s education at an ed-
cational institution.
(c) “Person” means an individual, corpo-
ration, government or governmental subdivi-

(2) Notwithstanding any other provision
of law, any written obligation made by any
minor in consideration of an educational
loan received by the minor from any person
shall be as valid and binding as if the minor
had, at the time of making and executing the
obligation, attained the age of majority, but
only if prior to the making of the educational
loan an educational institution has certified
in writing to the person making the educa-
tional loan that the minor is enrolled, or has
been accepted for enrollment, in the educa-
tional institution.
(3) Any obligation mentioned in subsec-
tion (2) of this section may be enforced in
any action or proceeding against such person
in the name of the person and shall be valid,
insofar as the issue of age is concerned,
without the consent thereto of the parent or
guardian of such person. Such person may
not disaffirm the obligation because of age
nor may such person interpose in any action
or proceeding arising out of the educational
loan the defense that the borrower is, or was,
at the time of making or executing the obli-
gation, a minor.
(4) Any parent or legal guardian who did
not consent to guarantee or otherwise ensure
performance of the obligation mentioned in
subsection (2) of this section may be enforced
in any action or proceeding against such person
insofar as the issue of age is concerned,
without the consent thereto of the parent or
guardian of such person. Such person may
not disaffirm the obligation because of age
nor may such person interpose in any action
or proceeding arising out of the educational
loan the defense that the borrower is, or was,
at the time of making or executing the obli-
gation, a minor.
}

348.090 Loans guaranteed by state agency; payment of interest. In addition to and not in lieu of student loans authorized pursuant to ORS 348.040 to 348.070, the Department of State Lands may make loans to students who are Oregon residents if the loans are guaranteed by a state agency. The terms, conditions and rates of interest of such loans may be determined by the department so as to take advantage of any federal statute providing for full or partial payment of interest on such loans. [1967 c.477 §4]

348.095 Reimbursement by commission for default losses. From funds available therefor, the Oregon Student Assistance Commission shall reimburse the Department of State Lands for any loss resulting from default of a student loan under ORS 348.040 to 348.070. Funds appropriated under ORS 348.050 to pay interest to the department on loans to medical, dental and veterinary students shall also be available to reimburse the department for any loss resulting from default of a student loan under ORS 348.040 to 348.070. [1977 c.762 §10; 1987 c.130 §1]

348.105 Loan obligations enforceable against minor. (1) As used in this section:
(a) “Educational institution” means any post-secondary educational institution that is approved or accredited by the Northwest Association of Schools and Colleges, by its regional equivalent or by the appropriate official, department or agency of the state or nation in which the institution is located, and that is:
(A) A four-year college or university;
(B) A junior college or community college;
(C) A technical, professional or career school.
(b) “Educational loan” means a loan or other aid or assistance for the purpose of furthering the obligor’s education at an educational institution.
(c) “Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) Notwithstanding any other provision of law, any written obligation made by any minor in consideration of an educational loan received by the minor from any person shall be as valid and binding as if the minor had, at the time of making and executing the obligation, attained the age of majority, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

(3) Any obligation mentioned in subsection (2) of this section may be enforced in any action or proceeding against such person in the name of the person and shall be valid, insofar as the issue of age is concerned, without the consent thereto of the parent or guardian of such person. Such person may not disaffirm the obligation because of age nor may such person interpose in any action or proceeding arising out of the educational loan the defense that the borrower is, or was, at the time of making or executing the obligation, a minor.

(4) Any parent or legal guardian who did not consent to guarantee or otherwise ensure performance of the obligation mentioned in subsection (2) of this section may be enforced in any action or proceeding against such person insofar as the issue of age is concerned, without the consent thereto of the parent or guardian of such person. Such person may not disaffirm the obligation because of age nor may such person interpose in any action or proceeding arising out of the educational loan the defense that the borrower is, or was, at the time of making or executing the obligation, a minor.
(a) A resident employed in the health care field at the time of application; and
(b) A resident who agrees to practice in an area where there is a critical shortage of nurses, as determined annually by the Oregon State Board of Nursing in consultation with the Office of Rural Health.

(4) The resident receiving a loan under this section must agree to practice nursing at least half-time in an area described in subsection (3)(b) of this section or in an area of specialty that is underserved for one calendar year for which the loan is received. If the resident does not fulfill the practice requirement within five years of graduation, the amount received shall be considered a loan, repayable as provided in ORS 348.117, for each year for which the practice requirement is not met.


348.117 Repayment of loans for nursing program; grounds for deferral. (1) Student borrowers under ORS 348.115 shall be required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (5) of this section.

(2) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student’s completion of the nursing program or other termination of the student’s education.

(3) Repayment of loans shall be deferred upon application therefor for up to three years during which:

(a) The student borrower is enrolled as at least a half-time student in a subsequent nursing program leading to a nursing degree higher than that attained in the initial program; or

(b) The student borrower shows inability to locate suitable employment.

(4) Repayment commences under the usual terms if the student borrower ceases to be employed as a nurse in this state before completing the practice requirements set forth in ORS 348.115 (4).

(5) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this subsection is intended to prevent repayment without penalty at an earlier date than provided in this subsection or to prohibit the Oregon Student Assistance Commission from extending the repayment period to a date other than specified by this subsection.

(6) A student who borrows under ORS 348.115 shall have 100 percent of principal and accrued interest on loans under this section, ORS 348.115, 353.450, 442.470, 442.520, 442.550 to 442.570 and 656.256 canceled if it can be documented that, within five years of graduation:

(a) The student has completed one calendar year of full-time employment as a nurse in the State of Oregon for each academic year in which a loan was received; or

(b) The student has completed two calendar years of half-time employment as a nurse in the State of Oregon for each academic year in which a loan was received.

(7) A student who borrows under this section, ORS 348.115, 353.450, 442.470, 442.520, 442.550 to 442.570 and 656.256 and completes at least one calendar year of the practice obligation described in subsection (6) of this section shall have the amount of principal and accrued interest on loans under this section, ORS 348.115, 353.450, 442.470, 442.520, 442.550 to 442.570 and 656.256 canceled for each calendar year of qualifying practice that is:

(a) For full-time practice, equal to the principal and accrued interest on the loan borrowed for the comparable academic year of award; or

(b) For half-time practice, equal to half of the principal and accrued interest on the loan borrowed for the comparable academic year of the award.

(8) Repayment of any remaining principal and interest shall be waived upon the death or total and permanent disability of the student borrower. [1991 c.947 §17; 2001 c.599 §5]


348.120 [1987 c.896 §§24, 28; 1993 c.45 §283; renumbered 329.757 in 1993]

348.125 [1987 c.896 §25; 1991 c.67 §89; 1993 c.45 §284; renumbered 329.755 in 1993]

348.130 [1987 c.896 §26; 1989 c.159 §1; renumbered 329.775 in 1993]

348.135 [1987 c.896 §27; 1993 c.45 §285; renumbered 329.780 in 1993]

SCHOLARSHIPS AND GRANTS

348.180 Definitions. As used in this section and ORS 348.183, 348.186, 348.230, 348.250 and 348.260:

(1) “Cost of education” includes but is not limited to, tuition, fees and living expenses.

(2) “Eligible post-secondary institution” means:

(a) A state institution under the direction of the State Board of Higher Education;

(b) A community college operated under ORS chapter 341;
(c) The Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, not-for-profit institution of higher education.

(3) “Financial need” means that the financial capacity of both the student and the student’s family to contribute to the cost of the student’s education is not adequate to meet the total cost of education for any term, according to a system of need analysis approved by the Oregon Student Assistance Commission.

(4) “Qualified student” means any resident student who plans to attend an eligible post-secondary institution and who:

(a) Has not achieved a baccalaureate or higher degree from any post-secondary institution;

(b) Is enrolled in an eligible program as defined by rule of the Oregon Student Assistance Commission; and

(c) Is making satisfactory academic progress as defined by rule of the Oregon Student Assistance Commission. [1999 c.1070 §3; 2001 c.321 §1]

348.183 Legislative intent. (1) The Legislative Assembly recognizes:

(a) That an investment in educational opportunities for all Oregonians is an investment in a strong and stable economy and greater personal opportunities;

(b) That the single largest barrier to attending an institution of higher education is lack of finances;

(c) The broad and diverse range of quality post-secondary educational services provided by Oregon’s institutions of higher education, including Oregon’s community colleges, state institutions and independent not-for-profit institutions of higher education; and

(d) The positive effects on Oregon’s citizens, families and economy of encouraging talented and hardworking students to stay in Oregon to pursue a post-secondary education.

(2) It is the intent of the Legislative Assembly to:

(a) Empower students who have achieved a Certificate of Initial Mastery with the ability to attend an Oregon institution of higher education; and

(b) Reward all Oregon students who have achieved a Certificate of Initial Mastery or a comparable level of academic merit in Oregon schools with the opportunity and the necessary funding to attend an Oregon institution of higher education. [1999 c.1070 §2]

348.186 Oregon Achievement Grant; qualifications; renewal. (1) In addition to any other form of student financial aid authorized by law, the Oregon Student Assistance Commission shall award, to the extent funds are made available, an Oregon Achievement Grant to any qualified student who:

(a) Commences at least half-time study toward a degree at the eligible post-secondary institution within three years of high school graduation; and

(b) Has received a Certificate of Initial Mastery or, while a resident of Oregon, has scored at or above a level on a nationally recognized college admissions test as determined by the Oregon Student Assistance Commission.

(2) Any qualified student receiving an Oregon Achievement Grant under subsection (1) of this section must use the grant for the purpose of study in an eligible program, as defined by rule of the Oregon Student Assistance Commission, at an eligible post-secondary institution.

(3) The Oregon Student Assistance Commission may not award an Oregon Achievement Grant to a qualified student who is enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

(4) Each Oregon Achievement Grant shall be renewed yearly provided that the recipient has maintained satisfactory progress toward a first associate or baccalaureate degree as determined by the Oregon Student Assistance Commission.

(5) Notwithstanding subsection (4) of this section, no Oregon Achievement Grant shall be renewed after a qualified student has reached the number of credit hours required to graduate with a baccalaureate degree at the institution the student is attending. [1999 c.1070 §4; 2001 c.321 §2]

348.205 Oregon Opportunity Grant program. It is the intention of the Legislative Assembly to establish the Oregon Opportunity Grant program. Oregon Opportunity Grants awarded under this program shall be a uniform percentage of the student’s financial need as determined in ORS 348.260 (1)(b). [1971 c.735 §1; 1999 c.1070 §8; 2001 c.321 §8]

348.210 Scholarships at Eastern Oregon University; scholarships for certain foreign students. (1) In addition to any other scholarships provided by law, the Oregon Student Assistance Commission may award scholarships at Eastern Oregon University to resident undergraduate students applying for enrollment in the university or who are pursuing courses therein. The
number of students who receive scholarships under this subsection may not exceed two and one-half percent of the number of students who are enrolled at the university. The scholarships shall be awarded upon the basis of a record of high intellectual standing and deportment in the school or institution where the applicant has received or is receiving preparatory training, the necessity for financial assistance and other qualifications of such nature that the awarding of scholarships will operate not only to the advantage of the applicant but to the people of Oregon. A scholarship awarded under this subsection may not exceed in value the amount of the tuition and other fees, including the fees that are levied against the recipient of the scholarship by the State Board of Higher Education at the university.

(2) The commission may award tuition and fee-exempting scholarships to students from foreign nations who are enrolled in state institutions of higher education. A student may not receive a scholarship under this subsection that exceeds the amount of tuition and fees owed by the student.

(3) The value of scholarships awarded each year under subsection (2) of this section may not exceed in aggregate an amount equal to 10 percent of the amount of tuition and fees paid in the preceding year to the Department of Higher Education by students enrolled in state institutions of higher education who were not Oregon residents. [Formerly 351.120 and then 351.605; 1967 c.530 §6; 1971 c.735 §§; 1973 c.721 §1; 1997 c.11 §8; 2005 c.22 §245]

348.220 [Formerly 351.610; 1967 c.530 §7; repealed by 1971 c.735 §10]

348.230 Scholastic grants at post-secondary institutions; qualified applicants; renewals. (1) In addition to any other financial aid provided by law, the Oregon Student Assistance Commission may award to qualified residents of this state scholastic grants in any eligible post-secondary institution.

(2) A qualified applicant is one who has an achievement of high intellectual standing and deportment in the school or institution on the records of which the application is based, and who demonstrates, to the satisfaction of the commission, that the applicant has superior capacity to profit by post-high-school education.

(3) If the recipient of a grant under this section meets the standards for renewal of that grant, the grant may be renewed, upon application of the recipient, until the recipient has received a total of four undergraduate years under this section or until the recipient has completed an undergraduate course of study, whichever is less.

(4) Nothing in subsection (3) of this section shall be construed to mean that the commission may not increase or reduce the amount of the grant upon application for renewal.

(5) No grant shall be made to any student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education. [Formerly 351.620; 1971 c.735 §§; 1973 c.721 §2; 1977 c.725 §8; 1989 c.345 §1; 2001 c.321 §3]

348.240 [Formerly 351.625; repealed by 1971 c.735 §10]

348.250 Procedure for awarding grants under ORS 348.230 and 348.260. (1) Grants established under ORS 348.230 and 348.260 shall be awarded by the Oregon Student Assistance Commission in the manner provided in this section.

(2) Persons interested in obtaining a grant established under ORS 348.230 and 348.260 may apply to the commission for a grant.

(3) The commission shall screen or cause to be screened the applications and shall determine for each available grant the person best qualified to receive that grant. A qualified applicant is eligible to receive a grant established under ORS 348.230 and 348.260 if:

(a) The applicant’s financial need is such that in the opinion of the commission financial aid is warranted; and

(b) The applicant plans to be a student at the eligible post-secondary institution where the grant is to be used.

(4) The commission shall not discriminate for or against any applicant for a grant.

(5) Nothing in ORS 348.210 to 348.260, 348.505 to 348.615, 348.696 and 348.992 shall be construed to require any institution to admit a grant recipient or to attempt to control or influence the policies of the institution.

(6) Whenever funds are not available to award grants to all qualified students, the commission shall give priority to applicants who are or plan to be full-time students at the eligible post-secondary institution where the grant is to be used. A student shall be considered to be a full-time student if the combination of credit hours at more than one eligible post-secondary institution equals full-time attendance, according to the institution disbursing the grant funds.

(7) As used in this section, “discriminate” has the meaning given “discrimination” in ORS 659.850. [Formerly 351.630; 1973 c.721 §3; 1997 c.11 §8; 2005 c.22 §245]

348.260 Oregon Opportunity Grant qualifications and amount; renewal. (1)(a) In addition to any other form of student financial aid authorized by law, the Oregon Student Assistance Commission may award
Oregon Opportunity Grants, to the extent funds are made available, to qualified students who have financial need.

(b) Eligibility, financial need and the amount of an Oregon Opportunity Grant shall be determined annually by the Oregon Student Assistance Commission in consultation with representatives from the educational sectors. In determining these factors, the Oregon Student Assistance Commission shall take into consideration available state funds, available federal funds, the cost of education at the eligible post-secondary institutions and the family’s ability to contribute.

(c) Grant funds necessary to meet matching requirements for federal funds under the Leveraging Educational Assistance Partnership Program and Special Leveraging Educational Assistance Partnership Program of the United States Department of Education may also be used to award grants to qualified students in any eligible post-secondary institution approved by the Oregon Student Assistance Commission.

(2) Oregon Opportunity Grants may be awarded under this section to qualified students enrolled for any term, including summer term.

(3) If a qualified student receiving an Oregon Opportunity Grant under this section meets the standards for renewal of the grant, the grant may be renewed upon application until the qualified student has received the total of four undergraduate years of study in an eligible program as defined by the Oregon Student Assistance Commission.

(4) A qualified student who receives an Oregon Opportunity Grant under this section must attend the institution, college or school upon which the grant application is based unless the Oregon Student Assistance Commission authorizes the grant to be used at a different institution, college or school. A qualified student who receives a grant under this section may attend more than one institution, college or school if the grant application was based on the qualified student attending more than one institution, college or school.

(5) No Oregon Opportunity Grant shall be made to any qualified student enrolled in a course of study required for and leading to a degree in theology, divinity or religious education.

(6) No Oregon Opportunity Grant awarded under this section shall exceed 50 percent of the qualified student’s financial need as determined by the Oregon Student Assistance Commission. [1971 c.735 §4; 1973 c.721 §4; 1977 c.725 §5; 1987 c.175 §1; 1998 c.845 §2; 1993 c.820 §1; 1997 c.203 §2; 1999 c.1070 §11; 2001 c.321 §§5,6]

348.265 Grants for students of Oregon Health and Science University. (1) In addition to any other form of student financial aid authorized by law, the Oregon Student Assistance Commission may award grants to qualified residents of this state who are enrolled in the professional medical, nursing or dental programs at the Oregon Health and Science University.

(2) A qualified applicant for a grant under this section is one who plans to attend the Oregon Health and Science University but whose financial capacity and that of the applicant’s family to contribute to the educational costs are not adequate to meet such costs, as determined by the Oregon Student Assistance Commission.

(3) Grants may be received by a student each year of attendance depending on the continuing need of the student for such grant.

(4) No grant awarded under this section shall exceed the amount of the difference between the award year tuition and fees assessed and the tuition and fees assessed for that program in the academic year 1976-1977. [1977 c.762 §9; 1989 c.845 §4]

348.270 Scholarships for children of deceased or disabled public safety officer and former foster children. (1) In addition to any other scholarships provided by law, the Oregon Student Assistance Commission shall award scholarships in any state institution under the State Board of Higher Education, in the Oregon Health and Science University, in any community college operated under ORS chapter 341, or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is:

(a) The natural, adopted or stepchild of any public safety officer who, in line of duty, was killed or so disabled, as determined by the Oregon Student Assistance Commission, that the income of the disabled public safety officer is less than that earned by public safety officers performing duties comparable to those performed at the highest rank or grade attained by the disabled parent; or

(b) A former foster child who enrolls in an institution of higher education as an undergraduate student not later than three years from the date the student was removed from the care of the Department of Human Services, the date the student graduated from high school or the date the student received the equivalent of a high school diploma, whichever date is earliest.

(2) Scholarships awarded under this section to students who are dependents of public safety officers or who are former foster chil-
children shall equal the amount of tuition and all fees levied by the institution against the recipient of the scholarship. However, scholarships awarded to students who attend independent institutions shall not exceed the amount of tuition and all fees levied by the University of Oregon.

(3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a state institution of higher education or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of post-graduate education.

(4) If the student who is the dependent of a disabled public safety officer or who is a former foster child continues to remain enrolled in a state institution of higher education or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

(5) The Oregon Student Assistance Commission may require proof of the student’s relationship to a deceased or disabled public safety officer described in subsection (1) of this section or proof that the student is a former foster child.

(6) As used in this section:

(a) “Former foster child” means an individual who, for a total of 12 or more months while between the ages of 16 and 21, was a ward of the court pursuant to ORS 419B.100 (1)(b) to (e) and in the legal custody of the Department of Human Services for out-of-home placement.

(b) “Public safety officer” means:

(A) A firefighter or police officer as those terms are defined in ORS 237.610.

(B) A member of the Oregon State Police.

[1973 c.784 §1; 1977 c.725 §6; 1995 c.162 §70; 1997 c.515 §1; 2001 c.730 §1]

348.280 Determination of eligibility for scholarships under ORS 348.270; rules. The Oregon Student Assistance Commission shall:

(1) Determine which students are eligible beneficiaries.

(2) Grant the appropriate scholarships under ORS 348.270.

(3) Make necessary rules for application and distribution of the benefits available under ORS 348.270 and this section.

(4) Establish rules and procedures necessary to carry out the provisions of ORS 348.270 and this section, including but not limited to the usual and customary rules for analyzing financial need.

(5) In awarding scholarships pursuant to its authority under ORS 348.520, the Oregon Student Assistance Commission shall give priority to students who are eligible for scholarships under ORS 348.270. [1973 c.784 §§2, 3; 1997 c.515 §2]

348.282 Definitions for ORS 348.283. As used in this section and ORS 348.283:

(1) “Armed Forces of the United States” means:

(a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

(b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

(c) The Oregon National Guard and a National Guard of any other state or territory.

(2) “Public post-secondary institution” means:

(a) A state institution under the direction of the State Board of Higher Education; and

(b) A community college operated under ORS chapter 341.

(3) “Veteran” means a person who served on active duty with the Armed Forces of the United States and was discharged or released from active duty with other than a dishonorable discharge. [2005 c.831 §8]

Note: 348.282 and 348.283 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

348.283 Oregon Troops to Teachers program; rules. (1) There is established within the Oregon Student Assistance Commission the Oregon Troops to Teachers program. Through the program, the commission shall pay for all of the resident tuition charges of a veteran imposed by a public post-secondary institution, provided the veteran:

(a) Was discharged from the Armed Forces of the United States;

(b) Is a resident of Oregon; and

(c) Agrees to teach:

(A) In an Oregon school district or public charter school classified as serving a high poverty area for not less than three years; or

(B) In the area of mathematics, science or special education for not less than four years.

(2) An award under subsection (1) of this section shall be used for the purpose of paying resident tuition. The commission may not award funds under subsection (1) of this sec-
tion for the purpose of paying for books, supplies, housing, food or any other costs associated with attending a public post-secondary institution.

(3) The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Department of Education and the Department of Higher Education. [2005 c.831 §9]

Note: See note under 348.282.

348.290 Financial aid to study barbersing, hairdressing, manicure and esthetics. The Oregon Student Assistance Commission shall apply the interest on the amount transferred to the Oregon Student Assistance Fund under section 4, chapter 704, Oregon Laws 1985, to provide financial aid, as defined in ORS 348.505, to students to study barbersing, hairdressing, manicure and esthetics at eligible post-secondary schools.

[1985 c.377 §3; 1987 c.31 §19; 2005 c.117 §13]

Note: Legislative Counsel has substituted “Oregon Student Assistance Fund” for “State Scholarship Commission Fund” in 348.290 pursuant to section 4, chapter 704, Oregon Laws 1985.

348.300 [1973 c.791 §1; repealed by 1977 c.725 §8]

348.305 [1969 c.624 §1; repealed by 1971 c.735 §10]

RURAL MEDICAL EDUCATION LOANS

348.310 Loans for medical study; rules. (1) The Oregon Student Assistance Commission is authorized to make loans to all qualified applicants, from the fund created in ORS 348.390 (1), to assist in financing the cost of a program of study leading to the degree of Doctor of Medicine or to the degree of Doctor of Osteopathic Medicine.

(2) The Oregon Student Assistance Commission shall:

(a) Develop criteria for the preparation of applications and procedures for the submission, evaluation, priority selection and award of loans provided for in ORS 348.310 to 348.390;

(b) Determine the number and amount of loans and loan renewals; and

(c) Adopt such rules as may be necessary to implement ORS 348.310 to 348.390. [1979 c.532 §2]

348.315 [1969 c.624 §2; repealed by 1971 c.735 §10]

348.320 Eligibility for loans; application; written agreement. (1) A person shall be eligible for a loan under ORS 348.310 to 348.390 if the person is:

(a) A bona fide resident of this state;

(b) Accepted for enrollment, or is a student in good standing in the professional medical program at an accredited medical school located in the United States or in an accredited school of osteopathic medicine;

(c) As a result of personal financial resources, unable to pursue a program of study in the absence of a loan or would be unable to do so without great hardship; and

(d) Desirous of practicing medicine in a rural community in this state, and in an area which meets the qualifications of a medical shortage area.

(2) The person desiring consideration for a loan under ORS 348.310 to 348.390 shall apply to the Oregon Student Assistance Commission.

(3) The person desiring consideration for a loan under ORS 348.310 to 348.390 shall agree in writing to practice medicine in a rural community in the state having a population of fewer than 7,500 persons. Participation in such a program shall be on a cost-sharing basis between the Rural Medical Education Loan Fund and the approved community agency and shall fund the educational costs, fees and charges of a specific, eligible student, who shall be approved by the participating community and the Oregon Student Assistance Commission.

(2) Funds provided from the Rural Medical Education Loan Fund under subsection (1) of this section shall not exceed 75 percent of the total amount calculated to be necessary to fund one person for one year, in an approved school as determined by the Oregon Student Assistance Commission.

(3) The eligibility requirements for persons participating in the program established in subsection (1) of this section shall be the
same as the requirements for eligibility in the loan program under ORS 348.320.

(4) Upon completion of the program of study and training for licensure, the person receiving funds under this section shall not be required to repay such funds if the person practices medicine in the community providing the matching funds. The person shall practice medicine one year for each year that funds were provided, but in no event shall the person practice less than two years. [1979 c.532 §8]

348.345 [1969 c.624 §5; repealed by 1971 c.735 §10]

348.350 Cost-sharing hospital loan fund program; limitation; admission to family practice programs. (1) The Oregon Student Assistance Commission is authorized to establish and administer a cost-sharing program to train intern and residency physicians as may be arranged by contract with an accredited training hospital within this state. The cost sharing shall be limited to general practice internships and family practice residencies. The commission may pay up to $18,000 to an institution for each intern or resident position which is reserved for training students who are planning to enter medical practice in rural areas.

(2) Funds for programs established under subsection (1) of this section shall be paid from the Rural Medical Education Loan Fund.

(3) No money appropriated under this section shall be used for any program at the Oregon Health and Science University. The center shall be required to give priority admissions to recipients under ORS 348.310 to 348.390 in its family practice residency programs. [1979 c.532 §10]

348.355 [1969 c.624 §6; repealed by 1971 c.735 §10]

348.360 Renewal of loans. Each loan granted under ORS 348.330 and 348.340 is renewable annually. The Oregon Student Assistance Commission shall renew the loans upon application by the recipient when the commission finds that the applicant has successfully completed the required work for the preceding academic year and is a student in good standing, is a resident of this state and is in a financial condition that warrants the continuation of such aid. [1979 c.532 §6]

348.365 [1969 c.624 §8; repealed by 1971 c.735 §10]

348.370 Repayment of loans; interest; conditions; exemption. (1) Persons receiving funds under ORS 348.310 to 348.390 shall not be required to repay the funds if the person practices medicine in a rural community in this state having a population of fewer than 7,500 persons and which meets the qualifications of a medical shortage area.

(2) The fund recipient shall practice medicine in the area designated under subsection (1) of this section at the rate of one year for each year the funds were provided to that recipient, but in no event shall any recipient practice medicine in an area less than two years.

(3) Any person receiving funds under ORS 348.310 to 348.390 who fails to complete the course of study, shall be required to repay the amount received to the Rural Medical Education Loan Fund. Ten percent interest shall be charged on the unpaid balance, accrued from the date the loan was granted. Additionally, a penalty fee, equal to 25 percent of the total amount of funds received shall be assessed against the person. No interest shall accrue on the penalty.

(4) Any person receiving funds under ORS 348.310 to 348.390 who completes the course of study and requirements for licensure but fails to fulfill the obligations required by the loan, shall repay the amount received to the Rural Medical Education Loan Fund. Ten percent interest shall be charged on the unpaid balance, accrued from the date the loan was granted. Additionally, a penalty fee, equal to 25 percent of the total amount of funds received shall be assessed against the person. No interest shall accrue on the penalty.

(5) Any funds received by the Rural Medical Education Loan Fund under subsections (3) to (6) of this section shall be used by the Oregon Student Assistance Commission for the purpose of carrying out the provisions of ORS 348.310 to 348.390.

(6) The Oregon Student Assistance Commission may waive any interest or penalty assessed under subsections (3) to (6) of this section in case of undue hardship. [1979 c.532 §7,9]

348.375 [1969 c.624 §9; repealed by 1971 c.735 §10]

348.380 [1979 c.532 §3; 1987 c.660 §18; repealed by 1993 c.742 §34]

348.390 Rural Medical Education Loan Fund; sources; use. (1) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Rural Medical Education Loan Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund may receive funds from state and private sources for the purpose of making loans to student residents of this state who are determined to be eligible to receive funds under ORS 348.310 to 348.390. Interest earned by the fund shall be credited to the fund.

(2) All funds for and relating to loans received by the Oregon Student Assistance Commission, including repayments, interest and penalties, for the Rural Medical Education Loan Fund, except moneys appropriated from the State Treasury for a specified period of time, are continuously appropriated to the Rural Medical Education Loan Fund
for the purposes for which the fund was created. [1979 c.532 §§1,12; 1989 c.966 §31]

STUDENT LOAN DEFAULT

348.393 Declaration of default; notice; suspension of certificate or license. (1) The Oregon Student Assistance Commission may declare that a person is in default in repayment on a student loan guaranteed or insured by the Oregon Student Assistance Commission if the person is not paying in a satisfactory manner according to the repayment requirements of the United States Department of Education.

(2) The Oregon Student Assistance Commission shall notify any state agency, board or commission, including the Oregon State Bar, that has the power to issue and renew any license, certification or registration necessary to practice any profession or engage in any trade or calling that a person is in default in repayment of a student loan as determined under subsection (1) of this section if the commission has established a process for conducting database matches and notification procedures with the entity under ORS 348.395.

(3) Any entity notified under subsection (2) of this section shall not issue or renew or suspend a certificate or license or shall place the person on probation. Once so notified, no further administrative review or contested case proceeding within or by the issuing entity is required. [1995 c.179 §2]

348.395 Agreements to design and implement database matches and notification procedures. The Oregon Student Assistance Commission shall identify which entities referred to in ORS 348.393 it is feasible to enter into an agreement with to design and implement a process for conducting database matches and notification procedures for the purpose of complying with ORS 348.393. Any entity so identified by the commission shall enter into an agreement with the commission. [1995 c.179 §4]

348.397 Notices to borrower; challenging default status; notice to entities. (1) Upon purchase of a default claim loan from the lender, the Oregon Student Assistance Commission shall notify the defaulted student loan borrower in writing that failure to pay satisfactorily as determined under ORS 348.393 (1) may result in a refusal to issue or renew, a suspension or a placement on probation by any entity referred to in ORS 348.393. The notice shall provide the defaulted student loan borrower with an administrative process to challenge the default status of any loan and an opportunity to object to the collection of the debt according to the provisions of 34 C.F.R. 30.20 to 30.33 and 34 C.F.R. 682.410.

(2) If, after the initial notification, the borrower fails to enter into a repayment plan and repay satisfactorily, the Oregon Student Assistance Commission shall inform the borrower in writing on a regular basis for no less than 180 days of the consequences of failing to repay a student loan. The final notification letter shall allow the borrower 30 additional days to perform by paying or curing the amount delinquent, paying the balance in full or submitting an acceptable repayment plan to the commission through a debt consolidating agency registered pursuant to ORS 697.602 to 697.842 to avoid being reported to any entity referred to in ORS 348.393. If the borrower has not performed by the end of the final 30-day period, the Oregon Student Assistance Commission shall notify those entities with whom it has established a process for conducting database matches and notification procedures under ORS 348.395 that the person is in default in repayment and is not paying in a satisfactory manner as determined under ORS 348.393 (1). [1995 c.179 §§; 1997 c.174 §1]

348.399 Prompt notice required if borrower no longer in default status; reinstatement of certificate or license. The Oregon Student Assistance Commission shall promptly notify any entity referred to in ORS 348.393 when a formerly reported student loan borrower is no longer in default status due to repayment in full, loan rehabilitation or some other action that discharges the borrower of responsibility for repayment or when the borrower achieves satisfactory repayment status as determined under ORS 348.397 (2). The issuing entity shall issue or reinstate the certificate or license of the student loan borrower within 30 days contingent upon the requirements of the entity. [1995 c.179 §7; 1997 c.174 §2]

VOLUNTEERS IN SERVICE TO OREGON VOUCHERS

348.405 Definitions for ORS 348.405 to 348.425. As used in ORS 348.405 to 348.425:

(1) “Commission” means the Oregon Student Assistance Commission.

(2) “Eligible institution” means any educational institution in Oregon certified as an eligible institution for student aid programs under Title IV, Part B, of the Higher Education Act of 1965 as amended, but only for undergraduate programs.

(3) “Eligible voucher recipient” means any Oregon resident who:

(a) Is 14 to 19 years of age, inclusive;

(b) Completes community service work in human interaction activities within a non-
profit social service agency whose nonprofit status is verified; and

(c) Is enrolled in or plans to enroll in an eligible institution.

(4) “Human interaction activities” means activities of social service agencies similar to, but not limited to, the provision of literacy education, family or parenting counseling, peer arbitration, victim advocacy, emergency hotline services, tutoring and mentoring, and assistance in Head Start programs with emphasis on programs aimed at drug-free teenagers.

(5) “VISTO” means Volunteers in Service to Oregon. [1989 c.227 §2; 1993 c.322 §1; 1999 c.704 §11]

348.410 Volunteers in Service to Oregon voucher program. To encourage community service volunteerism among Oregon’s youth 14 to 19 years of age inclusive, there is established a post-secondary education voucher program within the Oregon Student Assistance Commission that shall be known as Volunteers in Service to Oregon. [1989 c.227 §1; 1993 c.322 §2; 1999 c.704 §12]

348.415 Award of vouchers to eligible students; voucher characteristics; funds not personal income; when available; rules. (1) In addition to any other student assistance provided by law, the Oregon Student Assistance Commission shall award vouchers to eligible students participating in the VISTO program.

(2) The total of all vouchers earned by a VISTO volunteer under this section in any calendar year shall not exceed the amount equal to the average tuition and all fees charged annually by institutions under the State Board of Higher Education.

(3) Vouchers shall be provided in $30 denominations and shall be awarded to a VISTO volunteer for each eight hours of eligible volunteer service.

(4) Any voucher awarded under the VISTO program shall expire on the 24th anniversary of the birthdate of the volunteer.

(5) The Oregon Student Assistance Commission shall:

(a) Provide vouchers to eligible community service organizations.

(b) Determine which community service organization and service within the programs of such organization are eligible for participation in the VISTO program.

(c) Determine which volunteers are eligible.

(d) Provide payment for vouchers presented by VISTO volunteers at eligible institutions.

(e) Establish procedures necessary to carry out the provisions of ORS 348.405 to 348.425.

(f) Adopt necessary rules for the program established by ORS 348.405 to 348.425.

(6) The funds received in redemption of the vouchers granted pursuant to ORS 348.405 to 348.425 shall not be considered personal income for the purposes of ORS 316.037.

(7) The vouchers authorized by ORS 348.405 to 348.425 shall first become available when funds are available therefor from sources other than the General Fund, as determined by the Oregon Student Assistance Commission. [1989 c.227 §§3,4,8; 1993 c.322 §3]

348.420 VISTO Fund; sources; uses; limit on administrative expenditures. (1) There is established in the State Treasury, separate and distinct from the General Fund, a fund to be known as the VISTO Fund which may be invested in the same manner as the Oregon Student Assistance Fund. The fund shall receive moneys from federal, state or private sources for the purpose of providing payments for redemption of VISTO vouchers, the administration of the VISTO program and grants made under ORS 348.260. The fund, including the interest earning thereon, if any, is continuously appropriated to the Oregon Student Assistance Commission for those purposes for which such funds were provided to, received or collected by the commission.

(2) No more than five percent of the funds available under subsection (1) of this section shall be used by the state for the administrative expenditures of the program established by ORS 348.405 to 348.425. Administrative expenditures do not include premiums paid for workers’ compensation benefits.

(3) A county may use an amount not to exceed four percent of its allocation to meet its expenses in administering the program.

(4) The first priority of funds available under the program authorized by ORS 348.405 to 348.425 shall be for redemption of VISTO vouchers and the administration of the VISTO program. After meeting the demands for expenditures and fund reserves, excess funds may be used to supplement grants made under ORS 348.260. [1989 c.227 §§5, 7, 9; 1993 c.322 §4]

348.425 Report. The Oregon Student Assistance Commission shall report to the Legislative Assembly biennially on the progress of the VISTO program by submitting a report to the President of the Senate and the Speaker of the House of Representatives who shall refer the report to the appropriate sub-
COMMUNITY SERVICE VOUCHER PROGRAM

348.427 Voucher program established; amount; recipient eligibility. (1) To encourage community service participation among students in institutions of higher education, there is established a higher education community service voucher program within the Oregon Student Assistance Commission. The commission shall allocate the amount available to it for the purposes under ORS 348.427 to 348.436 by awarding the institution’s share of the amount to each institution of higher education in this state that is eligible for or whose students are eligible for financial aid under Title IV, Part B, of the Higher Education Act of 1965 as amended. The institution’s share shall be based on the proportion of its enrollment of full-time students to the enrollment of full-time students in all institutions of higher education in this state.

(2) An institution of higher education in this state that receives an amount under subsection (1) of this section shall award amounts from the institution’s share to various academic departments in the institution. Vouchers awarded to eligible voucher recipients shall be in $35 denominations for each eight hours of eligible community service. Priority shall be given to otherwise eligible applicants who have applied previously but not been awarded a place in the voucher program.

(3) In order to be eligible, a voucher recipient must perform approved services for at least 20 hours per week in one term for a state or local government entity or a nonprofit social service agency recognized as tax-exempt under section 501(c)(3) of the Internal Revenue Code of 1986. However, a voucher recipient shall not be assigned duties that are performed by a public employee if the assignment would displace the public employee. A voucher recipient may be assigned by the institution to assist in maintaining the program authorized by ORS 348.427 to 348.436.

(4) A voucher recipient is eligible for the voucher awards for only one term as an undergraduate student. In addition to the vouchers, the recipient shall receive graded academic credit to be determined by the institution. However, participation in the program does not replace any practicum or internship required for a degree. [1993 c.765 §40; 1999 c.704 §13]

348.429 Voucher amount limited; Oregon Student Assistance Commission duties; vouchers not personal income; rules.

(1) In addition to any other student assistance provided by the law, the Oregon Student Assistance Commission shall award vouchers to eligible students participating in the program.

(2) The total of all vouchers earned by a student under this section in one term shall not exceed an amount equal to the average tuition and associated fees charged annually to full-time resident undergraduate students by institutions under the jurisdiction of the State Board of Higher Education.

(3) Vouchers shall be provided in $35 denominations for each eight hours of eligible community service.

(4) The commission shall:

(a) Determine and approve which community service organizations and services within the programs of such organizations are eligible for participation in the program.

(b) Accept the students that the institutions consider eligible for vouchers under ORS 348.427 to 348.436.

(c) Provide payment for vouchers presented by the program students at eligible institutions.

(d) Establish procedures necessary to carry out the provisions of ORS 348.427 to 348.436, including adopting necessary rules.

(5) Funds received in redemption of the vouchers granted pursuant to ORS 348.427 to 348.436 shall not be considered personal income for the purposes of ORS 316.037.

(6) The vouchers authorized by ORS 348.427 to 348.436 shall first become available when funds are available therefrom from sources other than the General Fund, as determined by the commission. [1993 c.765 §41]

348.431 Tracking system. Each institution of higher education participating in this program shall develop a tracking system for the program authorized under ORS 348.427 to 348.436. The tracking system shall include, but not be limited to:

(1) The number of eligible students participating in the program;

(2) The number of students applying for participation in the program;

(3) The community service organizations and governmental agencies participating in the program; and

(4) The amount of funds allocated to each academic area under the program. [1993 c.765 §42(1)]

348.433 Limitation on administrative expenditures. (1) No more than five percent of the funds available for purposes of ORS 348.427 to 348.436 shall be used by the state for the administrative expenditures of the program. Administrative expenditures do not
include premiums paid for workers’ compensation benefits.

(2) An institution of higher education may use an amount not to exceed four percent of the funds available under ORS 348.427 to 348.436 to meet its expenses in administering the program. [1993 c.765 §43]

348.436 Community Service Voucher Fund. There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Community Service Voucher Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund may receive moneys from federal, state or private sources for the purpose of providing payment for the redemption of vouchers authorized by ORS 348.427 to 348.436 and for the administration of the community service voucher program. This fund, including the interest earnings thereon, if any, is continuously appropriated to the Oregon Student Assistance Commission for those purposes for which such funds were provided to or received or collected by the commission. [1999 c.243 §2]

348.450 [1978 s.s. c.1 §1; 1995 c.343 §36; renumbered 344.257 in 1995]

348.460 [1978 s.s. c.1 §2; 1995 c.343 §37; renumbered 344.259 in 1995]

COOPERATION BETWEEN OREGON UNIVERSITY SYSTEM AND COMMUNITY COLLEGES

348.470 Legislative findings; cooperation between Oregon University System and community colleges. The Legislative Assembly finds and declares that:

(1) It is the policy of this state to encourage cooperation between the Oregon University System and community colleges on issues affecting students who transfer between the two segments; and

(2) All unnecessary obstacles that restrict student transfer opportunities between the two segments shall be eliminated. [1987 c.375 §1]

OREGON STUDENT ASSISTANCE COMMISSION

(Administration)

348.505 “Commission” and “financial aid” defined. As used in ORS 348.393 to 348.399 and 348.505 to 348.695:

(1) “Commission” means the Oregon Student Assistance Commission.

(2) “Financial aid” includes loans, grants, scholarships, work opportunities and other forms of financial aid to assist students in completing their post-high-school education. [1967 c.430 §2; 1997 c.652 §33; 1999 c.704 §14]

348.510 Oregon Student Assistance Commission; term; vacancy; confirmation; qualifications. (1) There is created an Oregon Student Assistance Commission consisting of seven members, appointed by the Governor.

(2) The term of office of a member of the commission is four years, except that the term for a student member shall be two years, and, after confirmation of the appointment by the Senate, the member shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor to succeed the member whose term is expiring. A successor appointed for a full term shall assume commission member duties on July 1 following the appointment. A member is eligible for reappointment. A student member is limited to reappointment to one two-year term. In case of a vacancy on the commission for any cause, except where the vacancy is caused by the normal expiration of a member’s term, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) The appointment of a member of the commission is subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

(4) Two members of the commission shall be students at institutions of higher education or community colleges in Oregon at the time of appointment, with the duly organized and recognized entities of student government at each institution of higher education or community college submitting the name of one student to the Governor to assist the Governor in making the appointments. Other members of the commission shall be citizens of the state chosen for their knowledge of and interest in education, but these other members shall not be persons employed by any institution of higher education or community college located in the state. [Formerly 351.635; 1967 c.430 §3; 1969 c.695 §5; 1975 c.151 §1; 1977 c.725 §7; 1985 c.565 §61; 1995 c.120 §1; 1999 c.704 §1]

348.520 Duties. The Oregon Student Assistance Commission shall:

(1) Make available to qualified persons financial aid from financial sources available to the commission.

(2) Determine qualifications of persons to receive financial aid.

(3) Maintain reports and records on persons applying for and receiving financial aid from the commission.

(4) Withhold any financial aid if the recipient thereof fails to maintain the standards established for receipt of that aid.
(5) Recommend to the Legislative Assembly not less than once every biennium matters relating to the establishment, administration, modification, transfer, reduction or cancellation of financial aid.

(6) Encourage the establishment of financial aid programs by private agencies.

(7) Collect and disseminate information pertaining to all types of available financial aid.

(8) Review the administrative practices and evaluate the effectiveness of all public and private post-secondary financial aid programs in Oregon.

(9) Disburse state appropriations for financial aid in such a manner as to maximize its role in cooperative coordination of financial aid programs. [Formerly 351.640; 1967 c.430 §4; 1973 c.815 §4; 1977 c.725 §9; 1981 c.209 §1; 1987 c.48 §1; 1995 c.179 §8; 1997 c.652 §35; 2003 c.360 §1]

348.530 Powers; rulemaking authority.
The Oregon Student Assistance Commission may:

(1) Negotiate for and contract with private and governmental agencies for the establishment of financial aid programs.

(2) Receive gifts of any type, including gifts of stock and real property, for the purpose of establishing, continuing and increasing financial aid.

(3) Administer any form of financial aid submitted to and accepted for administration by the commission.

(4) Authorize payment from funds appropriated therefor, of costs, commissions, attorney fees and other reasonable expenses, including refund of overpayment of fees, which are related to and necessary for making and protecting guaranteed loans and recovering moneys and loans and management of property acquired in connection with such loans.

(5) Sue and be sued.

(6) Pursuant to ORS chapter 183, adopt such rules as may be necessary to carry out the provisions of ORS 348.040 to 348.280, 348.393 to 348.399, 348.505 to 348.695 and 348.992.

(7) Cooperatively coordinate all types of financial aid activities.

(8) Establish a State of Oregon scholar program to recognize students with outstanding academic achievement and other demonstrated attributes. The students will not necessarily receive financial aid.

(9) Guarantee loans by eligible lending institutions to students who are enrolled or accepted for enrollment at any eligible institution and parents of those students, under the provisions of the Higher Education Act of 1965 as amended.

(10) Deny financial aid to any student owing a refund or in default on financial aid previously made available to that student.

(11) Establish and implement any program permitted under federal law to guaranty agencies, including administrative garnishment and wage withholding under Public Law 102-164, section 605. [Formerly 351.645; 1967 c.430 §5; 1973 c.721 §5; 1977 c.725 §9; 1981 c.209 §1; 1987 c.48 §1; 1995 c.179 §8; 1997 c.652 §35; 2003 c.360 §1]

Note: The amendments to 348.530 by section 2, chapter 360, Oregon Laws 2003, become operative June 30, 2009, and apply to loans that are disbursed on or after June 30, 2009. See sections 3 and 7, chapter 360, Oregon Laws 2003. The text that is operative on and after June 30, 2009, is set forth for the user’s convenience.

348.530. The Oregon Student Assistance Commission may:

(1) Negotiate for and contract with private and governmental agencies for the establishment of financial aid programs.

(2) Receive gifts of any type, including gifts of stock and real property, for the purpose of establishing, continuing and increasing financial aid.

(3) Administer any form of financial aid submitted to and accepted for administration by the commission.

(4) Authorize payment from funds appropriated therefor, of costs, commissions, attorney fees and other reasonable expenses, including refund of overpayment of fees, which are related to and necessary for making and protecting guaranteed loans and recovering moneys and loans and management of property acquired in connection with such loans.

(5) Sue and be sued.

(6) Pursuant to ORS chapter 183, adopt such rules as may be necessary to carry out the provisions of ORS 348.040 to 348.280, 348.393 to 348.399, 348.505 to 348.695 and 348.992.

(7) Cooperatively coordinate all types of financial aid activities.

(8) Establish a State of Oregon scholar program to recognize students with outstanding academic achievement and other demonstrated attributes. The students will not necessarily receive financial aid.

(9) Guarantee loans by eligible lending institutions to student residents of the State of Oregon who are enrolled or accepted for enrollment at any eligible institution, nonresident students enrolled or accepted for enrollment in an institution of higher education or community college in Oregon, and parents of those students, under the provisions of the Higher Education Act of 1965 as amended.

(10) Deny financial aid to any student owing a refund or in default on financial aid previously made available to that student.

(11) Establish and implement any program permitted under federal law to guaranty agencies, including administrative garnishment and wage withholding under Public Law 102-164, section 605.

Note: Section 8, chapter 360, Oregon Laws 2003, provides:

Sec. 8. Prior to February 15, 2005, the Oregon Student Assistance Commission shall report to the Seventy-third Legislative Assembly, and prior to February 15, 2007, the commission shall report to the Seventy-fourth Legislative Assembly, on the implementation of ORS 348.530 and 348.570 as amended by sections 1 and 4 of this 2003 Act. Each report shall:
(1) Specify the actual revenue and fiscal impacts of guarantying loans to nonresident students who attend eligible post-secondary institutions not located in Oregon; and

(2) Include an evaluation of the effect of the implementation of ORS 348.330 and 348.570 as amended by sections 1 and 4 of this 2003 Act on the commission's ability to serve resident students who attend eligible post-secondary institutions in Oregon. [2003 c.360 §8]

348.540 Officers of commission; quorum; meetings. (1) The Oregon Student Assistance Commission shall select one of its members as chairperson, and another as vice chairperson, for such terms and with such powers and duties necessary for the performance of the functions of such offices as the commission shall determine.

(2) A majority of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at the call of the chairperson or of a majority of the members of the commission. [Formerly 351.650]

348.550 Compensation and expenses of commission members. A member of the Oregon Student Assistance Commission is entitled to compensation and expenses as provided in ORS 292.495. [Formerly 351.655; 1969 c.314 §24]

348.560 Staff; office space. Subject to any applicable provisions of the State Personnel Relations Law, the Oregon Student Assistance Commission may employ and fix the compensation of any employees it deems necessary for the effective conduct of the work under its charge. The commission may also arrange with the Oregon University System for use of staff and office space under the jurisdiction of the Oregon University System. [Formerly 351.660]

348.563 Authority of Oregon Student Assistance Commission to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon Student Assistance Commission may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the commission; or
(b) Provides services or seeks to provide services to the commission as a contractor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person has direct access to facilities where students reside or to persons under 18 years of age, elderly persons or persons with disabilities;

(b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(c) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations; or

(d) That has payroll functions or in which the person has responsibility for receiving, receiving or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state. [2005 c.730 §70]

Note: 348.563 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

348.570 Funds and accounts created. (1) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Oregon Student Assistance Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of the expenses of the Oregon Student Assistance Commission in carrying out the purposes of ORS 348.210 to 348.250, 348.305 to 348.615, 348.696 and 348.992. Interest earned by the fund shall be credited to the fund.

(2) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Student Loan Guarantee Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund shall receive funds from federal, state or private sources for the purpose of guarantying payment of loans made by eligible lending institutions to students who are enrolled or accepted for enrollment at any eligible institution and parents of those students, under the provisions of the Higher Education Act of 1965 as amended and for administrative expenses of guarantying loans. This fund, including the interest earnings on the fund, if any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission.

(3) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Alternative Student Loan Program Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of expenses of the commission in carrying out the purposes of ORS 348.625 to 348.695. This fund, including the interest earnings on the fund, if
any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission.

(4)(a) There is established in the General Fund an account to be known as the Nursing Services Account. Funds in the account shall be used for the payment of expenses of the Nursing Services Program created in ORS 442.540.

(b) The account shall consist of:

(A) Funds appropriated to the Oregon Student Assistance Commission for deposit into the account;
(B) Collections and penalties received by the commission under ORS 442.545; and
(C) Any donations or grants received by the commission for purposes of the Nursing Services Program.

c) Any funds in the account that are not expended in any biennium shall be retained in the account and may be expended in the next biennium.

(5) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Former Foster Youth Scholarship Fund. Moneys received from appropriations, donations and grants shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Student Assistance Commission for the purposes of investment, as provided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.270 (1)(b). Interest earned by the fund shall be credited to the General Fund. Moneys received from appropriations, donations and grants shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Student Assistance Commission for the purposes of investment, as provided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.270 (1)(b). Interest earned by the fund shall be credited to the General Fund.

(b) The account shall consist of:

(A) Funds appropriated to the Oregon Student Assistance Commission for deposit into the account;
(B) Collections and penalties received by the commission under ORS 442.545; and
(C) Any donations or grants received by the commission for purposes of the Nursing Services Program.

c) Any funds in the account that are not expended in any biennium shall be retained in the account and may be expended in the next biennium.

(3) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Alternative Student Loan Program Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of expenses of the commission in carrying out the purposes of ORS 348.695. This fund, including the interest earnings on the fund, if any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission.

(4)(a) There is established in the General Fund an account to be known as the Nursing Services Account. Funds in the account shall be used for the payment of expenses of the Nursing Services Program created in ORS 442.540.

(b) The account shall consist of:

(A) Funds appropriated to the Oregon Student Assistance Commission for deposit into the account;
(B) Collections and penalties received by the commission under ORS 442.545; and
(C) Any donations or grants received by the commission for purposes of the Nursing Services Program.

c) Any funds in the account that are not expended in any biennium shall be retained in the account and may be expended in the next biennium.

(5) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Former Foster Youth Scholarship Fund. Moneys received from appropriations, donations and grants shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Student Assistance Commission for the purposes of investment, as provided by ORS 293.701 to 293.820, and for carrying out the provisions of ORS 348.270 (1)(b). Interest earned by the fund shall be credited to the General Fund.

(b) The account shall consist of:

(A) Funds appropriated to the Oregon Student Assistance Commission for deposit into the account;
(B) Collections and penalties received by the commission under ORS 442.545; and
(C) Any donations or grants received by the commission for purposes of the Nursing Services Program.

c) Any funds in the account that are not expended in any biennium shall be retained in the account and may be expended in the next biennium.

348.575 Crediting of late loan repayments. The amount of any loan payments that are paid after the Oregon Student Assistance Commission has disbursed funds from any guaranty funds under its jurisdiction to reimburse a lending institution which the lender has failed to repay on time shall be credited to the guaranty funds or the Student Loan Guarantee Fund, from which the reimbursement was made. [1969 c.573 §2; 1983 c.639 §1; 1987 c.48 §2; 1987 c.842 §18; 1989 c.966 §22; 1997 c.524 §5; 1999 c.704 §3; 2001 c.599 §6; 2001 c.730 §2; 2003 c.360 §4]

Note: The amendments to 348.570 by section 5, chapter 360, Oregon Laws 2003, become operative June 30, 2009, and apply to loans that are disbursed on or after June 30, 2009. See sections 6 and 7, chapter 360, Oregon Laws 2003. The text that is operative on and after June 30, 2009, is set forth for the user’s convenience.

348.570. (1) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Oregon Student Assistance Fund for investment as provided by ORS 293.701 to 293.820 and for the payment of the expenses of the Oregon Student Assistance Commission in carrying out the purposes of ORS 348.210 to 348.250, 348.505 to 348.615, 348.696 and 348.992. Interest earned by the fund shall be credited to the fund.

(2) There is established in the State Treasury a fund, separate and distinct from the General Fund, to be known as the Student Loan Guarantee Fund, which may be invested in the same manner as the Oregon Student Assistance Fund. This fund shall receive funds from federal, state or private sources for the purpose of guarantying payment of loans made by eligible lending institutions to student residents of the State of Oregon who are enrolled or accepted for enrollment at any eligible institution, nonresident students enrolled or accepted for enrollment in an institution of higher education or community college in Oregon, and parents of those students, under the provisions of the Higher Education Act of 1965 as amended and for administrative expenses of guarantying loans. This fund, including the interest earnings on the fund, if any, is continuously appropriated to the commission for those purposes for which such funds were provided to, received or collected by the commission.

348.580 Agreements with community foundations. (1) Subject to the terms of the governing instruments and applicable law, the Oregon Student Assistance Commission may enter into agreements with one or more community foundations in Oregon to assume the management of the privately funded student aid programs of the commission. The commission may transfer to the community foundation any or all gifts or scholarship grants received by the commission from any private donor.
(2) All gifts or scholarship grant funds received by the commission that are not transferred to community foundations pursuant to subsection (1) of this section shall be placed in the hands of the State Treasurer, who is designated as the custodian thereof and who may hold, in the manner provided by law, the principal and interest on the gifts and grants. Funds may be withdrawn periodically by the commission to provide for administrative expenditures and make payments upon scholarships awarded by the commission.

(3) As used in this section, “community foundation” means an organization that is:

(a) A community trust or foundation within the meaning of section 170 of the Internal Revenue Code of 1986 and section 1.170A-9(e)(10) of the Treasury Regulations thereunder;

(b) Exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

(c) Not a private foundation within the meaning of section 509 of the Internal Revenue Code of 1986. [Formerly 351.670; 1967 c.335 §42; 1987 c.394 §6; 1993 c.258 §1; 1995 c.12 §5; 1997 c.524 §1]

348.590 Continuous appropriation of certain funds. All funds for and relating to student aid programs received by the Oregon Student Assistance Commission pursuant to federal grant or from any other source, except moneys appropriated from the State Treasury for a specified period of time, hereby are continuously appropriated to the commission for the purposes for which such funds were provided and received by the commission. [Formerly 351.672; 1987 c.394 §7]

348.592 Loan cancellation insurance. (1) The Oregon Student Assistance Commission may obtain loan cancellation insurance for any person holding a loan under this section and ORS 348.505 to 348.530 and 348.570.

(2) Such insurance shall insure the life of the student who borrows under this section and ORS 348.505 to 348.530 and 348.570 for the amount of the principal and interest due on the loan and the State of Oregon shall be named as the beneficiary. If the borrower dies before repaying the loan, the insurance shall be used to pay the balance of the loan and the commission shall issue a satisfaction of the obligation.

(3) The Oregon Department of Administrative Services shall procure bids for the purchasing of insurance in compliance with the laws governing the purchase and furnishing of services to state agencies. [Formerly 348.620]

Note: 348.592 was added to and made a part of 348.505 to 348.695 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

(Degrees)

348.594 Definition of “school” for ORS 348.594 to 348.615. As used in ORS 348.594 to 348.615, “school” means a person, organization, school or institution of learning that confers or offers to confer an academic degree upon a person or to provide academic credit applicable to a degree. [1997 c.652 §8; 1999 c.59 §93; 2005 c.546 §8]

348.596 Purpose of ORS 348.594 to 348.615. It is the purpose of ORS 348.594 to 348.615 to provide for the protection of the citizens of Oregon and their post-secondary schools by ensuring the quality of higher education and preserving the integrity of an academic degree as a public credential. [1997 c.652 §9; 1999 c.59 §94]

348.597 Applicability of ORS 348.594 to 348.615. ORS 348.594 to 348.615 do not apply to:

(1) An Oregon community college;

(2) A state institution of higher education within the Oregon University System;

(3) The Oregon Health and Science University;

(4) A school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d); or

(5) A school that is exempt from ORS 348.594 to 348.615 under ORS 348.604. [2005 c.546 §1]

Note: 348.597, 348.604, 348.605, 348.607 and 348.608 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

348.599 Office of Degree Authorization. The Office of Degree Authorization is created within the Oregon Student Assistance Commission. The commission shall appoint an administrator of the office. [1997 c.652 §7; 1999 c.704 §15]

348.600 [Formerly 351.675; repealed by 1977 c.725 §11]

348.601 Office of Degree Authorization Account. The Office of Degree Authorization Account is established separate and distinct from the General Fund. All moneys received by the office, other than appropriations from the General Fund, shall be deposited into the account and are continuously appropriated to the Oregon Student Assistance Commission to carry out the duties, functions and powers of the office. [2003 c.674 §5]
348.603 Duties of commission relating to degree authorization and nondegree programs; approval of new post-secondary program or location; rules; fees. (1) The Oregon Student Assistance Commission, through the Office of Degree Authorization, shall:

(a) Authorize approved schools to offer academic degree programs;

(b) Authorize approved degree-granting schools to offer nondegree programs leading to a certificate or diploma;

(c) Validate claims of degree possession;

(d) Terminate substandard or fraudulent degree activities; and

(e) Review proposed new publicly funded post-secondary programs and locations.

(2)(a) Following review of a proposed new publicly funded post-secondary program or location, the commission shall recommend resolution to the appropriate governing boards and mediate between the boards to seek a negotiated resolution if:

(A) There is a detrimental duplication of programs; or

(B) The program or location would have a significantly adverse impact on one or more other segments of education.

(b) If the boards do not resolve the issue raised under paragraph (a) of this subsection within 90 days of the date when the issue was recommended to the boards for mediation, the commission shall have final authority for approval or disapproval of the program or location. If the boards do not resolve the issue, the commission shall approve or disapprove the program or location within 180 days of the date when the review began.

(c) If the boards do not resolve the issue, the commission shall approve the program or location if the commission finds that the program or location meets an unmet workforce need in the state.

(d) The commission shall establish by rule a fair and neutral decision-making process in consultation with representatives designated by the State Board of Education, the State Board of Higher Education, associations representing Oregon independent colleges, associations representing Oregon career colleges, and the governing boards of otherwise unrepresented post-secondary schools.

(3) The commission, by rule, may impose a fee on any school or person requesting information from the commission. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the Office of Degree Authorization Account established under ORS 348.601. [1997 c.652 §10; 2001 c.454 §2; 2003 c.674 §1]

348.604 Exemption from ORS 348.594 to 348.615. Upon application from a school, as defined in ORS 348.594, the Oregon Student Assistance Commission, through the Office of Degree Authorization, shall grant an exemption from ORS 348.594 to 348.615 to the school if the school:

(1) Is, or is operated by, a nonprofit corporation;

(2) Offers only associate, bachelor’s or master’s degrees with titles in theology or religious occupations, or, if the school also offers doctoral degrees, offers doctoral degrees in theology or religious occupations that have been approved by a federally recognized accrediting organization;

(3) Teaches students with faculty members who:

(a) Hold degrees:

(A) From a school that, at the time of the conferral of the degrees, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school described in ORS 348.594 (2)(d) on the date preceding July 15, 2005;

(B) That are at least one level above the degree level of the program in which the faculty members teach or that are the terminal degrees in the field in which the faculty members teach; and

(C) That are not honorary degrees; or

(b) Possess sufficient compensatory qualifications to substitute for academic degrees in the fields in which the faculty members teach;

(4) Offers a curriculum:

(a) Of a duration and level that is comparable to the curriculums offered by schools that are not exempt under this section; and

(b) That, with higher degrees, increases the difficulty of the work expected of students;

(5) Requires students to complete academic assignments and to demonstrate learning appropriate to the curriculum;

(6) Awards credit toward degrees proportionate to the work done by students;

(7) Offers admission:

(a) To a student:

(A) With a high school diploma or an equivalent credential; or

(B) Who completed the equivalent of a high school education through home study; and
(b) Based on evidence that the student can reasonably expect to complete a degree and benefit from the education offered;

(8) Provides or arranges for faculty members and students to have access to information that supports instruction and stimulates research or independent study in all areas of the curriculum;

(9) Provides accurate and appropriate credit transcripts to students of the school and accurate and appropriate diplomas to graduates of the school;

(10) Charges tuition by the credit hour or other fixed rate for instruction during an academic term and does not charge tuition or fees for the award of a degree or charge a single fee for an entire degree program;

(11) Provides the oversight required by the commission through the office over a faculty member or administrator who has:

(a) Been convicted of a felony; or

(b) Violated a state or federal law related to the operation of a school;

(12) Provides facilities that permit private communication between faculty members and students;

(13) Provides a number of faculty members that is adequate for the number of students enrolled;

(14) Provides clear and accurate information to students about the school’s expectations of students in the school’s courses;

(15) Ensures that a student who is pursuing a degree is making continuous progress toward the degree;

(16) Before a student enrolls in the school, informs the student that a school to which the student might transfer retains the discretion whether to accept the transfer of credits earned at the school;

(17) Provides official transcripts of faculty members to the office; and

(18) Pays the fee imposed by ORS 348.607. [2005 c.546 §2]

Note: See note under 348.597.

348.605 Restrictions and duties of exempted schools. (1) A school that obtains an exemption under ORS 348.604 or that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d) shall:

(a) Preserve official transcripts for all faculty members and students;

(b) Notify the Office of Degree Authorization if a faculty member or administrator at the school has:

(A) Been convicted of a felony; or

(B) Violated a state or federal law related to the operation of a school;

(c) Place in any course catalog that is available to students or to the public a notice that states: “(Name of school) has been granted exempt status by the State of Oregon to offer theological and/or religious occupations degrees.”;

(d) If the school closes, return to students tuition payments for the current term on a prorated basis;

(e) If the school provides placement services to a student, describe the placement services clearly and accurately to the student and avoid giving unrealistic expectations of placement to the student; and

(f) If an administrator claims to possess an academic degree:

(A) Ensure that the administrator possesses the academic degree that the administrator claims to possess; and

(B) Require that the degree is from a school that, at the time of the conferral of the degree, was accredited by a federally recognized accrediting organization, held an exemption under this section, or was a school described in ORS 348.594 (2)(d) on the date preceding July 15, 2005. [2005 c.546 §3]

Note: See note under 348.597.

348.606 Conferring or offering of degree before approval obtained prohibited; fee; rules. (1) A school may not confer or offer to confer any academic degree upon a person, or provide services purporting to lead to a degree in whole or in part, without first obtaining approval from the Oregon Student Assistance Commission through the Office of Degree Authorization. The commission shall adopt by rule standards and procedures for the approval of schools.

(2) The commission shall substitute the standards adopted under subsection (1) of this section with private accreditation standards for a school that has conferred degrees
under the same control for five years in Oregon from at least one operationally separate unit accredited as a separate institution by a regional accrediting association or its national successor, provided the school submits for arbitration by the commission any unresolved dispute in which a person alleges detrimental violation of a standard guaranteed by the accrediting association but which the association has declined to arbitrate.

(3)(a) The commission, by rule, may impose a fee on any school applying for approval to confer or offer to confer a degree upon a person or to provide academic credit applicable to a degree. The fee is nonrefundable.

(b) The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615, and may not exceed:

(A) For a doctoral degree, $5,500.
(B) For a master’s degree, $4,150.
(C) For a bachelor’s degree, $4,150.
(D) For an associate degree, $2,750.

(c) Any fees collected under this subsection shall be deposited in the Office of Degree Authorization Account established under ORS 348.601. [1997 c.652 §11; 1999 c.59 §95; 2003 c.674 §2; 2005 c.546 §9]

348.607 Fee for exemption application; rules; prohibition on requirements for religious exemption. (1) The Oregon Student Assistance Commission may, by rule, impose a fee on a school that applies for an exemption under ORS 348.604. The amount of the fee may not exceed the lesser of:

(a) The actual cost to the commission of determining the school’s compliance with the requirements for an exemption under ORS 348.604; or

(b) Fifty percent of the fee that the commission would impose on the school under ORS 348.606 (3) if the school were applying for approval to offer a bachelor’s degree.

(2) Except as provided in ORS 348.604 or 348.608 or section 6, chapter 546, Oregon Laws 2005, the commission may not impose requirements for a religious exemption from ORS 348.594 to 348.615. [2005 c.546 §4]

Note: See note under 348.597.

348.608 Certification by exempt school; suspension or revocation of exemption; appeal. (1) Each year, on a date prescribed by the Office of Degree Authorization, a school that obtains an exemption under ORS 348.604 or a school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d), shall submit to the office a statement that reads: “(Name of School) hereby certifies that the school remains in compliance with all conditions for a religious exemption from ORS 348.594 to 348.615.”

(2) A school that obtains an exemption under ORS 348.604 or a school that, on the date preceding July 15, 2005, was a school described in ORS 348.594 (2)(d) remains exempt unless the office suspends or revokes the exemption.

(3) The office may suspend or revoke an exemption if:

(a) After the notice and opportunity to cure provided in subsection (4) of this section, a school fails to provide the statement required by subsection (1) of this section;

(b) The office has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS 348.604, the office determines that the complaint is valid, the school has been provided with notice and opportunity to cure as required by subsection (4) of this section and the school fails to comply with the condition listed in the notice; or

(c) After the notice and opportunity to cure provided in subsection (4) of this section, a school is in violation of ORS 348.605.

(4) The Oregon Student Assistance Commission, through the office, shall provide notice of and 90 days to cure a school’s:

(a) Failure to provide the statement required by subsection (1) of this section;

(b) Failure to maintain compliance with a condition for exemption under ORS 348.604 if the office has received a complaint from a student or former student of the school that the school is failing to comply with a condition for exemption under ORS 348.604 and the office has determined the complaint is valid; or

(c) Violation of ORS 348.605.

(5) A school may appeal the denial, suspension or revocation of an exemption to the commission.

(6) A school may appeal to the commission the office’s decision that a faculty member does not possess sufficient compensatory qualifications to substitute for an academic degree in the field in which the faculty member teaches.

(7) The commission shall conduct an appeal under this section as a contested case under ORS chapter 183.

(8)(a) If a school appeals the denial, suspension or revocation of an exemption and the commission upholds the denial, suspension or revocation, the commission shall provide the school 90 days to cure the grounds for the denial, suspension or revocation. If the school does not cure the grounds
for the denial, suspension or revocation within 90 days after the commission upholds the denial, suspension or revocation, then the denial, suspension or revocation becomes effective 90 days after the issuance of the decision on the appeal by the commission.

(b) If a school does not appeal the denial, suspension or revocation of an exemption to the commission and the school does not cure the grounds for the denial, suspension or revocation within the period of time to appeal the decision to the commission, then the denial, suspension or revocation becomes effective upon the expiration of the period of time to appeal. [2005 c.546 §5]

Note: See note under 348.597.

Note: Section 6, chapter 546, Oregon Laws 2005, provides:

Sec. 6. Notwithstanding section 5 of this 2005 Act [348.608]:

(1) A school that, on the date preceding the effective date of this 2005 Act [July 15, 2005], was a school described in ORS 348.594 (2)(d) shall, within 90 days of the effective date of this 2005 Act, submit to the Office of Degree Authorization a statement that reads: “(Name of School) hereby certifies that the school remains in compliance with all conditions for a religious exemption from ORS 348.594 to 348.615.”

(2) The office may suspend or revoke an exemption if, after the notice and opportunity to cure provided in subsection (3) of this section, a school fails to provide the statement required by subsection (1) of this section.

(3) The office shall provide notice of and 30 days to cure a school’s failure to provide the statement required by subsection (1) of this section.

(4) A school may appeal the suspension or revocation of an exemption under subsection (2) of this section to the Oregon Student Assistance Commission.

(5) The commission shall conduct an appeal under this section as a contested case under ORS chapter 183.

6(6)(a) If a school appeals the suspension or revocation of an exemption under subsection (2) of this section and the commission upholds the suspension or revocation, the suspension or revocation becomes effective upon the issuance by the commission of the decision on the appeal.

(b) If a school does not appeal the suspension or revocation of an exemption to the commission, the suspension or revocation becomes effective upon the expiration of the period of time to appeal. [2005 c.546 §6]

348.609 Representation of possession of academic degree; complaints; civil penalties; rules; fees. (1) A person who has been warned by the Oregon Student Assistance Commission, through the Office of Degree Authorization, to cease and desist may not claim or represent that the person possesses any academic degree unless the degree has been awarded to or conferred upon the person by a school that:

(a) Has accreditation recognized by the United States Department of Education or the foreign equivalent of such accreditation;

(b) Has been approved by the Oregon Student Assistance Commission through the Office of Degree Authorization to offer and confer degrees in Oregon;

(c) Is described in ORS 348.597; or

(d) Is located in the United States and has been found by the commission to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation, recognized by the United States Department of Education, to offer degrees of the type and level claimed by the person.

(2)(a) A person who has been awarded a degree from a school other than a school described in subsection (1) of this section may claim or represent that the person possesses an academic degree if the claim or representation is accompanied by a disclaimer that states: “(Name of school) does not have accreditation recognized by the United States Department of Education and has not been approved by the Office of Degree Authorization.”

(b) The disclaimer shall be made in any resume, letterhead, business card, announcement or advertisement in which the person is claiming or representing to have an academic degree from a school that does not meet the requirements of subsection (1) of this section.

(c) This subsection does not alter any requirement for obtaining a license, admission into a school, teaching or employment or for other areas in which a degree from an accredited school is required.

(3) The Oregon Student Assistance Commission shall adopt, by rule, standards and procedures for responding to complaints about degree claims and for validation of degree claims. Failure of a person to provide documentation of a claimed degree shall be prima facie evidence that the claim of such person to such degree is a violation of this section.

(4) The Oregon Student Assistance Commission, by rule, may impose a fee on any school or person requesting validation of degree claims. The amount of the fee shall be established to recover designated expenses incurred by the commission in carrying out the administration of ORS 348.594 to 348.615. Any fees collected under this subsection shall be deposited in the Office of Degree Authorization Account established under ORS 348.601.

(5)(a) The Oregon Student Assistance Commission, through the Office of Degree Authorization, may cause a civil suit to be instituted in the circuit court for legal or equitable remedies, including injunctive relief, to ensure compliance with this section. The commission may recover attorney fees and court costs for any such action.
(b) The commission shall adopt a schedule of civil penalties for violations of this section. A civil penalty shall not exceed $1,000 per violation.

(c) In addition to any action or penalty provided by law, any person who violates this section shall incur a civil penalty in an amount prescribed by the schedule adopted by the commission. Any civil penalty imposed under this subsection shall be imposed in the manner provided in ORS 183.745. All penalties recovered under this subsection shall be paid into the State Treasury and credited to the General Fund.

(6) The provisions of this section do not apply to a person who is a graduate of a veterinary college, or a veterinary department of a university or college, of good standing and repute, as determined by the Oregon State Veterinary Medical Examining Board. [1997 c.652 §12; 2001 c.454 §1; 2003 c.674 §3; 2005 c.136 §4; 2005 c.546 §10a]

348.610 [1967 c.430 §8; repealed by 1971 c.577 §3]

348.612 Revocation of approval; hearing. The Oregon Student Assistance Commission may revoke or suspend any approval given to a school under ORS 348.606 for proper cause after a hearing. Such hearing shall be held only after the school has been given 20 days’ notice in writing of the time and place of such hearing. Hearings shall be held in accordance with the rules of the commission adopted under ORS 348.530. [1997 c.652 §13]

348.615 Appeal procedure. If the Oregon Student Assistance Commission refuses to grant approval to a school to confer degrees or revokes the approval to confer degrees, the refusal or revocation shall be subject to the right of review by an action brought in the circuit court of the county in which the school is located. Such review shall be tried as an action not triable by right to a jury. [1997 c.652 §14]

(Scholarship Program Tax Credit)

348.616 Minimum criteria for certification of employer program; rules. (1) The Oregon Student Assistance Commission shall develop and adopt rules that provide the minimum criteria that an employer must meet in order for the employer’s scholarship program for employees and dependents to be certified as eligible for the employee and dependent scholarship program tax credit provided under ORS 348.621. The commission shall adopt rules to determine:

(a) The types of educational programs, institutions and expenses related to the programs and institutions for which scholarships may be offered to employees and dependents, and scholarship moneys expended on their behalf;

(b) The types of employees and dependents to whom scholarships must be offered;

(c) The minimum and maximum annual dollar amounts of a scholarship that would be a qualified scholarship under ORS 315.237;

(d) The minimum annual number of hours of instruction that a scholarship beneficiary must commit to in order to be eligible for a scholarship; and

(e) Such other requirements as the commission may provide.

(2) An employer must employ at least four full-time equivalent employees but no more than 250 employees in order to be certified as eligible for the employee and dependent scholarship program tax credit under ORS 348.621.

(3) An employer seeking to claim the tax credit provided under ORS 315.237 must apply to the Oregon Student Assistance Commission for both employee and dependent scholarship program certification under ORS 348.618 and tax credit certification under ORS 348.621. [2001 c.475 §§2,4]

348.618 Requirements for program certification application; acceptance and rejection of application. (1) An application for employee and dependent scholarship program certification shall be filed by the employer establishing the program. The application shall be filed with the Oregon Student Assistance Commission at least three months prior to the close of the first tax year for which a tax credit under ORS 315.237 will be claimed.

(2) The application shall be filed on a form prescribed by the commission and shall contain the information required by the commission, including:

(a) The date on which the proposed employee and dependent scholarship program will first be available to the employer’s employees and their dependents;

(b) The total number of employees of the employer;

(c) The total number of employees who will be eligible, or whose dependents will be eligible, to participate in the program;

(d) The criteria to be used by the employer in determining the eligibility of an employee or an employee’s dependent for a scholarship under the program; and

(e) The annual limit, if any, on the amount of funds to be used for scholarships under the program.

(3) The commission shall certify an application that describes an employee and dependent scholarship program that is in compliance with the rules adopted by the commission under ORS 348.616 (1) and (2), if
made by an employer that meets the employment requirements of ORS 348.616 (1) and (2).

(4) The commission shall certify or reject an application within 60 days of receipt of the application and shall notify the employer of the commission's determination.

(5) An employer whose application has been rejected by the commission shall be afforded an opportunity to amend the application to address the commission’s objections to the original application.

(6) In the case of an employer whose proposed employee and dependent scholarship program has been certified by the commission, the commission shall send a letter of program certification to the employer. The letter of program certification shall set forth or incorporate by reference the statements made in the application being certified.

(7) A letter of program certification issued under this section shall remain valid until the employer changes the terms of eligibility for a scholarship under the program, changes the minimum or maximum amount of a scholarship under the program or ceases to be an employer. [2001 c.475 §5]

348.620 [1967 c.430 §9; 1971 c.577 §2; renumbered 348.592 in 1997]

348.621 Requirements for tax credit certification application. (1) An application for tax credit certification shall be filed by an employer that has obtained program certification under ORS 348.618 or that has applied for program certification and is awaiting such certification by the Oregon Student Assistance Commission.

(2) The application for tax credit certification shall be filed by the employer with the commission. The application shall be filed at the time prescribed by the commission, but no later than October 1 of the calendar year in which begins the tax year for which a credit under ORS 315.237 will be claimed.

(3) The application shall be filed on a form prescribed by the commission and shall contain the information required by the commission, including the amount of scholarship moneys the employer has provided or intends to provide to employees or dependents during the calendar year for which tax credit certification is being sought and the number of employees employed by the employer for the calendar year.

(4) The commission shall consider applications in the chronological order in which the applications are received and shall approve applications to the extent the amount set forth in the application, when added to the total amount already certified by the commission for the calendar year under this section, does not exceed $1 million.

(5) An employer may not receive tax credit certification:

(a) For an amount that is greater than $1 million;
(b) If the employer employs fewer than four full-time equivalent employees for the calendar year; or
(c) If the employer employs more than 250 employees for the calendar year.

(6) The commission shall send written notice of the amount of the tax credit certification, or written notice that no amount is being certified, to the employer and to the Department of Revenue within 60 days of the date an application is filed under this section.

(7) The employer shall keep the written certification in the employer’s records for at least five years and shall furnish the certification to the Department of Revenue if requested. [2001 c.475 §6]

(Alternative Student Loan Program)

348.625 Definitions for ORS 348.570 and 348.625 to 348.695. As used in ORS 348.570 and 348.625 to 348.695:

(1) “Alternative student loan program” means a program established by the Oregon Student Assistance Commission to fund loans to eligible students, or to qualifying parents of eligible students, to help meet expenses of eligible students of attending post-secondary educational institutions; provided, however, that alternative student loan program loans may be made only to students who have applied for student financial aid under Title IV, Part B of the Higher Education Act of 1965, as amended, and have received information on their eligibility for programs under that Act, or the parents of students who have made such application and received such information.

(2) “Eligible student” means a student enrolled in an eligible post-secondary educational institution located in Oregon or a student who is an Oregon resident and who is enrolled in an eligible post-secondary educational institution located outside of Oregon. The commission shall determine, among other things, what constitutes enrollment and which post-secondary educational institutions are eligible institutions under the alternative student loan program.

(3) “Lender” means an insured institution as defined in ORS 706.008 that is authorized to do business in Oregon and which has entered into an agreement with the commission to originate, service and administer alternative student loans in the manner authorized.
by ORS 348.570 and 348.625 to 348.695. [1987 c.842 §2; 1989 c.131 §1; 1997 c.631 §464; 1999 c.59 §96; 1999 c.704 §16]

348.630 Eligible recipients; limitations; credit check. (1) Loans may be made under the alternative student loan program to an eligible student or to a parent of an eligible student.

(2) Loans made under the alternative student loan program shall not exceed the eligible costs of education as determined by the Oregon Student Assistance Commission, minus other financial aid received, or $10,000, whichever is less, for any eligible student during a single calendar year. Total loans made for any eligible student under the alternative student loan program shall not exceed $40,000.

(3) Under the alternative student loan program, borrowers shall undergo a credit check by the lender or by the commission and shall be creditworthy or provide a creditworthy cosigner. [1987 c.842 §3]

348.635 Establishment of loan terms and conditions. In consultation with private sector lenders, the Oregon Student Assistance Commission shall establish the terms and conditions, including but not limited to maturities and repayment provisions, of student loans for which the commission shall provide funding. The commission may also set standards of academic achievement which borrowers must maintain to receive loans. [1987 c.842 §4]

348.640 Administration of loans by private lenders; repayment to state; risk of loss. (1) The Oregon Student Assistance Commission shall provide funding to lenders pursuant to contracts which shall provide, among other things, the terms and conditions under which private sector lenders, using funding made available by the commission, shall originate, service and administer loans pursuant to the alternative student loan program. Lenders shall receive and process loan applications from borrowers, perform credit analysis, approve or deny loan requests, and for loans which are approved, originate, document, administer and service such loans. The commission shall make provision for payment to lenders of the reasonable costs of origination, servicing and administration of loans. Payment may be made directly by borrowers or by the commission, as the commission may determine.

(2) Loans shall be structured in such a manner that anticipated payments of principal and interest shall permit timely repayment of the revenue bonds to be issued by the State of Oregon pursuant to ORS 348.570 and 348.625 to 348.695. As a condition of participation in the alternative student loan program by private sector lenders, the commission shall procure from each such lender a guarantee or letter of credit insuring that the commission shall receive full and timely repayment of principal of and interest due on loans originated, serviced and administered by the lender. The commission shall provide by contract for payment by the commission or by borrowers, as the commission may determine, of the reasonable costs of such guarantees or letters of credit. It is the intention of ORS 348.570 and 348.625 to 348.695 that participating private sector lenders, not the commission, shall bear the entire risk of loss, nontimely repayment or nonpayment of alternative student loan program loans. [1987 c.842 §5]

348.645 Administration of loans if private lenders withdraw; rules. (1) In carrying out its duties under ORS 348.570 and 348.625 to 348.695 as to insure funding availability, the Oregon Student Assistance Commission may do the following in the event private lenders withdraw from the program:

(a) Act as the lender under the alternative student loan program or loan programs provided for by Title IV, Part B, of the Higher Education Act of 1965, as amended.

(b) Buy loans made privately under the alternative student loan program or loan programs provided for by Title IV, Part B, of the Higher Education Act of 1965, as amended.

(c) Contract with lenders or commercial loan servicers to collect loans which either the commission or the lender initially made.

(2) The commission may adopt rules by which to determine the eligibility of lending institutions to participate in the program and to fix the eligibility for loans under the program. [1987 c.842 §7]

348.650 Fees. The Oregon Student Assistance Commission shall be entitled to establish or receive fees and charges sufficient to recover the ongoing costs of providing funding and administering the alternative student loan program. [1987 c.842 §6]

348.655 Issuance of revenue bonds; amount; interest tax exempt. In consultation with the Oregon Student Assistance Commission, the State Treasurer may issue revenue bonds in an amount not to exceed $30 million annually, the proceeds of which shall be used to provide funding for loans to be made pursuant to the alternative student loan program. Interest on the bonds shall be exempt from personal income taxation by the State of Oregon. [1987 c.842 §8]

348.660 Determination to issue revenue bonds; duties of State Treasurer; factors to consider. (1) If the State Treasurer, in consultation with the Oregon Student Assistance Commission, determines that
revenue bonds should be issued under ORS 348.570 and 348.625 to 348.695:

(a) The State Treasurer, in consultation with the commission, may authorize and issue in the name of the State of Oregon revenue bonds secured by revenues from repayment of loans to finance or refinance in whole or part the costs of the loan program. Refunding bonds may be issued to refinance such revenue bonds.

(b) The State Treasurer, in consultation with the commission, shall designate the underwriter, trustee and bond counsel and enter into appropriate agreements with each to carry out the provisions of ORS 348.570 and 348.625 to 348.695.

(2) Any trustee designated by the State Treasurer, in consultation with the commission, must agree to furnish financial statements and audit reports for each bond issue.

(3) In determining whether to issue revenue bonds under ORS 348.570 and 348.625 to 348.695, the State Treasurer, in consultation with the commission, shall consider:

(a) The bond market for the types of bonds proposed for issuance.

(b) The terms and conditions of the proposed issue.

(c) Such other relevant factors as the State Treasurer, in consultation with the commission, considers necessary to protect the financial integrity of the state. [1987 c.842 §§9,10]

348.665 Applicability of Uniform Revenue Bond Act; powers of State Treasurer. Bonds authorized under ORS 348.570 and 348.625 to 348.695 shall be issued in accordance with the provisions of ORS 288.905 to 288.945, and the State Treasurer, in consultation with the Oregon Student Assistance Commission, shall have and shall exercise all the powers of a public body, including, but not limited to, the power to establish special accounts or subaccounts in the Alternative Student Loan Program Fund created by ORS 348.570 and the power to pledge the assets or the revenues, or any portion thereof, of the alternative student loan program. [1987 c.842 §11]

348.670 Administrative expenses. The administrative expenses of the State Treasurer and the Oregon Student Assistance Commission shall be charged against bond proceeds or repayment revenues. [1987 c.842 §12]

348.675 Refunding of bonds. The State Treasurer, in consultation with the Oregon Student Assistance Commission, shall have the power, whenever refunding is considered expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured. The refunding bonds may be exchanged for bonds to be refunded and the proceeds applied to the purchase, redemption or payment of such bonds. [1987 c.842 §13]

348.680 Validity of bonds. The validity of bonds issued under ORS 348.570 and 348.625 to 348.695 shall not be dependent on nor be affected by the validity or regularity of any proceeding relating to the loans for which the bonds are issued. The official action authorizing such bonds may provide that the bonds shall contain a recital that they are issued pursuant to ORS 348.570 and 348.625 to 348.695 and such recital shall be conclusive evidence of their validity and of the regularity of their issuance. [1987 c.842 §14]

348.685 Covenants in actions authorizing bonds; contents. The official action authorizing the issuance of bonds under ORS 348.570 and 348.625 to 348.695 may contain covenants, notwithstanding that such covenants may limit the exercises of powers conferred by ORS 348.570 and 348.625 to 348.695 in the following respects and in such other respects as the state, acting through the State Treasurer, in consultation with the Oregon Student Assistance Commission, or the designee thereof may decide:

(1) The use and disposition of the revenues from repayment;

(2) The creation and maintenance of special accounts or subaccounts in the Alternative Student Loan Program Fund created by ORS 348.570 and the regulation, use and disposition thereof;

(3) The purpose or purposes to which the proceeds of sale of bonds may be applied and the use and disposition of such proceeds;

(4) The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of any bonds may bring any suit or action on such bonds or on any coupons appurtenant thereto;

(5) The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenues from repayment;

(6) The keeping of books of account and the inspection and audit thereof;

(7) The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;

(8) The rights, liabilities, powers and duties arising upon the breach of any covenants, conditions or obligations;

(9) The appointing of and vesting in a trustee or trustees of the right to hold or
dispose of any funds, accounts, revenues or assets of the alternative student loan program, to receive or assign any pledge thereof or to enforce any covenants made to secure or to pay the bonds, the powers and duties of such trustee or trustees, and the limitation of the liabilities of the trustee or trustees;

(10) The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under ORS 348.570 and 348.625 to 348.695; and

(11) A procedure by which the terms of any official action authorizing bonds or of any other contract with bondholders, including but not limited to an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds the holders of which may consent thereto, and the manner in which such consent may be given. [1987 c.842 §15]

348.690 Liability of state for bonds. (1) Revenue bonds issued under ORS 348.570 and 348.625 to 348.695:

(a) Shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, except as provided in this section, nor shall the state be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the taxing power of the state to pay any such bonds or the interest thereon, nor to enforce payment thereof against any property of the state.

(b) Shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the state other than the Alternative Student Loan Program Fund created by ORS 348.570, any account or subaccount thereof or student loans, if any, owned or acquired by the Oregon Student Assistance Commission pursuant to the alternative student loan program.

(2) Each bond issued under ORS 348.570 and 348.625 to 348.695 shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof. No such bond shall constitute a debt of the state or a lending of the credit of the state within the meaning of any constitutional or statutory limitation. However, nothing in ORS 348.570 and 348.625 to 348.695 is intended to impair the rights of holders of bonds to enforce covenants made for the security thereof as provided in ORS 348.685. [1987 c.842 §16]

348.695 Rights and remedies of bondholders and trustees. Subject to any contractual limitation binding upon the holders of any issue of revenue bonds, or a trustee therefor, including but not limited to the restriction of the exercise of any remedy to a specified proportion or percentage of such holders, any holder of bonds, or any trustee therefor, for the equal benefit and protection of all bondholders similarly situated, may:

(1) By action or proceeding for legal or equitable remedies, enforce their rights against the state and any of its officers, agents and employees, and may require and compel the state or any such officers, agents or employees to perform and carry out duties and obligations under ORS 348.570 and 348.625 to 348.695 and covenants and agreements with bondholders;

(2) By action, require the state to account as if it were the trustee of an express trust;

(3) By action, enjoin any acts or things which may be unlawful or in violation of the right of the bondholders;

(4) Bring action upon the bonds; and

(5) Exercise any right or remedy conferred by ORS 348.570 and 348.625 to 348.695 without exhausting and without regard to any other right or remedy conferred by ORS 348.570 and 348.625 to 348.695 or any other law of this state, none of which rights and remedies is intended to be exclusive of any other, and each is cumulative and in addition to every other right and remedy. [1987 c.842 §17]

EDUCATION STABILITY FUND
(Generally)

348.696 Establishment; investment; earnings. Pursuant to section 4 (4)(d), Article XV of the Oregon Constitution, the Education Stability Fund is established separate and distinct from the General Fund. Except for earnings on moneys in the school capital matching subaccount, moneys in the fund shall be invested as provided in ORS 293.701 to 293.790. All declared earnings on moneys in the fund shall be transferred and are appropriated continuously as follows:

(1) All declared earnings from the Oregon Growth Account to the Oregon Commercialized Research Fund created in ORS 284.725;

(2) 75 percent of all declared earnings not described in subsection (1) of this section to the Oregon Education Fund established by ORS 348.716; and

(3) 25 percent of all declared earnings not described in subsection (1) of this section to the Oregon Student Assistance Commission for the Oregon Opportunity Grant program under ORS 348.260. [1995 c.12 §1; 1997 c.524 §2; 1997 c.612 §11; 1999 c.44 §§26,27; 1999 c.704 §§17,18; 1999 c.1070 §§13,14; 2001 c.920 §12; 2001 c.922 §§27,28; 2002 s.s. 3 c.6 §§2,3; 2005 c.22 §§2246,247; 2005 c.748 §§19,20]
(Oregon Growth Account)

348.701 Definitions for ORS 348.701 to 348.710. As used in ORS 348.701 to 348.710:

(1) “Board” means the Oregon Growth Account Board established in ORS 348.707.

(2) “Emerging growth business” means a new or small company that has the capacity, upon obtaining appropriate capital, to generate significant high skill, high wage employment within one or more traded sector industries.

(3) “Management company” includes a person, limited partnership, partnership, corporation or other investment company.

(4) “Seed capital” means financing that is provided for the initial phases of development, refinement and commercialization of a product, process or innovation, including but not limited to facilitating technology transfers related to academic research, discoveries or developments for the purpose of commercialization of a product, process or innovation.

(5) “Traded sector” has the meaning given that term in ORS 285B.280. [1995 c.12 §6; repealed by 1997 c.524 §6]

348.702 Oregon Growth Account. (1) There is created within the Education Stability Fund the Oregon Growth Account, to which shall be credited, in the manner provided in subsection (2) of this section, 10 percent of the funds transferred under section 4, Article XV of the Oregon Constitution, from the Administrative Services Economic Development Fund to the Education Stability Fund. Separate records shall be maintained for moneys in the Oregon Growth Account that are available for the purposes specified in subsection (5) of this section. The account may be credited with such unrestricted appropriations, gifts, donations, grants or contract proceeds from any source, with investments or funds from any source, and with returns on investments made from the account.

(2) The Oregon Department of Administrative Services may credit to the Oregon Growth Account from the first funds transferred in a fiscal year to the Education Stability Fund under section 4, Article XV of the Oregon Constitution, an amount up to the amount the department estimates to be 10 percent of the funds required to be transferred to the Education Stability Fund for that fiscal year.

(3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under subsection (2) of this section is less than or greater than 10 percent of the amount required to be transferred under section 4, Article XV of the Oregon Constitution, to the Education Stability Fund, the amount credited to the Oregon Growth Account shall be adjusted in one of the following ways:

(a) The amount credited to the account in the following fiscal year may be adjusted;

(b) Any excess may be transferred from the Oregon Growth Account to the Education Stability Fund; or

(c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth Account from funds available for that purpose.

(4) Adjustments required by subsection (3) of this section shall be made without consideration of any interest or other earnings that have accrued during the fiscal year.

(5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability Fund by making investments in or by providing seed capital for emerging growth businesses in traded sector industries.


348.703 Management and investment of moneys in account; reporting requirement; contracts for investment advice and other services. (1) The Oregon Growth Account Board shall contract with one or more management companies to manage and invest the moneys in the Oregon Growth Account. For purposes of this subsection, a contract with a management company may consist of a partnership agreement under which the Oregon Growth Account Board is the limited partner and the management company is the general partner.

(2) The provisions of ORS 293.726 do not apply to those assets of the Education Stability Fund that are held in the Oregon Growth Account. The limitations of ORS 293.726 (6) shall be calculated based only on the balance of the Education Stability Fund that does not include the Oregon Growth Account.

(3) A management company selected to manage the Oregon Growth Account shall manage the moneys in the account, subject to investment policies established by the State Treasurer and the investment directives or strategies of the Oregon Growth Account Board, with the care, skill and diligence that a prudent investor acting in a similar capacity and familiar with such investments would use in managing and investing a similar account. The management
company shall invest in Oregon an amount that is at least equal to the amount of the principal transferred from the Oregon Growth Account to the management company for investment.

(4) The contract between the board and a management company to manage the Oregon Growth Account and the functions performed under the contract are not subject to the State Personnel Relations Law or ORS 279.835 to 279.855 or ORS chapter 279A or 279B.

(5) Notwithstanding ORS 348.702 (5), a management company selected to manage the Oregon Growth Account may maintain a portion of the moneys allocated to the account under ORS 348.702 (1) in short-term securities in investments other than those specified in ORS 348.702 (5) during such times as a management company is seeking investments that meet the requirements of ORS 348.702 (5).

(6) The State Treasurer shall annually submit a report to the Governor and to the Legislative Assembly on the investment of moneys in the Oregon Growth Account. The report required by this subsection shall include a summary of the amount of money invested by industrial sector or business classification, by region of this state, by size of investment and by type of investment.

(7) The State Treasurer shall provide to other state agencies any reports on the investment of moneys in the Oregon Growth Account that are necessary to fulfill audit, financial, investment or other reporting requirements to which the Education Stability Fund is subject by law or standard accounting principles.

(8) The office of the State Treasurer shall provide staff to the board.

(9) There is continuously appropriated to the board from the Oregon Growth Account those amounts necessary to meet the expenses of the board and the State Treasurer in carrying out the operations of the Oregon Growth Account and the duties of the board and the State Treasurer. The cost to the office of the State Treasurer of providing staff to the board shall be deducted from those amounts paid to the State Treasurer pursuant to ORS 293.718 as reimbursement for expenses incurred as investment officer for the Oregon Growth Account Board.

(10) The board may enter into contracts for the provision of investment advice or other services that the board deems reasonable and necessary to fulfill the duties of the State Treasurer with respect to the Oregon Growth Account. Such contracts are not subject to the State Personnel Relations Law or ORS 279.835 to 279.855 or ORS chapter 279A or 279B.

348.704 Allocation, withdrawal and transfer of assets in account. The Oregon Growth Account Board may allocate to, withdraw from or transfer from the Oregon Resource and Technology Development Subaccount and the balance of the Oregon Growth Account such moneys, investments, returns or other assets or amounts the board determines necessary or desirable to further the purpose set forth in ORS 348.702. [2001 c.922 §8]

348.705 [Formerly 351.265; 1987 c.880 §1; repealed by 1997 c.652 §63]

348.706 Oregon Resource and Technology Development Subaccount. (1) There is created within the Oregon Growth Account the Oregon Resource and Technology Development Subaccount. Separate records shall be maintained for moneys in the subaccount. Subject to investment policies established by the State Treasurer and investment directives or strategies of the Oregon Growth Account Board, moneys in the subaccount shall be used to make seed capital investments in emerging growth businesses in traded sector industries in Oregon.

(2) The board may allocate such amounts from the subaccount as the board determines appropriate for seed capital investments. [2001 c.922 §7; 2005 c.835 §33]

348.707 Oregon Growth Account Board; members; terms; compensation; powers and duties. (1) There is established an Oregon Growth Account Board consisting of:

(a) The State Treasurer or the treasurer’s designated representative, who shall be the chairperson of the board.

(b) Three members appointed by the Governor from a list of candidates recommended by the State Treasurer who are qualified by training and experience in the field of venture capital and emerging growth businesses in Oregon.

(c) Three members from the general public appointed by the Governor from a list of candidates recommended by the State Treasurer.

(2) The term of office of each board member appointed by the Governor is three years. However, each member, except the State Treasurer or the treasurer’s designated representative, shall serve at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall ap-
point a successor. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(3) A member of the board may receive reimbursement of expenses under ORS 292.495 (2), but shall not receive compensation under ORS 292.495 (1) or otherwise for participation as a board member.

(4) The State Treasurer may establish investment policies for the Oregon Growth Account. The investment policies may include, but are not limited to:

(a) The reinvestment of the principal of the account after an original investment;
(b) The reinvestment of returns from an original investment;
(c) The retention of amounts for unfunded commitments owed to a management company;
(d) The determination of when and how earnings are calculated and declared available from the account on behalf of the Education Stability Fund; and
(e) Other policies that the State Treasurer determines may increase the total earnings of the account over time.

(5) Subject to investment policies established for moneys in the account by the State Treasurer, the board shall have authority to approve or direct specific investments or strategies for the investment of moneys in the Oregon Growth Account and to make investments directly, without the use of a management company, in any form or manner that would be lawful for a private corporation having similar intent. In addition, the board may:

(a) Acquire, own, hold, dispose of and encumber real or personal property of any nature, both tangible and intangible, or any interest in property, and exercise or acquire any rights in property necessary or desirable to protect or secure any investments in which the account has an interest;
(b) Trade, buy or sell securities;
(c) Own, possess, take license in and grant license to patents, copyrights, proprietary processes and other intellectual property, and negotiate and enter into contracts and establish charges for the use of such patents, copyrights, proprietary processes and other intellectual property; and
(d) Exercise any other powers necessary or desirable for the operation and functioning of the account within the purposes authorized in ORS 348.702.

(6) When performing the board’s duties, the board shall exercise the care, skill and diligence that a prudent investor acting in a similar capacity and familiar with such investments would use in managing and investing a similar account.

(7) The State Treasurer shall report on the development of the policies described in subsection (4) of this section to the legislative interim committees on trade and economic development and government finance and tax policy. [1997 c.323 §3; 2001 c.52 §3; 2001 c.922 §4; 2002 s.s.3 c.6 §7]

348.710 Confidentiality of records, communications and information. (1) The following records, communications and information furnished under ORS 348.701 to 348.710 shall be confidential and maintained as such, unless the person providing the information expressly agrees in writing that such information may be disclosed:

(a) Personal financial statements;
(b) Financial statements of applicants;
(c) Customer lists;
(d) Information of an applicant pertaining to litigation to which the applicant is a party if the complaint has been filed or, if the complaint has not been filed, if the applicant shows that such litigation is reasonably likely to occur;
(e) Production, sales and cost data; and
(f) Marketing strategy information that relates to an applicant’s plan to address specific markets or the applicant’s strategy regarding specific competitors, or both.

(2) The confidentiality provided by subsection (1)(d) of this section does not apply to concluded litigation. Nothing in subsection (1)(d) of this section limits any right granted by discovery statutes to a party to litigation or potential litigation. [1999 c.42 §6]

348.715 [Formerly 351.270; 1982 s.s.1 c.20 §4; 1985 c.555 §17; 1987 c.880 §2; 1991 c.667 §15; repealed by 1997 c.652 §63]

(348.716 Oregon Education Fund) 348.716 Oregon Education Fund; use; payment of education lottery bonds. The Oregon Education Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Oregon Education Fund are continuously appropriated to the Oregon Department of Administrative Services for public education and education lottery bond debt service. Seventy-five percent of the declared earnings of the Education Stability Fund as described in ORS 348.696 (2) shall be transferred monthly to the Oregon Education Fund as directed by the Director of the Oregon Department of Administrative Services. Investment earnings on amounts in the Oregon Education Fund shall be credited to the Oregon Education
Fund. The Legislative Assembly may, but shall be under no legal obligation to, allocate and appropriate amounts in the Oregon Education Fund to pay education lottery bonds. The Director of the Oregon Department of Administrative Services may specify when during any fiscal year amounts shall be transferred from the Oregon Education Fund to be used for public education or education lottery bonds. [1999 c.44 §8; 2001 c.536 §10; 2002 s.s.3 c.6 §§8,8a]  

Note: 348.716 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

348.725 [1975 c.553 §3; 1987 c.880 §3; repealed by 1991 c.667 §17]
348.735 [Formerly 351.275; repealed by 1987 c.880 §19]
348.745 [Formerly 351.280; repealed by 1987 c.880 §19]
348.755 [Formerly 351.285; 1987 c.880 §4; repealed by 1997 c.652 §63]
348.765 [Amended by 1987 c.880 §5; repealed by 1997 c.652 §63]
348.775 [Formerly 351.297; 1987 c.880 §6; repealed by 1991 c.667 §17]
348.785 [Formerly 351.298; 1987 c.880 §7; repealed by 1991 c.667 §17]
348.805 [1969 c.182 §1; 1971 c.577 §1; renumbered 348.105]
348.815 [Formerly 351.301; repealed by 1991 c.667 §17]
348.825 [Formerly 351.302; 1987 c.880 §8; repealed by 1991 c.667 §17]
348.830 [1979 c.308 §2; 1987 c.880 §9; repealed by 1997 c.652 §63]
348.835 [Formerly 351.710; 1979 c.308 §3; 1981 c.167 §1; 1987 c.880 §10; 1995 c.119 §1; repealed by 1997 c.652 §63]
348.840 [1982 s.s.1 c.20 §2; 1987 c.880 §11; repealed by 1997 c.652 §63]

OREGON 529 COLLEGE SAVINGS NETWORK

348.841 Definitions for ORS 348.841 to 348.873. As used in ORS 348.841 to 348.873:

(1) “Account” means an individual account established in accordance with ORS 348.841 to 348.873.

(2) “Account owner” means the person who has the right to withdraw funds from the account. The account owner may also be the designated beneficiary of the account.

(3) “Board” means the Oregon 529 College Savings Board established under ORS 348.849.

(4) “Designated beneficiary” means, except as provided in ORS 348.867, the individual designated at the time the account is opened as having the right to receive a qualified withdrawal for the payment of qualified higher education expenses, or if the designated beneficiary is replaced in accordance with ORS 348.867, the replacement.

(5) “Financial institution” means a bank, a commercial bank, a national bank, a savings bank, a savings and loan, a thrift institution, a credit union, an insurance company, a trust company, a mutual fund, an investment firm or other similar entity authorized to do business in this state.

(6) “Higher education institution” means an eligible education institution as defined in section 529(e)(5) of the Internal Revenue Code.

(7) “Internal Revenue Code” means the federal Internal Revenue Code, as amended and in effect on December 31, 2002.

(8) “Member of the family” shall have the same meaning as contained in section 529(e) of the Internal Revenue Code.

(9) “Network” means the Oregon 529 College Savings Network established under ORS 348.841 to 348.873.

(10) “Nonqualified withdrawal” means a withdrawal from an account that is not a qualified withdrawal.

(11) “Qualified higher education expenses” means tuition and other permitted expenses as set forth in section 529(e) of the Internal Revenue Code for the enrollment or attendance of a designated beneficiary at a higher education institution.

(12) “Qualified withdrawal” means a withdrawal made as prescribed under ORS 348.870 and made:

(a) From an account to pay the qualified higher education expenses of the designated beneficiary;

(b) As the result of the death or disability of the designated beneficiary;

(c) As the result of a scholarship, allowance or payment described in section 135(d)(1)(A), (B) or (C) of the Internal Revenue Code that is received by the designated beneficiary, but only to the extent of the amount of the scholarship, allowance or payment;

(d) As a rollover or change in the designated beneficiary described in ORS 348.867.

[1999 c.746 §1; 2001 c.12 §1; 2003 c.280 §6]  

Note: 348.841 to 348.873 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

348.844 Policy on higher education qualified tuition savings program. It is the intent of the Legislative Assembly, in enacting ORS 348.841 to 348.873, to create a higher education qualified tuition savings program called the Oregon 529 College Savings Network:
(1) That increases the ability of families and individuals to save for higher education.

(2) In which the earnings on contributions of network participants are exempt from state income taxation.

(3) That utilizes the private sector to administer and invest the contributions to the network under the guidance of the Oregon 529 College Savings Board.

(4) In which the contributions and earnings are held by the network in trust for the benefit of designated beneficiaries and account owners for the uses and purposes set forth in ORS 348.841 to 348.873, and for no other benefit, use or purpose. [1999 c.746 §2; 2001 c.12 §2; 2003 c.280 §7]

Note: See note under 348.841.

348.849 Oregon 529 College Savings Board; membership. (1) There is established the Oregon 529 College Savings Board to administer ORS 348.841 to 348.873.

(2) The board shall consist of:

(a) The State Treasurer, who shall serve as the board chairperson;

(b) A member of the State Board of Higher Education, to be selected by the State Board of Higher Education;

(c) A representative of accredited private colleges and universities located in this state, who shall be appointed by the State Treasurer; and

(d) Two public members, who by reason of their education and experience are qualified to serve, and who shall be appointed by the State Treasurer.

(3)(a) The board member who is a member of the State Board of Higher Education shall serve at the pleasure of the State Board of Higher Education but may not serve on the board following the end of the member's term on the State Board of Higher Education.

(b) The representative of private colleges and universities and the public members of the board shall serve at the pleasure of the State Treasurer for a term of office of three years. These members of the board may be reappointed to subsequent terms.

(4) The State Treasurer and the Department of Higher Education shall provide staff and assistance to the board in the administration of the Oregon 529 College Savings Network as directed by the board.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) A majority of the members of the board constitutes a quorum for the transaction of business. [1999 c.746 §3; 2003 c.280 §8]

Note: See note under 348.841.

348.853 Board powers and duties; establishment of network; rules. The Oregon 529 College Savings Board shall have the following powers, duties, and functions:

(1) To establish, develop, implement and maintain the Oregon 529 College Savings Network in a manner consistent with ORS 348.841 to 348.873 and section 529 of the Internal Revenue Code and to obtain the benefits of section 529 of the Internal Revenue Code for the network and its participants.

(2) To adopt rules for the general administration of the network, to administer ORS 348.841 to 348.873 and to ensure the network’s compliance with section 529 of the Internal Revenue Code.

(3) To maintain, invest and reinvest the funds contributed into the network consistent with the investment restrictions established by the board. The investment restrictions shall be consistent with the objectives of the network, and the board shall exercise the judgment and care then prevailing that persons of prudence, discretion and intelligence exercise in the management of their own affairs with due regard to the probable income and level of risk from certain types of investments of money, in accordance with the policies established by the board.

(4) To make and enter into any and all contracts, agreements or arrangements, and to retain, employ and contract for the services of private and public financial institutions, depositories, consultants, investment advisors or managers and third-party plan administrators and for research, technical and other services necessary or desirable for carrying out the purposes of ORS 348.841 to 348.873.

(5) To accept donations or receive funds for the purpose of providing scholarships, grants and other incentives to account owners, potential account owners and their designated beneficiaries or furthering any of the purposes of ORS 348.841 to 348.873.

(6) To encourage increased participation in the network by awarding scholarships or grants, providing or making available other incentives to account owners or potential account owners and their designated beneficiaries or entering into promotional arrangements with third parties as the board deems desirable. [1999 c.746 §5; 2003 c.280 §9; 2005 c.297 §1]

Note: See note under 348.841.

348.855 [Formerly 351.730; 1979 c.284 §139; 1987 c.680 §13; repealed by 1997 c.652 §63]
348.856 Oregon 529 College Savings Network Fund. (1) The Oregon 529 College Savings Network Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon 529 College Savings Network Fund shall be credited to the fund. All moneys credited to the Oregon 529 College Savings Network Fund are continuously appropriated to the Oregon 529 College Savings Board for the purposes of ORS 348.841 to 348.873.

(2) The Oregon 529 College Savings Network Fund shall consist of:

(a) Moneys appropriated to the fund by the Legislative Assembly;

(b) Moneys transferred to the fund from the federal government, other state agencies or local governments;

(c) Moneys from the payment of fees and the payment of other moneys due the board;

(d) Any gifts or donations made to the State of Oregon for deposit in the fund; and

(e) Earnings on moneys in the fund.

(3) The board may use the moneys in the fund to pay the administrative costs and expenses of the board and the Oregon 529 College Savings Network, to provide or make available scholarships, grants and other incentives to account owners, potential account owners and their designated beneficiaries or to further any other purpose of ORS 348.841 to 348.873. [2003 c.280 §22; 2005 c.297 §2]

Note: See note under 348.841.

348.857 Network participation; contribution limitations; fees. (1) An account owner may establish an account by making an initial contribution to the Oregon 529 College Savings Network in the name of the designated beneficiary. Once a contribution is made it becomes part of the network and subject to the provisions of ORS 348.841 to 348.873.

(2) Any person may make a contribution to an account once an account is opened.

(3) Contributions to an account shall be made only in cash.

(4) Total contributions to all accounts established on behalf of a particular beneficiary may not exceed those reasonably necessary to provide for the qualified higher education expenses of the designated beneficiary. The Oregon 529 College Savings Board shall establish maximum contribution limits applicable to network accounts and shall require the provision of any information from the account owner and the designated beneficiary that the board deems necessary to establish these limits.

(5) Separate records and accounting shall be required for each account and reports shall be made no less frequently than annually to the account owner.

(6) The board may collect application, account or administrative fees to defray the costs of the network. [1999 c.746 §6; 2001 c.12 §5; 2003 c.290 §10]

Note: See note under 348.841.

348.860 Right to direct investment of contributions or earnings; liability for loss. (1) Except as permitted in section 529 of the Internal Revenue Code, no person other than the Oregon 529 College Savings Board or a financial institution in which Oregon 529 College Savings Network funds have been invested shall have the right to direct the investment of any contributions to or earnings from the network.

(2) The network, the board, each board member and the State of Oregon may not insure any account or guarantee any rate of return or any interest rate on any contribution. The network, the board, each board member and the State of Oregon may not be liable for any loss incurred by any person as a result of participating in the network.

(3) The board, in the exercise of its sole discretion and without liability, may remove the network’s funds from any financial institution and reinvest the funds in a similar or different investment alternative at another financial institution pursuant to a contract, agreement or arrangement entered into under ORS 348.853 (4). [1999 c.746 §7; 2003 c.280 §11]

Note: See note under 348.841.

348.863 Prohibitions and limitations on accounts. (1) An account and any interest in an account may not be assign or or pledged or otherwise used to secure or obtain a loan or other advancement.

(2) The right of a designated beneficiary to the payment of qualified higher education expenses or of an account owner to a withdrawal, payments and withdrawals made in exercise of those rights and money or moneys or property held within an account shall be exempt from garnishment and may not be subject to execution, attachment or any other process or to the operation of any bankruptcy or insolvency law.

(3) A refund of a qualified educational expense payment may not be paid by a higher education institution directly to the designated beneficiary or to the account owner. Any refund of qualified tuition expenses owed by a higher education institution on account of an overpayment of educational expenses must be refunded to the Oregon 529 College Savings Network for credit to an account of the designated beneficiary.

(4) A qualified withdrawal that is used to pay for qualified higher education expenses must be paid as prescribed by section 529 of
348.867 Designated beneficiary of account; confidentiality of account information. (1) An account owner may at any time change the designated beneficiary of an account to another individual who is a member of the family of the former designated beneficiary. (2) An account owner shall have the right at any time to direct that all or a portion of an account be transferred to the account of another designated beneficiary who is a member of the family of the former designated beneficiary. (3) The right to change the designated beneficiary or to transfer between accounts contained in subsections (1) and (2) of this section may be denied if, under rules adopted by the Oregon 529 College Savings Board, the exercise of the right would result in either excess contributions to an account or the exercise of impermissible investment direction by the account owner. (4) Individual account information, including but not limited to names, addresses, telephone numbers, personal identification information, amounts contributed and earnings on amounts contributed, is confidential and must be maintained as confidential: (a) Except to the extent necessary to administer the Oregon 529 College Savings Network in a manner consistent with ORS 348.841 to 348.873, Oregon tax laws and the Internal Revenue Code; or (b) Unless the person who provides the information or is the subject of the information expressly agrees in writing that the information may be disclosed. [1999 c.746 §9; 2001 c.12 §7; 2003 c.280 §13]

Note: See note under 348.841.

348.869 State interest in contributions and earnings. The State of Oregon has no proprietary interest in the contributions or earnings of the Oregon 529 College Savings Network. Except as otherwise provided by law, the Oregon 529 College Savings Board is the trustee of the contributions and earnings. [2001 c.12 §4; 2003 c.280 §14]

Note: See note under 348.841.

348.870 Account withdrawals; rules; report. (1) Withdrawal from an account may be made as prescribed by the rules adopted by the Oregon 529 College Savings Board. (2) A financial institution shall report an account withdrawal during any calendar year to the account owner and the federal Internal Revenue Service. The report shall be made at the time and contain such information as required by law. [1999 c.746 §10; 2003 c.280 §15]

Note: See note under 348.841.

348.873 Report to Governor and Legislative Assembly. The Oregon 529 College Savings Board shall publish a biennial report to the Governor and the Legislative Assembly detailing the board’s activities. The report shall be prepared on or before February 1 of each odd-numbered year. [1999 c.746 §11; 2003 c.280 §16]

Note: See note under 348.841.

348.875 [Formerly 351.750; 1979 c.308 §4; 1987 c.880 §14; repealed by 1997 c.652 §63]

348.885 [Formerly 351.760; 1979 c.308 §5; 1987 c.880 §15; repealed by 1997 c.652 §63]

COORDINATION OF STATE AGENCIES

348.890 Joint Boards of Education; meeting; implementation of agreements. (1) The State Board of Higher Education and the State Board of Education shall hold at least one meeting annually as the Joint Boards of Education for the purpose of coordinating their activities and reaching joint agreement on matters of education policy and opportunities of mutual interest to the two boards and to the populations served by the boards. (2) Bylaws to be adopted by the members shall determine procedures for setting meeting dates, locations, chairperson rotation, agendas and staff support. (3) The Joint Boards of Education shall provide policy direction to implement regional partnership proposals and any other joint program or activity approved by both boards. (4) Notwithstanding ORS 351.070 (3)(c), the Department of Community Colleges and Workforce Development and the Department of Higher Education may use appropriations from the General Fund to implement agreements approved by the Joint Boards of Education that provide direct aid to a student, or other incentives that encourage shared use of facilities, programs and other resources of state institutions of higher education and community colleges. [1977 c.306 §3; 1987 c.580 §18; 1997 c.249 §109; 1999 c.450 §1]

Note: Sections 1 to 3, chapter 636, Oregon Laws 2005, provide: Sec. 1. Statewide articulation and transfer system. (1) Community colleges and state institutions of higher education within the Oregon University System shall cooperate in operating a statewide articulation and transfer system. The system must include the means for articulating lower-division general education credits, general elective credits and curriculum requirements for approved majors in order to allow students to transfer between community colleges and state institutions of higher education without losing credits that otherwise would be applicable toward a
baccaulaureate degree. The system must ensure that the post-secondary education needs of students statewide are met without unnecessary duplication of courses.

(2) In continuing to provide and improve upon an effective articulation and transfer framework for students in Oregon’s post-secondary sectors, community colleges and state institutions of higher education shall:

(a) Revise the Associate of Arts Oregon Transfer Degree offered by community colleges;
(b) Develop specific degree pathways as deemed appropriate by state institutions of higher education and community colleges;
(c) Develop an outcome-based framework for articulation and transfer that is derived from a common understanding of the criteria for general education curricula;
(d) Develop a seamless transfer of credits for all level 100 and 200 general education courses;
(e) Implement a statewide course applicability system that permits students and advisers to query and view online credit transfer options and conduct online degree auditing;
(f) Develop uniform standards for awarding college credit for advanced placement test scores; and
(g) Expand early college programs for 11th and 12th graders who earn college credit and intend to pursue a certificate or associate or baccalaureate degree.

(3) In addition to the requirements of subsection (2) of this section, community colleges and state institutions of higher education may also implement other measures to create an effective articulation and transfer framework for students. [2005 c.636 §1]

Sec. 2. Report on system. (1) The Oregon University System and the Department of Community Colleges and Workforce Development shall submit a report of their progress on operating a statewide articulation and transfer system that meets statewide post-secondary education needs as required by section 1 of this 2005 Act to the Emergency Board and to the legislative interim committee on education prior to January 1, 2007, and a second progress report to the legislative interim committee on education prior to January 1, 2009. The reports shall include:
(a) A report on the progress of the Oregon Transfer Module as approved by the State Board of Higher Education and the State Board of Education; and
(b) Recommendations for statutory changes necessary to facilitate the transfer of students between post-secondary institutions.

(2) The Oregon University System and the Department of Community Colleges and Workforce Development shall submit to the Joint Boards of Education on their progress on operating a statewide articulation and transfer system that meets statewide post-secondary education needs as required by section 1 of this 2005 Act. [2005 c.636 §2]

Sec. 3. Sections 1 and 2 of this 2005 Act are repealed on January 2, 2010. [2005 c.636 §3]

348.900 Needs assessment for health care occupations; evaluation of health care education programs. (1) The Employment Department, in consultation with health care industry employers, shall perform a statewide and regional needs assessment for health care occupations to identify emerging occupations and occupations for which there is high demand or a shortage of workers. The assessment shall be performed as necessary on a periodic basis, as determined by the department, in consultation with industry employers. To perform the needs assessment, the department may consider any reliable data sources available to the department.

(2) Based on the needs assessment, the Joint Boards of Education shall inform community colleges, state institutions of higher education within the Oregon University System, Oregon Health and Science University and health care industry employers of the identified statewide needs and invite the development of health care education programs that are responsive to those needs.

(3) When approving health care education programs, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall use the statewide needs assessment to evaluate whether a program fulfills statewide needs. If a board determines there is a statewide need, the board shall facilitate the:
(a) Coordination of new health care education programs and existing health care education programs that are similar to the new health care education programs to address the statewide need; and
(b) Alignment of health care education programs relating to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs.

(4) In the development and approval of health care education programs, community colleges, state institutions of higher education, Oregon Health and Science University, the State Board of Education, the State Board of Higher Education and the Oregon Health and Science University Board of Directors shall consider issues related to statewide access, student transferability between programs, course articulation and common student learning outcomes for health care education programs. The colleges, institutions, university and boards shall continue to provide and improve upon an effective articulation and transfer framework for students in Oregon’s post-secondary sectors. [2005 c.202 §1]

Note: 348.900 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 348 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

EDUCATION COMMISSION OF THE STATES

348.950 Education Commission of the States; members; dues. (1) If the state decides to participate in the activities of the Education Commission of the States, it may pay the appropriate dues. Other costs of
membership may be paid from funds available therefor.

(2) The persons appointed to represent the state in activities of the commission shall be appointed as follows:

(a) Three by the Governor, to serve at the pleasure of the Governor.

(b) Two by the President of the Senate, who shall be members of the Senate, to serve at the pleasure of the President of the Senate and until the convening of the regular session of the Legislative Assembly next following the appointment who are entitled to payment of compensation and expense reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly. [Formerly 189.110; 1987 c.879 §13]

PENALTIES

348.990 [Derived from 351.990; 1979 c.308 §6; repealed by 1997 c.652 §63]

348.992 Criminal penalty. Violation of any of the provisions of ORS 348.594 to 348.615 by any person individually or on behalf of an organization or group is a Class B misdemeanor. [1997 c.652 §15; 1999 c.59 §97]

CHAPTERS 349 AND 350

[Reserved for expansion]
### Chapter 702
#### 2005 EDITION

**Student Athlete Agents**

- **702.005 Definitions**
- **702.012 Registration required to act as athlete agent; exceptions; issuance; expiration; renewal; suspension; revocation**
- **702.017 Application form; requirements for registration**
- **702.019 Temporary certificate of registration**
- **702.023 Fees**
- **702.027 Restrictions on athlete agents**
- **702.030 Restrictions on inducement of student athletes**
- **702.032 Offering anything of value to student athlete as contract inducement prohibited**
- **702.037 Offering anything of value to other individuals as contract inducement prohibited**
- **702.047 Contract requirements**
- **702.052 Student may cancel contract**
- **702.054 Notice of contract**
- **702.057 Civil remedies available for educational institutions**
- **702.059 Retention of records; inspection**
- **702.062 Appointment of Department of Education as agent for service of process; subpoenas**
- **702.063 Rules**
- **702.065 Uniformity of law**
- **702.991 Criminal penalties**
- **702.994 Civil penalties**
702.005 Definitions. As used in ORS 702.005 to 702.065, 702.991 and 702.994:

(1) “Agency contract” means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

(2)(a) “Athlete agent” means an individual who enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract. “Athlete agent” includes an individual who represents to the public that the individual is an athlete agent.

(b) “Athlete agent” does not include a spouse, parent, sibling, grandparent or legal guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

(3) “Athletic director” means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(4) “Contact” means a communication, direct or indirect, between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

(5) “Endorsement contract” means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.

(6) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

(7) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public body, as defined in ORS 174.109, or any other legal or commercial entity.

(8) “Professional sports services contract” means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization or as a professional athlete.

(9) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(10) “Registration” means registration as an athlete agent pursuant to ORS 702.005 to 702.065, 702.991 and 702.994.

(11) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(12) “Student athlete” means an individual who engages in, is eligible to engage in or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport. [1999 c.1079 §1; 2001 c.300 §80; 2003 c.364 §56; 2005 c.525 §1]

702.010 [1971 c.771 §1; 1973 c.832 §§61,61a; 1979 c.352 §4; 1983 c.411 §1; 1987 c.414 §91n; 1987 c.456 §7; repealed by 1995 c.396 §1]

702.012 Registration required to act as athlete agent; exceptions; issuance; expiration; renewal; suspension; revocation.

(1) Except as otherwise provided in subsection (2) of this section, an individual may not act as an athlete agent in Oregon without holding a certificate of registration issued under this section or ORS 702.019.

(2) Before being issued a certificate of registration, an individual may act as an athlete agent in Oregon for all purposes except signing an agency contract, if:

(a) A student athlete or another person acting on behalf of the student athlete initiates communication with the individual; and

(b) Within seven days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in Oregon.

(3) An agency contract resulting from conduct in violation of this section is void and the athlete agent shall return any consideration received under the contract.

(4) Except as otherwise provided in subsection (5) of this section, the Department of Education shall issue a certificate of registration to an individual who complies with ORS 702.017 (1) and (2) or whose application has been accepted under ORS 702.017 (3).

(5) The department may refuse to issue a certificate of registration if the department determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant’s fitness to act as an athlete agent. In making the determination, the department may consider whether the applicant has:
(a) Been convicted of a crime that, if committed in Oregon, would be a crime involving moral turpitude or a felony;
(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;
(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;
(d) Engaged in conduct prohibited by ORS 702.027;
(e) Had a registration or license as an athlete agent suspended, revoked or denied or been refused renewal of registration or license as an athlete agent in any state;
(f) Engaged in conduct the consequence of which was that a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or
(g) Engaged in conduct that significantly adversely reflects on the applicant’s credibility, honesty or integrity.

(6) In making a determination under subsection (5) of this section, the department shall consider:

(a) How recently the conduct occurred;
(b) The nature of the conduct and the context in which it occurred; and
(c) Any other relevant conduct of the applicant.

(7) An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the department. The application for renewal must be signed by the applicant under penalty of perjury and must contain current information on all matters required in an original registration.

(8) An individual who has submitted an application for renewal of registration or license as an athlete agent in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (7) of this section, may file a copy of the application for renewal and a valid certificate of registration or license from the other state. The department shall accept the application for renewal from the other state as an application for renewal in Oregon if the application to the other state:

(a) Was submitted in the other state within the preceding six months and the applicant certifies that the information contained in the application for renewal is current;
(b) Contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in Oregon; and
(c) Was signed by the applicant under penalty of perjury.

(9) A certificate of registration or a renewal of a registration is valid for two years.

(10) The department may suspend, revoke or refuse to renew a registration for conduct that would have justified denial of registration under subsection (5) of this section.

(11) The department may deny, suspend, revoke or refuse to renew a certificate of registration or license only after proper notice and an opportunity for a hearing. [1999 c.1079 §2; 2005 c.525 §4]

702.017 Application form; requirements for registration. (1) An applicant for registration shall submit an application for registration to the Department of Education in a form prescribed by the department and, if requested by the department, shall allow the department to take fingerprints for the purpose of requesting a state or nationwide criminal records check under ORS 181.534.

(2) The application must be in the name of an individual and, except as otherwise provided in subsection (3) of this section, signed or otherwise authenticated by the applicant under penalty of perjury. The application must state or contain:

(a) The name of the applicant and the address of the applicant’s principal place of business;
(b) The name of the applicant’s business or employer, if applicable;
(c) Any business or occupation engaged in by the applicant for the five years preceding the date of submission of the application;
(d) A description of the applicant’s:
   (A) Formal training as an athlete agent;
   (B) Practical experience as an athlete agent; and
   (C) Educational background relating to the applicant’s activities as an athlete agent;
(e) The names and addresses of three individuals not related to the applicant who are willing to serve as references;
(f) The name, sport and last known team for each individual for whom the applicant acted as an athlete agent during the five years preceding the date of submission of the application;
(g) The names and addresses of all persons who are:
   (A) With respect to the athlete agent’s business if the business is not a corporation, the partners, members, officers, managers, associates or profit sharers of the business; and
(B) With respect to a corporation employing the athlete agent, the officers, directors and any shareholder of the corporation having an interest of five percent or more;

(h) Whether the applicant or any person named pursuant to paragraph (g) of this subsection has been convicted of a crime that, if committed in Oregon, would be a crime involving moral turpitude or a felony, and identify the crime;

(i) Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to paragraph (g) of this subsection has made a false, misleading, deceptive or fraudulent representation;

(j) Whether there has been any denial of an application for, suspension or revocation of or refusal to renew the registration or licensure of the applicant or any person named pursuant to paragraph (g) of this subsection as an athlete agent in any state;

(k) Any sanction, suspension or disciplinary action taken against the applicant or any person named pursuant to paragraph (g) of this subsection arising out of occupational or professional conduct; and

(L) Any instance in which the conduct of the applicant or any person named pursuant to paragraph (g) of this subsection resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution.

(3) An individual who has submitted an application for and holds a certificate of registration or licensure as an athlete agent in another state may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection (2) of this section. The department shall accept the application and the certificate from the other state as an application for registration in Oregon if the application to the other state:

(a) Was submitted in the other state within the preceding six months and the applicant certifies that the information contained in the application is current; and

(b) Contains information substantially similar to or more comprehensive than that required in an application submitted in Oregon; and

(c) Was signed by the applicant under penalty of perjury. [1999 c.1079 §3; 2005 c.730 §77]

702.027 Restrictions on athlete agents. An athlete agent may not intentionally:

(1) Initiate contact with a student athlete unless registered under ORS 702.005 to 702.065, 702.991 and 702.994;

(2) Refuse or fail to retain or permit inspection of the records required to be retained by ORS 702.059;

(3) Fail to register when required by ORS 702.012;

(4) Provide materially false or misleading information in an application for registration or renewal of registration;

(5) Predate or postdate an agency contract; or

(6) Fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport. [1999 c.1079 §6; 2005 c.525 §8]

702.030 Restrictions on inducement of student athletes. An athlete agent may not, with the intent to induce a student athlete to enter into an agency contract, give any materially false or misleading information or make a materially false promise or representation. [2005 c.525 §11]

702.032 Offering anything of value to student athlete as contract inducement prohibited. An athlete agent may not, for the purpose of inducing a student athlete to enter into an agency contract, furnish anything of value to the student athlete before
the student athlete enters into an agency contract. [1999 c.1079 §5; 2005 c.525 §9]

702.037 Offering anything of value to other individuals as contract inducement prohibited. An athlete agent may not, with the intent to induce a student athlete to enter into an agency contract, furnish anything of value to any individual other than the student athlete or another registered athlete agent. [1999 c.1079 §7; 2005 c.525 §10]

702.042 [1999 c.1079 §8; repealed by 2005 c.525 §23]

702.047 Contract requirements. (1) An agency contract must be in a record, signed or otherwise authenticated by the parties.

(2) An agency contract must state or contain:

(a) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

(b) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student athlete signed the agency contract;

(c) A description of any expenses that the student athlete agrees to reimburse;

(d) A description of the services to be provided to the student athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) An agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in bold-faced type in capital letters stating:

WARNING TO THE STUDENT ATHLETE:

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT.

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, OR BEFORE YOU PARTICIPATE IN ANY INTERSCHOLASTIC OR INTER-COLLEGIATE SPORTS EVENT, NO MATTER WHEN IT OCCURS.

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(4) An agency contract that does not conform to this section is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution. [1999 c.1079 §9; 2005 c.525 §12]

702.050 [1971 c.771 §2; 1979 c.352 §5; 1983 c.411 §3; repealed by 1995 c.386 §1]

702.052 Student may cancel contract. (1) A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.

(2) The right of a student to cancel a contract under this section may not be waived.

(3) If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract. [1999 c.1079 §10; 2005 c.525 §15]

702.054 Notice of contract. (1) Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(2) Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled that the student athlete has entered into an agency contract. [2005 c.525 §14]

702.057 Civil remedies available for educational institutions. (1) An educational institution shall have a cause of action against an athlete agent or a former student athlete for damages caused by a violation of ORS 702.005 to 702.065, 702.991 and 702.994. In an action under this section, the court may award to the prevailing party costs and reasonable attorney fees.
For the purposes of this section, damages of an educational institution include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of ORS 702.005 to 702.065, 702.991 and 702.994 or was penalized, disqualified or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

A cause of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student athlete.

Any liability of the athlete agent or the former student athlete under this section is several and not joint.

ORS 702.005 to 702.065, 702.991 and 702.994 do not restrict rights, remedies or defenses of any person under law or equity.

The department may issue subpoenas in any civil action in Oregon related to ORS 702.005 to 702.065, 702.991 and 702.994. [1999 c.1079 §4a; 2005 c.525 §18]

Uniformity of law. In applying and construing ORS 702.005 to 702.065, 702.991 and 702.994, the courts and the Department of Education shall give consideration to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniform Athlete Agents Act. [2005 c.525 §21]

702.070 [1971 c.771 §3; 1973 c.576 §2; 1983 c.411 §5; repealed by 1995 c.386 §1]

702.080 [1971 c.771 §13; 1983 c.411 §6; repealed by 1995 c.386 §1]

702.083 [1979 c.352 §2; 1983 c.411 §7; repealed by 1995 c.386 §1]

702.087 [1979 c.352 §16; repealed by 1995 c.386 §1]

702.090 [1971 c.771 §86.10; 1973 c.832 §63; 1977 c.573 §24; 1977 c.874 §6a; 1979 c.352 §71; 1983 c.411 §19; 1995 c.269 §1; repealed by 1995 c.386 §1]

702.100 [1971 c.771 §§5.9; 1973 c.832 §46.44a; 1977 c.873 §25; 1977 c.874 §7a; 1979 c.352 §8; 1983 c.411 §10; 1987 c.456 §1; repealed by 1995 c.386 §1]

702.105 [1973 c.799 §6; 1979 c.352 §9; 1983 c.411 §11; repealed by 1995 c.386 §1]

702.110 [1971 c.771 §7; 1973 c.799 §3; 1973 c.832 §65; 1974 s.s. c.69 §1; 1975 c.737 §1; 1979 c.352 §10; repealed by 1983 c.411 §21]

702.120 [1971 c.771 §4; 1973 c.832 §66; 1979 c.352 §11; 1983 c.411 §12; 1987 c.414 §92; 1987 c.456 §2; repealed by 1995 c.386 §1]

702.130 [1971 c.771 §7a; 1973 c.799 §4; 1979 c.352 §12; 1983 c.411 §15; repealed by 1995 c.386 §1]

702.135 [1979 c.352 §3; 1983 c.411 §14; repealed by 1995 c.386 §1]

702.140 [1971 c.771 §8; 1979 c.352 §13; 1983 c.411 §15; 1987 c.456 §3; repealed by 1995 c.386 §1]

702.150 [1979 c.352 §14; 1983 c.411 §16; 1989 c.266 §1; repealed by 1995 c.386 §1]

702.160 [1971 c.771 §§11.18; 1983 c.411 §17; 1987 c.456 §8; repealed by 1995 c.386 §1]

702.165 [1987 c.456 §5; repealed by 1995 c.386 §1]

702.170 [1971 c.771 §14; repealed by 1979 c.31 §1]

702.175 [1987 c.456 §10; repealed by 1995 c.386 §1]


702.220 [1971 c.771 §16; 1979 c.352 §15; 1983 c.411 §20; repealed by 1987 c.456 §13]

702.230 [1971 c.771 §17; 1973 c.832 §67; repealed by 1987 c.456 §13]

702.990 [1971 c.771 §22; repealed by 1995 c.386 §1]

702.991 Criminal penalties. (1) An athlete agent who violates ORS 702.032 is guilty of a Class C felony.

(2) Violation of the athlete agent’s 72-hour notice requirement provided under ORS 702.054 (1) is a Class C felony.

(3) It is a Class A misdemeanor for any person to conduct business as an athlete agent in the State of Oregon unless the person has a valid certificate of registration issued pursuant to ORS 702.012 or 702.019.

(4) It is a Class A misdemeanor for any person to represent to another person by...
verbal claim, advertisement, letterhead, business card or any other means that the person is an athlete agent unless the person has a valid certificate of registration issued pursuant to ORS 702.012 or 702.019.  [1999 c.1079 §12; 2005 c.525 §20]

702.994 Civil penalties.  (1) The Department of Education may assess a civil penalty against an athlete agent not to exceed $25,000 for a violation of this section and ORS 702.005 to 702.065.

(2) Civil penalties under subsection (1) of this section shall be imposed in the manner provided in ORS 183.745.

(3) All civil penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses.  [2005 c.525 §19]

702.995 [1987 c.456 §12; 1991 c.734 §91; repealed by 1995 c.386 §1]
NOTES OF DECISIONS


ATTY. GEN. OPINIONS: Authority of State Board to adopt rules concerning physical examinations, (1976) Vol 37, p 1185

LAW REVIEW CITATIONS: 69 OLR 333 (1990)

327.006 to 327.157

LAW REVIEW CITATIONS: 69 OLR 295 (1990)

327.006

LAW REVIEW CITATIONS: 51 OLR 737, 743 (1972)

327.008


327.109

NOTES OF DECISIONS

Analysis under statute is same as analysis under federal Establishment Clause. Powell v. Bunn, 185 Or App 334, 59 P3d 559 (2002), Sup Ct review denied

327.403 to 327.484

LAW REVIEW CITATIONS: 69 OLR 295 (1990)

328.005 to 328.035

ATTY. GEN. OPINIONS: Application of Article XI, section 11b of Oregon Constitution to county school fund levy under these provisions, (1990) Vol 46, p 388

328.005


LAW REVIEW CITATIONS: 51 OLR 743 (1972)

328.015

LAW REVIEW CITATIONS: 51 OLR 743 (1972)

328.255

NOTES OF DECISIONS

Since ORS 294.035 together with this section and ORS 328.441 do not define county treasurer’s investment of school district proceeds as “use,” treasurer’s pooling of proceeds with those of other governments for investment was not “use” but was rather the manner in which treasurer exercised custody over funds. Urban Renewal Agency v. Swank, 54 Or App 591, 635 P2d 1344 (1981), Sup Ct review denied

ATTY. GEN. OPINIONS: Designation of county treasurer as custodian of district funds by certain school districts, (1974) Vol 36, p 827

328.351


328.441

NOTES OF DECISIONS

Since ORS 294.035 together with ORS 328.255 and this section, do not define county treasurer’s investment of school district proceeds as “use,” treasurer’s pooling of proceeds with those of other governments for investment was not “use” but was rather the manner in which treasurer exercised custody over funds. Urban Renewal Agency v. Swank, 54 Or App 591, 635 P2d 1344 (1981), Sup Ct review denied

ATTY. GEN. OPINIONS: Designation of county treasurer as custodian of district funds by certain school districts; investment of funds by school district, (1974) Vol 46, p 827

328.542 to 328.565

LAW REVIEW CITATIONS: 69 OLR 311 (1990)

328.565

ATTY. GEN. OPINIONS: School districts expenditure of funds set aside for potential unemployment insurance liability for operating the district, (1976) Vol 38, p 304

328.715

NOTE: Repealed as of July 1, 1997

LAW REVIEW CITATIONS: 69 OLR 297 (1990)

328.725

NOTE: Repealed as of July 1, 1997

NOTES OF DECISIONS

This section and Article XI, section 11a of state constitution recognize reliance on local property taxes and direct school districts to meet state standards with property taxes; therefore, plaintiffs failed to state claim that current system of public school funding violates Article VIII, section 3 of state constitution. Coalition for Equitable School Funding, Inc. v. State of Oregon, 311 Or 300, 811 P2d 116 (1991)

LAW REVIEW CITATIONS: 28 WLR 259 (1992)
Chapter 329
NOTES OF DECISIONS
Oregon Educational Act for 21st Century does not facially violate students’ rights under First Amendment to United States Constitution. Tennison v. Paulus, 144 F3d 1285 (9th Cir. 1998)

329.555
LAW REVIEW CITATIONS: 26 WLR 566 (1990)

329.704
LAW REVIEW CITATIONS: 32 WLR 707 (1996)

See annotations under ORS 657.732.

330.003

330.080 to 330.107
ATTY. GEN. OPINIONS: Removing territory from school district, annexing to another, (1973) Vol 36, p 626

330.090
NOTES OF DECISIONS
Boundary board permissibly denied petitioners’ attempt to transfer school property from Polk County to Yamhill County where petitioners did not prove that change would have “no substantial adverse effect” as required by this section. Kumley v. Polk Co. District Boundary Board, 75 Or App 315, 706 P2d 562 (1985)

When districts under jurisdiction of more than one boundary board are involved in boundary change, approval by board in which larger district lies is only preliminary action and change is not effective unless board in which smaller district lies concurs. Central School Dist. v. Marion Dist. Boundary Bd., 88 Or App 85, 744 P2d 284 (1987), Sup Ct review denied

Court of Appeals has jurisdiction to review school district boundary change approved by appropriate boundary boards even if no remonstrance for election is filed under this section. Butte Creek Sch. Dist. v. Clackamas Co. Dist. Boundary Bd., 88 Or App 89, 744 P2d 286 (1987)

Where petition for boundary change did not contain 100 percent of contiguous property owners nor contain at least three signatures, petition did not comply with requirements of this section. Butte Creek School Dist. v. Clackamas Co., 91 Or App 300, 754 P2d 926 (1988)

ATTY. GEN. OPINIONS: Second election for school district boundary change, (1973) Vol 36, p 626

330.310
NOTE: Repealed as of July 1, 2003
ATTY. GEN. OPINIONS: Removing territory from school district, annexing to another; second election for school district boundary change, (1973) Vol 36, p 626

332.016
NOTES OF DECISIONS
This section was inapplicable to transportation supervisor employed prior to effective date because of savings clause in section 2 of original Act. Columbia County Sch. Dist. v. Prichard, 36 Or App 643, 585 P2d 701 (1978)

ATTY. GEN. OPINIONS: Public body employee serving as board member of same body, (1977) Vol 35, p 1441

332.018
ATTY. GEN. OPINIONS: Failure to reregister as no bar to circulating nominating petitions, (1972) Vol 36, p 117
NOTES OF DECISIONS

This section does not require common consent be given at board meeting itself. McFetridge v. Wieck, 7 Or App 389, 490 P2d 1044 (1971)

Collective bargaining agreement is enforceable against employer where employer has given negotiator sufficient authority, notwithstanding that school board has not ratified agreement. South Benton Ed. Assn. v. Monroe Union High, 83 Or App 425, 732 P2d 58 (1987), Sup Ct review denied

Neither a school board nor a school district are immune from suit under the Eleventh Amendment of the United States Constitution. Hutchison v. Lake Oswego Sch. Dist. 7, 519 F2d 961 (1975)

ATTY. GEN. OPINIONS: Contribution of school district funds to private nonprofit association to conduct summer recreation program for children, (1977) Vol 38, p 1636


ATTY. GEN. OPINIONS

Under former similar statute

Private funds placed in escrow for district use, (1976) Vol 38, p 304

A school board’s authority to enact rules governing student conduct is limited to enacting rules that have some reasonable connection with the educational process. Neuhaus v. Federico, 12 Or App 314, 505 P2d 939 (1973), Sup Ct review denied

Defendants did not establish that promulgation and enforcement of hair length rule was within the authority of the school board under this section. Neuhaus v. Federico, 12 Or App 314, 505 P2d 939 (1973), Sup Ct review denied

ATTY. GEN. OPINIONS: Local school rules’ conformance to state’s rules, (1976) Vol 37, p 1185

See annotations under ORS 331.002 in permanent edition.

See also annotations under ORS 331.090 in permanent edition.

ATTY. GEN. OPINIONS: Failure to reregister as no bar to circulating nominating petitions, (1972) Vol 36, p 117

ATTY. GEN. OPINIONS: Requiring candidates for school district directors be elected at large in a common school district, (1975) Vol 37, p 832

See annotations under ORS 331.120 in permanent edition.

ATTY. GEN. OPINIONS: Authority of school district to acquire and use property outside boundaries, (1973) Vol 36, p 626; contracts between school districts and photographers, (1974) Vol 37, p 49; power of school district to except right to use services as partial consideration for sale of school district property, (1979) Vol 39, p 707


See annotations under ORS 332.075.

NOTES OF DECISIONS

Amendments to this section which deleted references to motor vehicles were meant to exclude liability for motor vehicle accidents from rule in Vendrell v. School District No. 26C, 226 Or 263, 360 P2d 282 (1961) and therefore liability limitation of ORS 30.270 controls. Espinosa v. Southern Pacific Transportation, 291 Or 853, 635 P2d 638 (1981)


ATTY. GEN. OPINIONS: Validity of collective bargaining agreements between county intermediate education district and local education association on transfer of sick leave, (1975) Vol 37, p 328

NOTES OF DECISIONS

A hearing required by this section is only “informational” as opposed to “adversary.” Crampton v. Harmon, 20 Or App 676, 533 P2d 364 (1975), Sup Ct review denied
This section does not create a property interest, the expectation of continued employment, that could not be taken without a hearing of the type required by the Due Process Clause under the United States Const. Crampton v. Harmon, 20 Or App 676, 533 P2d 364 (1975), Sup Ct review denied.

Chapter 333

ATTY. GEN. OPINIONS: Effect of reorganizations on status of county unit school district, (1977) Vol 38, p 1310

333.005
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

333.240
NOTE: Repealed as of July 1, 2003
ATTY. GEN. OPINIONS: County obligation to furnish administrative office space, (1976) Vol 37, p 1261

333.310
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

333.510
NOTE: Repealed as of July 1, 2003
ATTY. GEN. OPINIONS: Time for referendum on discontinuance of county unit school district, (1980) Vol 40, p 345

334.022
ATTY. GEN. OPINIONS: Determination of zone populations, (1976) Vol 37, p 1266

334.045

334.125
ATTY. GEN. OPINIONS: Validity of collective bargaining agreements between county district and local education association on transfer of sick leave, (1975) Vol 37, p 328; authority of education service districts to provide curriculum improvement and special education programs without obtaining school district resolutions or agreements for reimbursement, (1979) Vol 39, p 717

334.175
ATTY. GEN. OPINIONS: Authority of education service districts to provide curriculum improvement in special education programs without obtaining school district resolutions or agreements for reimbursement, (1979) Vol 39, p 717

334.240 to 334.330
ATTY. GEN. OPINIONS: District financing of operating budget and equalization, (1975) Vol 37, p 401

334.250 to 334.290

334.270
ATTY. GEN. OPINIONS: Taxing authority of education service district board, (1978) Vol 38, p 1654

334.350 to 334.410
ATTY. GEN. OPINIONS: Right of component school districts of educational service district to establish tax bases on own behalf, (1982) Vol 42, p 364

334.350
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

334.400
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

335.090
NOTE: Repealed as of July 1, 2003

336.010
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

336.010
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

336.010
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

NOTES OF DECISIONS

If the Board makes a contract with another district for its high school students' attendance, the Board may decide to which district it will pay tuition for its resident students. Porter v. Riverdale Sch. Dist. 51, 21 Or App 773, 536 P2d 1265 (1975)

336.010
NOTE: Repealed as of July 1, 2003
LAW REVIEW CITATIONS: 51 OLR 744 (1972)

NOTES OF DECISIONS

The first Monday in February is not a legal holiday. School Dist. 1 v. Portland Assoc. of Teachers, 27 Or App 939, 558 P2d 362 (1976)

ATTY. GEN. OPINIONS: First and third Mondays in February, (1976) Vol 37, p 1213; treating "day that would otherwise be a school day" as vacation period for salary purposes, (1977) Vol 38, p 914
District must make determination pursuant to ORS 336.631 that placement in program is necessary to meet student educational needs and interests before distribution can be made to program from State School Fund.


Students and parents had standing to challenge constitutionality of textbook selection provision of this section and claim was ripe for decision. Johnson v. Stuart, 702 F2d 193 (1983)

Plaintiff’s right to attend parochial schools, guaranteed by this section, was not impinged by rule of Oregon School Activities Association which limited participation in athletics by student who had transferred between parochial and public high schools. Cooper v. OSAA, 52 Or App 425, 629 P2d 386 (1981), Sup Ct review denied

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See also annotations under ORS 339.310 in permanent edition.

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ATTY. GEN. OPINIONS: Ability of charter school to contract operations to private, for-profit entity, (2000) Vol 49, p 254

See also annotations under ORS 339.310 in permanent edition.

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ATTY. GEN. OPINIONS: Ability of charter school to contract operations to private, for-profit entity, (2000) Vol 49, p 254
NOTES OF DECISIONS

Rule of Oregon School Activities Association which limits participation in athletics by students transferring between parochial and public high schools does not violate this section as rule bears reasonable relationship to goal of fostering interscholastic athletic competition. Cooper v. OSAA, 52 Or App 425, 629 P2d 386 (1981), Sup Ct review denied

ATTY. GEN. OPINIONS: Education for children in child-care agency, (1975) Vol 37, p 611

NOTES OF DECISIONS

If the Board makes a contract with another district for its high school students’ attendance, the Board may decide to which district it will pay tuition for its resident students. Porter v. Riverdale Sch. Dist. 51, 21 Or App 773, 536 P2d 1265 (1975)

LAW REVIEW CITATIONS: 7 WLJ 419-434 (1971)

NOTES OF DECISIONS

Defendants did not establish that promulgation and enforcement of hair length rule was within the authority of the school board under this section. Neuhaus v. Federico, 12 Or App 314, 505 P2d 939 (1973), Sup Ct review denied

A school board’s authority to enact rules governing student conduct is limited to enacting rules that have some reasonable connection with the educational process. Neuhaus v. Federico, 12 Or App 314, 505 P2d 939 (1973), Sup Ct review denied

Where case is decided on grounds that challenged disciplinary action violates this section, party may seek relief on same grounds. Ferguson v. Phoenix-Talent School District No. 4, 172 Or App 389, 19 P3d 943 (2001), Sup Ct review denied

“Refractory” means resisting control or authority. Ferguson v. Phoenix-Talent School District No. 4, 172 Or App 389, 19 P3d 943 (2001), Sup Ct review denied

ATTY. GEN. OPINIONS: Distict prohibition of school newspaper publishing of editorial positions on ballot measures and candidates for public office, (1978) Vol 38, p 2129

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This section does not modify the common law rule that a teacher is immune from liability for physical punishment, reasonable in degree, administered to a pupil. Simms v. Sch. Dist. 1, Multnomah County, 13 Or App 119, 508 P2d 236 (1973), Sup Ct review denied

Rules of student conduct adopted by district school board need not list every possible disciplinary action that may follow infraction. Ferguson v. Phoenix-Talent School District No. 4, 172 Or App 389, 19 P3d 943 (2001), Sup Ct review denied

“Refractory” means resisting control or authority. Ferguson v. Phoenix-Talent School District No. 4, 172 Or App 389, 19 P3d 943 (2001), Sup Ct review denied

LAW REVIEW CITATIONS: 38 WLR 657 (2002)

NOTES OF DECISIONS


LAW REVIEW CITATIONS: 38 WLR 657 (2002)

NOTES OF DECISIONS

When statute is discretionary by its terms, public entity is immune from liability if entity does not take action pursuant to statute. Fielding v. Heiderich, 113 Or App 280, 832 P2d 1244 (1992)


NOTES OF DECISIONS

Where rights and responsibilities of management employee at community college were controlled by terms of his contract and college’s Administrative Policy Handbook, his remedy for termination was limited to writ of review, since district board’s termination decision was “decision or determination” under ORS 34.020 in exercise of its authority under this section. Cole v. Chemeketa Comm. College, 58 Or App 77, 647 P2d 935 (1982), Sup Ct review denied

ATTY. GEN. OPINIONS: Public inspection of written personnel evaluation of community college president, (1979) Vol 39, p 480

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NOTES OF DECISIONS

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NOTES OF DECISIONS

The definitions in this section apply to ORS 342.513 and thus, plaintiff school superintendent was entitled to written notice of decision not to renew contract by April 1, 1981. Mitchell v. Board of Education of School Dist. 30-44-63J, 64 Or App 565, 669 P2d 356 (1983), Sup Ct review denied.

ATTY. GEN. OPINIONS: Effect of education service district’s employment of noncertificated person as school psychologist, (1980) Vol 40, p 244

NOTES OF DECISIONS

Rule authorizing denial of teaching license on grounds, inter alia, of gross neglect of duty and gross unfitness, and defining those concepts, is sufficient explanation of term “good moral character” when agency relies on those two aspects in denying license. Reguero v. Teacher Standards and Practices Comm., 312 Or 402, 822 P2d 1171 (1991)

NOTES OF DECISIONS

Compensation received by noncertified substitute teachers for “in-service” days was improperly excluded by Teacher Standards and Practices Commission from forfeiture computation under this section. Oregon Educ. Ass’n v. Eugene School Dist, 53 Or App 722, 633 P2d 28 (1981)


NOTES OF DECISIONS

Commission’s authority to require a coach to have a teaching certificate, (1977) Vol 37, p 778; non-certificated employees of private association conducting instructional recreation program of school district, (1977) Vol 38, p 1602; retroactive application of amendments to this section relating to employment of non-certificated teaching personnel or misassignment of certificated personnel, (1979) Vol 40, p 26; effect of education service district’s employment of noncertificated person as school psychologist, (1980) Vol 40, p 244

NOTES OF DECISIONS


NOTES OF DECISIONS

Under this section, only entities entitled to appeal determination in proceeding for revocation of certificate are teacher, administrator, Superintendent of Public Instruction or school district. Oregon Ed. Assn. v. Teacher Standards and Practices Comm., 53 Or App 524, 632 P2d 805 (1981), Sup Ct review denied.

NOTES OF DECISIONS

Under former similar statute the requirement that a school district must give written notice to a teacher that his or her contract will not be renewed is not satisfied by mere mailing of a notice unless it was delivered to the teacher before the statutory deadline. Welo v. Dist. Sch. Bd., Dist. 7, 24 Or App 443, 545 P2d 921 (1976)

Where school district superintendent received draft of minutes of school board meeting at which board decided not to renew his contract, and where he edited draft, notice of nonrenewal was sufficient to meet requirement of this section, although minutes had not been approved by board. Ambrose v. Board of Education of School Dist. 30-44-63J, 64 Or App 565, 669 P2d 356 (1983), Sup Ct review denied.

NOTES OF DECISIONS

This section does not require acceptance in order for resignation to be effective. Pierce v. Douglas County Sch. Dist. No. 4, 297 Or 363, 686 P2d 332 (1984)

NOTES OF DECISIONS

This section does not require acceptance in order for resignation to be effective. Pierce v. Douglas County Sch. Dist. No. 4, 297 Or 363, 686 P2d 332 (1984)

This section permits teacher to withdraw from contract without being found in breach, but did not allow acceptance of subsequent contract with new conditions and keeping option of later rejecting new conditions and relying on earlier ones. Siler v. Turnbull, 71 Or App 787, 693 P2d 1323 (1984)

See annotations under ORS 332.507.

NOTES OF DECISIONS

This section, if narrowly applied to prohibit only wearing of dress which has religious significance to wearer and conveys to school children teacher’s religious commitment, represents constitutional exercise of legislature’s obligation to protect religious freedom of pupils. Cooper v. Eugene Sch. Dist. No. 4J, 301 Or 358, 723 P2d 298 (1986)

This provision does not violate Title VII. U.S. v. Bd. of Educ. of School D. of Philadelphia, 911 P2d 882 (3rd Cir. 1996)

LAW REVIEW CITATIONS: 65 OLR 413 (1986); 75 OLR 1253 (1996)
Sanction of this section is not penalty, but rather is disqualification from teaching based on doing so in manner incompatible with that function and is not therefore unconstitutional. Cooper v. Eugene Sch. Dist. No. 4J, 301 Or 358, 723 P2d 298 (1986)


NOTES OF DECISIONS

Under these sections a nontenured teacher may be entitled to a fair hearing. Vanderzanden v. Lowell Sch. Dist. 71, 369 F Supp 67 (1973)

The procedural requirements contained in these sections apply to all, or substantially all, nonpersonal discharges of instructors and administrators and to the transfer of administrators. Schaad v. Sch. Dist. No. 4J, 19 Or App 838, 529 P2d 943 (1974), Sup Ct review denied

Where senior high school principals were transferred to positions as junior high school principals, allegedly in violation of Fair Dismissal Law, appeal must first be made to Fair Dismissal Appeals Board and issuance of writ of mandamus by circuit court was improper. Zollinger v. Warner, 286 Or 19, 593 P2d 1107 (1979)

NOTES OF DECISIONS

Where school districts merge, reelection required to qualify as permanent teacher in merged district means reelection by merged district following completion of succeeded-to employment contract. Sittser v. School District No. 12, 25 Or App 163, 548 P2d 511 (1976), Sup Ct review denied

Arbitrator’s order which reinstated teacher for “third probationary year” which would in fact be her fourth year of employment did not amount to award of permanent tenure since, under this section, only the district can confer tenure by an affirmative act of re-election. N. Clackamas Sch. Dist. v. N. Clackamas Educ. Assoc., 54 Or App 211, 634 P2d 1348 (1981)

Where petitioner was employed full-time as behind-the-wheel driving instructor during her first year of employment, her employment for that year was as “teacher” within meaning of this section. Humphreys v. Bethel Sch. Dist. 52, 54 Or App 867, 636 P2d 463 (1981)

Where petitioner received notice of renewal for fourth year by April 1 of third year, such notice did not immediately confer permanent status; teacher remains probationary after fourth-year renewal until completion of third year. Wesockes v. Powers Sch. Dist. No. 31, 57 Or App 652, 646 P2d 65 (1982). But see Smith v. Salem-Keizer School District, 188 Or App 237, 71 P3d 139 (2003), Sup Ct review denied

Fair Dismissal Law does not, within meaning of this section, apply to district’s termination of teacher for not holding valid teaching certificate or because teacher otherwise is not authorized to teach.

Wagenblast v. Crook County School District, 75 Or App 568, 707 P2d 69 (1985)

Terminated school district employe was “superintendent” within definition of this section. Fair Dismissal Law did not apply to him, and FDAB correctly dismissed appeal for lack of jurisdiction. Babbitt v. Mari-Linn School Dist. No. 29, 94 Or App 101, 764 P2d 954 (1988), Sup Ct review denied

School year for purposes of identifying contract teacher is same as full year of employment described in ORS 342.840 for purposes of identifying probationary teacher. Smith v. Salem-Keizer School District, 188 Or App 237, 71 P3d 139 (2003), Sup Ct review denied

NOTES OF DECISIONS

Failure to follow notice and hearing procedure does not constitute lack of good faith. Jinkerson v. Lane County Sch. Dist. No. 19, 20 Or App 174, 531 P2d 288 (1975)

General rights defined in this section did not limit specific collective bargaining rights of employees delineated in ORS 243.672 and ORS 243.662, and fact that petitioner was probationary teacher did not preclude Employment Relations Board from finding that his nonrenewal constituted unfair labor practice. Harrison v. Central Linn School District, 34 Or App 221, 578 P2d 460 (1978), Sup Ct review denied

School board was not required to submit its dismisssal of probationary teacher to arbitration where collective bargaining agreement did not expressly provide for this. Ostrer v. Pine-Eagle School Dist., 40 Or App 265, 594 P2d 1296 (1979)

Legislature intended that nonrenewed probationary teacher have opportunity to contest reasons for nonrenewal, that school board consider evidence in good faith before decision and that limited appeal to courts be provided. Henthorn v. Grand Prairie School Dist., 287 Or 683, 601 P2d 1234 (1979)

Probationary teacher could not bring cause of action for breach of contract in attempt to review school district’s substantive basis for his termination, as proper remedy in such case is by writ of review. Maddox v. Clackamas County School Dist. No. 25, 51 Or App 639, 626 P2d 924 (1981), aff’d as modified 285 Or 27, 643 P2d 1253 (1982)

Where petitioner received notice of renewal for fourth year by April 1 of third year, such notice did not immediately confer permanent status; teacher remains probationary after fourth-year renewal until completion of third year. Wesockes v. Powers Sch. Dist. No. 31, 57 Or App 652, 646 P2d 68 (1982). But see Smith v. Salem-Keizer School District, 188 Or App 237, 71 P3d 139 (2003), Sup Ct review denied

Violations of evaluation procedure under ORS 342.850, and public meeting law, ORS 192.640, are not “procedures at hearing” for purposes of appeal. Smith v. School Dist. No. 45, 63 Or App 685, 666 P2d 1345 (1983), Sup Ct review denied

NOTES OF DECISIONS

Third-year teacher serving 135-day period required to receive credit for full year attains permanent teacher status upon completion of 135-day period, not upon completion of full school year. Axelsen v. Hillsboro...
NOTES OF DECISIONS

Where, prior to enactment of ORS 342.865 on July 20, 1973, school district transferred administrator to lower paying position as teacher as result of good faith reorganization of district, district had no duty to attempt to find administrative position for which he could qualify or to assign him to such position in preference to assigning him to classroom teaching position. Porter v. School District No. 24J, 31 Or App 987, 571 P2d 1286 (1977), Sup Ct review denied

Where permanent teacher submitted letter purporting to "resign" gymnastics coach duties but did not purport or intend to resign teaching or softball coach duties, school board’s treatment of letter as total resignation and acceptance of it was a "dismissal" and was without consent of the teacher. Babitzke v. Silverton Union High School, 72 Or App 153, 695 P2d 93 (1985), Sup Ct review denied

Youth correction facility providing state educational programs is not "school district." Bain v. Willamette Education Service District, 170 Or App 689, 13 P3d 1021 (2000)


LAW REVIEW CITATIONS: 34 WLR 269 (1998)

NOTES OF DECISIONS

A teacher’s personnel file need not necessarily identify all the sources of the subject matter discussed therein in order to be maintained as required in this section in order for evidence relating to such subject matter to be admissible. School Dist. 48 v. Fair Dismissal Appeals Bd., 14 Or App 634, 514 P2d 1114 (1973)

Although the language of this statute is mandatory, it does not provide a remedy for its violation. Smith v. School Dist. No. 45, 63 Or App 685, 666 P2d 1345 (1983), Sup Ct review denied

Option of invoking or waiving confidentiality of personnel record belongs to school district, not to individual who is subject of record. Oregonian Publishing v. Portland School District No. 1J, 152 Or App 135, 952 P2d 66 (1998), aff’d on other grounds, 329 Or 393, 987 P2d 480 (1999)


Investigatory report that is not specific to employment of individual employee is not part of personnel file and therefore is subject to disclosure. Oregonian Publishing v. Portland School District No. 1J, 329 Or 393, 987 P2d 480 (1999)

ATTY. GEN. OPINIONS: Validity of employer’s restrictions on teacher’s representation at evaluation conference, (1976) Vol 38, p 443

LAW REVIEW CITATIONS: 70 OLR 895 (1991)
unfitness” and “immorality” consisted of 12 instances in which expressly sets out nexus between teacher and period for appealing dismissal is tolled. Bergerson v. Salem-Keizer School District, 194 Or App 301, 95 P3d 215 (2004), Sup Ct review allowed

Fair Dismissal Appeals Board could, under this section, consider letter not included in statement of charges against petitioner as “additional facts developed at hearing.” Keene v. Creswell School Dist. No. 40, 56 Or App 801, 643 P2d 407 (1982)

Fair Dismissal Appeals Board did not err in reversing dismissal of tenured teacher when it concluded that facts found to be true and substantiated did not support the statutory grounds for dismissal cited by the district. Bethel School Dist., No. 52 v. Skee, 63 Or App 165, 663 P2d 781 (1983), Sup Ct review denied

Where Fair Dismissal Appeals Board finds that at least some of facts relied upon by school district are true and substantiated and support cited grounds for dismissal, board is limited to affirming or reversing dismissal. Bergerson v. Salem-Keizer School District, 194 Or App 301, 95 P3d 215 (2004), Sup Ct review allowed

NOTES OF DECISIONS

A witness otherwise qualified as an expert who himself has not furnished information or data found in the personnel file is not thereby disqualified as a witness under this section. Sch. Dist. No. 48 v. Fair Dismissal Appeals Bd., 14 Or App 634, 514 P2d 1114 (1973)

Where facts relied upon by school board to dismiss teacher were found by Fair Dismissal Appeals Board to be true, Board may not reverse school board action unless no reasonable school board could have regarded facts as sufficient to support statutory grounds for dismissal. Lincoln County School District v. Mayer, 39 Or App 99, 591 P2d 755 (1979), Sup Ct review denied

Where procedural prerequisites of this section were not followed in transfer of senior high school principals to positions as junior high school principals, relief should first have been sought from Fair Dismissal Appeals Board. Zollinger v. Warner, 286 Or 19, 593 P2d 1107 (1979)

Where reports of parental complaints were included in teacher’s personnel file, hearsay evidence was admissible in Fair Dismissal Appeals Board proceeding concerning teacher’s dismissal on grounds of “inadequate performance.” Vorn v. School Dist. No. 40, 46 Or App 225, 608 P2d 193 (1980)

Notice of dismissal must contain statement of facts which expressly sets out nexus between teacher’s conduct and teaching responsibilities or from which such connection may obviously be inferred and where notice informed teacher that acts constituting “gross unfitness” and “immorality” consisted of 12 instances of battery, 11 of which involved offensive sexual contact with student in district where respondent taught who was some approximate age as respondent’s students, nexus may obviously be inferred. Shipley v. Salem School Dist 24J, 64 Or App 777, 669 P2d 1173 (1983), Sup Ct review denied

Where formal notice procedure is not followed, district school board may not take action to dismiss teacher and period for appealing dismissal is tolled. Post v. Salem-Keizer School District, 334 Or 61, 45 P3d 116 (2002)

Moratorium on filing of grievances while teacher is on plan of assistance does not suspend processing of grievances pending at time plan of assistance commences. Lane Unified Bargaining Council v. South Lane School District 45J3, 334 Or 157, 47 P3d 4 (2002)

NOTES OF DECISIONS

As handicapped children are entitled under this chapter to receive special education and related services free of charge, where private residential placement for handicapped child has been found necessary, tuition expense must be borne by school district, and this obligation is not limited to school year. Mahoney v. Adm. Sch. Dist. No. 1, 42 Or App 665, 601 P2d 826 (1979)

This statute defines “handicapped children” as children “under 21 years of age” so that discretionary programs for handicapped children under regular school age would be eligible for reimbursement; it does not mandate programs for handicapped children under regular school age. Stewart v. Salem School Dist 24J, 65 Or App 188, 670 P2d 1048 (1983)

NOTES OF DECISIONS

See annotations under ORS 343.153 to 343.187.

Under former similar statute

Under former section hearings officer and Department of Education were empowered to direct school district to pay tuition of handicapped child placed in private residential facility. Mahoney v. Adm. Sch. Dist. No. 1, 42 Or App 665, 601 P2d 826 (1979)
NOTES OF DECISIONS

This section does not give department authority to require district to pay money directly to aggrieved parent. Laughlin v. School Dist. No. 1, 69 Or App 63, 686 P2d 385 (1984)

NOTES OF DECISIONS

This statute does not require a district to provide educational services for handicapped children under regular school age, although a district may choose to do and seek approval of its programs and partial reimbursement of costs from Superintendent. Stewart v. Salem School Dist 24J, 65 Or App 188, 670 P2d 1048 (1983)

ATTY. GEN. OPINIONS: Education for children in child-care agency, (1975) Vol 37, p 611

ATTY. GEN. OPINIONS: Education for children in child-care agency, (1975) Vol 37, p 611

ATTY. GEN. OPINIONS: Education for children in child-care agency, (1975) Vol 37, p 611

ATTY. GEN. OPINIONS: Use of division’s client records by another departmental division, (1974) Vol 37, p 186

CHAPTER 345


ATTY. GEN. OPINIONS: Application of competitive bidding procedures to vending stand program of Commission for the Blind, (1975) Vol 37, p 392

NOTES OF DECISIONS

Definition providing that “hearing ear dog” must be on orange leash is preempted by federal law. Green v. Housing Authority of Clackamas County, 994 F. Supp. 1253 (D. Or. 1998)

NOTE: Repealed as of July 25, 1997

NOTES OF DECISIONS

INDEX

The following index contains selected topics from the General Index to Oregon Revised Statutes (2005 Edition). Certain ORS citations and index cross-references may not be applicable to this publication but have been retained for informational purposes. The topics included are:

<table>
<thead>
<tr>
<th>TOPIC</th>
<th>INDEX PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADULT EDUCATION</td>
<td>1</td>
</tr>
<tr>
<td>ALTERNATIVE STUDENT LOAN PROGRAM FUND</td>
<td>1</td>
</tr>
<tr>
<td>ANNUITIES</td>
<td>1</td>
</tr>
<tr>
<td>APPRENTICES AND TRAINEES</td>
<td>1</td>
</tr>
<tr>
<td>ARMED FORCES</td>
<td>1</td>
</tr>
<tr>
<td>ASBESTOS REMOVAL</td>
<td>1</td>
</tr>
<tr>
<td>ATTENDANCE</td>
<td>1</td>
</tr>
<tr>
<td>ATTENDANCE SUPERVISORS</td>
<td>1</td>
</tr>
<tr>
<td>BLIND OR VISUALLY IMPAIRED PERSONS</td>
<td>1</td>
</tr>
<tr>
<td>BLIND, COMMISSION FOR THE</td>
<td>2</td>
</tr>
<tr>
<td>BLIND, OREGON STATE SCHOOL FOR THE</td>
<td>2</td>
</tr>
<tr>
<td>BONDS</td>
<td>2</td>
</tr>
<tr>
<td>BONDS AND UNDERTAKINGS</td>
<td>2</td>
</tr>
<tr>
<td>BOUNDARIES</td>
<td>2</td>
</tr>
<tr>
<td>BUSES, SCHOOL</td>
<td>2</td>
</tr>
<tr>
<td>CAREER SCHOOLS</td>
<td>2</td>
</tr>
<tr>
<td>CAREER SCHOOLS, ADVISORY COMMITTEE ON</td>
<td>2</td>
</tr>
<tr>
<td>CERTIFICATES AND CERTIFICATION</td>
<td>2</td>
</tr>
<tr>
<td>CHARTER SCHOOLS</td>
<td>2</td>
</tr>
<tr>
<td>CITIES</td>
<td>3</td>
</tr>
<tr>
<td>CIVIL RIGHTS</td>
<td>3</td>
</tr>
<tr>
<td>COLLECTIVE BARGAINING</td>
<td>3</td>
</tr>
<tr>
<td>COLLEGE SAVINGS BOARD</td>
<td>4</td>
</tr>
<tr>
<td>COLLEGES AND UNIVERSITIES</td>
<td>4</td>
</tr>
<tr>
<td>COMMUNITY COLLEGE BOND BUILDING FUND</td>
<td>6</td>
</tr>
<tr>
<td>COMMUNITY COLLEGE BOND SINKING FUND</td>
<td>6</td>
</tr>
<tr>
<td>COMMUNITY COLLEGE CAPITAL CONSTRUCTION FUND</td>
<td>6</td>
</tr>
<tr>
<td>COMMUNITY COLLEGE SUPPORT FUND</td>
<td>6</td>
</tr>
<tr>
<td>COMMUNITY COLLEGES AND DISTRICTS</td>
<td>6</td>
</tr>
<tr>
<td>COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT,</td>
<td></td>
</tr>
<tr>
<td>DEPARTMENT OF</td>
<td>10</td>
</tr>
<tr>
<td>COMMUNITY LEARNING CENTERS</td>
<td>10</td>
</tr>
<tr>
<td>COMMUNITY SERVICE VOUCHER FUND</td>
<td>10</td>
</tr>
<tr>
<td>COMPENSATION AND SALARIES</td>
<td>10</td>
</tr>
<tr>
<td>COMPLAINTS</td>
<td>10</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>LOCAL 21ST CENTURY SCHOOLS COUNCILS</td>
<td>16</td>
</tr>
<tr>
<td>MILITARY</td>
<td>16</td>
</tr>
<tr>
<td>MOTOR VEHICLES</td>
<td>16</td>
</tr>
<tr>
<td>NURSES AND NURSING</td>
<td>16</td>
</tr>
<tr>
<td>NURSING SERVICES ACCOUNT</td>
<td>16</td>
</tr>
<tr>
<td>OREGON 529 COLLEGE SAVINGS BOARD</td>
<td>17</td>
</tr>
<tr>
<td>OREGON 529 COLLEGE SAVINGS NETWORK</td>
<td>17</td>
</tr>
<tr>
<td>OREGON 529 COLLEGE SAVINGS NETWORK FUND</td>
<td>17</td>
</tr>
<tr>
<td>OREGON HEALTH AND SCIENCE UNIVERSITY</td>
<td>17</td>
</tr>
<tr>
<td>PRIVATE SCHOOLS</td>
<td>17</td>
</tr>
<tr>
<td>PRIVATE SCHOOLS ADVISORY COMMITTEE</td>
<td>17</td>
</tr>
<tr>
<td>PRIVATE TEACHERS</td>
<td>17</td>
</tr>
<tr>
<td>PUBLIC CHARTER SCHOOL DEVELOPMENT FUND</td>
<td>17</td>
</tr>
<tr>
<td>PUBLIC CHARTER SCHOOLS</td>
<td>17</td>
</tr>
<tr>
<td>PUBLIC EMPLOYEES RETIREMENT SYSTEM</td>
<td>17</td>
</tr>
<tr>
<td>QUALITY EDUCATION COMMISSION</td>
<td>17</td>
</tr>
<tr>
<td>RURAL MEDICAL EDUCATION LOAN FUND</td>
<td>17</td>
</tr>
<tr>
<td>RURAL MEDICAL EDUCATION LOANS</td>
<td>17</td>
</tr>
<tr>
<td>SCHOLARSHIPS</td>
<td>18</td>
</tr>
<tr>
<td>SCHOOL BOARDS</td>
<td>18</td>
</tr>
<tr>
<td>SCHOOL BOND GUARANTY ACT, OREGON</td>
<td>19</td>
</tr>
<tr>
<td>SCHOOL BUSES</td>
<td>19</td>
</tr>
<tr>
<td>SCHOOL FACILITY IMPROVEMENT FUND</td>
<td>19</td>
</tr>
<tr>
<td>SCHOOL FINANCE</td>
<td>19</td>
</tr>
<tr>
<td>SCHOOL LANDS</td>
<td>26</td>
</tr>
<tr>
<td>SCHOOL OFFICERS AND EMPLOYEANS</td>
<td>26</td>
</tr>
<tr>
<td>SCHOOL SAFETY HOTLINE</td>
<td>28</td>
</tr>
<tr>
<td>SCHOOL SAFETY, CENTER FOR</td>
<td>28</td>
</tr>
<tr>
<td>SCHOOL TEACHERS</td>
<td>28</td>
</tr>
<tr>
<td>SCHOOL TECHNOLOGY ACCOUNT</td>
<td>28</td>
</tr>
<tr>
<td>SCHOOLS AND SCHOOL DISTRICTS</td>
<td>28</td>
</tr>
<tr>
<td>SCHOOLTEACHERS</td>
<td>44</td>
</tr>
<tr>
<td>SECURED TRANSACTIONS</td>
<td>48</td>
</tr>
<tr>
<td>SEEDS</td>
<td>48</td>
</tr>
<tr>
<td>SELLERS OF TRAVEL</td>
<td>48</td>
</tr>
<tr>
<td>SEX OFFENSES</td>
<td>48</td>
</tr>
<tr>
<td>SHERIFFS</td>
<td>48</td>
</tr>
<tr>
<td>SPECIAL EDUCATION</td>
<td>48</td>
</tr>
<tr>
<td>SPECIAL EDUCATION ACCOUNT</td>
<td>48</td>
</tr>
<tr>
<td>SPECIAL EDUCATION TRANSPORTATION REVOLVING ACCOUNT</td>
<td>48</td>
</tr>
<tr>
<td>SPECIAL EDUCATION, STATE ADVISORY COUNCIL FOR</td>
<td>48</td>
</tr>
<tr>
<td>STATE AGENCIES</td>
<td>48</td>
</tr>
<tr>
<td>STATE CONTRACTS</td>
<td>48</td>
</tr>
</tbody>
</table>
NOTE: The following index is derived from the General Index to Oregon Revised Statutes. Some of the statutes cited do not appear in this publication but have been retained for informational purposes. The user should refer to ORS for the text of those statutes.

ADULT EDUCATION
Federal aid, 326.051
Fees, 336.145

ALTERNATIVE STUDENT LOAN PROGRAM FUND
(Generally), 348.570

ANNUITIES
Community college districts, contracts, 341.290

APPRENTICES AND TRAINEES
Compensation and salaries, see COMPENSATION AND SALARIES, generally
Schoolteachers, training, see SCHOOLTEACHERS
Workers’ compensation, see WORKERS’ COMPENSATION, generally
Youth apprenticeship and training program, see LABOR AND EMPLOYMENT

ARMED FORCES
Servicemen and servicewomen
Higher education, see COLLEGES AND UNIVERSITIES, generally; COMMUNITY COLLEGES AND DISTRICTS
Residency benefits, certain, 341.529
Spouses and dependent children, benefits, 341.529
Teaching certificates, qualifications, 342.195

ASBESTOS REMOVAL
Bonds, 328.205
Contracts, 332.155

ATTENDANCE
Community colleges, exemption, compulsory attendance law, 339.030
Schools and school districts, see SCHOOLS AND SCHOOL DISTRICTS

ATTENDANCE SUPERVISORS
School employees, see SCHOOL OFFICERS AND EMPLOYEES

BLIND OR VISUALLY IMPAIRED PERSONS
Blind, Commission for the, see BLIND, COMMISSION FOR THE, generally
Concession stands, see Vending facilities, this topic
Courses of instruction and training, establishing, 346.250

BLIND OR VISUALLY IMPAIRED PERSONS (Cont.)
Crimes and offenses
Dog guides, public places, 346.620, 346.991
Names, lists, prohibited uses, 346.167, 346.991
Cure and prevention of blindness, 346.170
Defined, 346.110
Discrimination, see DISCRIMINATION
Dog guides, see DOG GUIDES, generally
Education, see EDUCATION
Educational services, program, establishing, 346.250
Employability, recommendations, 346.260
Employment, 346.180, 346.190
Equipment, materials and machinery, supplying, 346.210
Eye care, free, 346.170
Health benefit plans, state, participation, blind business enterprise managers, 346.565
Industries, 346.190, 346.230
Lists or names, commercial or political purposes, use, 346.167, 346.991
Materials and equipment supplied, ownership, transfer, 346.210
Motor vehicles, see MOTOR VEHICLES
Names, lists, commercial or political purposes, use, 346.167, 346.991
Ownership, materials and equipment supplied, transfer, 346.210
Payments, 346.190, 346.230
Preference for products, services, 346.220
Products, services, 346.190, 346.210, 346.220, 346.230
Programs
Administration, 346.120
Blindness prevention and cure, 346.170
Industries for blind, 346.190
Social and educational services, 346.250
Public places, transportation, assistance animals, 346.620, 346.991
Records, exchange between agencies, request, 346.169
Register, 346.160, 346.165
Rehabilitation, vocational, 346.180, 346.250
Retirement, industry workers, 238.005, 346.190
Sales of products, assistance, 346.210
School, state, see SCHOOLS AND SCHOOL DISTRICTS
Services, recommendations, 346.260
Signature stamps, notarized documents, 194.578
Social and educational services, program, establishing, 346.250
Special education, providing, Superintendent of Public Instruction, 343.236
Transportation, public, assistance animals, 346.620

Vending facilities
(Generally), 346.520
Articles sold, 346.550
BLIND OR VISUALLY IMPAIRED
PERSONS (Cont.)
Vending facilities (Cont.)
Authorization, 346.520, 346.570
Commodities sold, 346.550
Definitions, 346.510
Establishment, 346.540
Existing stands, 346.570
Fund, establishment, 346.540
Local laws, ordinances, 346.560
Locations, 346.530, 346.540
Managers, 346.540
Notices to Commission for the Blind, 346.530, 346.540
Operator subject to laws, ordinances, 346.560
Purpose of statutes, 346.520
Refusal to permit, reasons to Commission for the Blind, 346.530, 346.540
Rent or utilities, state agency charges, prohibition, 346.520
Rules, 346.540
Surveys of locations, 346.540
Visually impaired individuals, defined, 346.110
Work experience trainees, workers compensation, 655.605, 655.615
BLIND, COMMISSION FOR THE
Administrator, 346.140
Agent to receive federal grants, 346.265
Books of accounts, 346.165, 346.230, 346.290
Commission for the Blind Account, 346.290
Cooperation, 346.180, 346.250, 346.260
Creation, 346.120
Definitions, 346.110
Duties and powers, 346.120
Employees, 346.140
Expenditures, 346.240
Federal government, cooperation with, 346.180, 346.250, 346.265
Gifts and bequests, 346.270
Grants, federal, receiving, 346.265
Human Services, Department of, cooperation with, 346.260
Library of Congress, cooperation with, 346.250
Meetings, 346.130
Members, 346.130
Moneys received, disposition, 346.230, 346.290
Rules, 346.150, 346.540
Work experience trainees, workers compensation, 655.605
BLIND, OREGON STATE SCHOOL FOR THE
See SCHOOLS AND SCHOOL DISTRICTS
BONDS (Cont.)
Education service districts, bonded indebtedness, contracting, 328.304, 334.125
Payment, School Bond Guaranty Act, Oregon, see SCHOOL FINANCE
Revenue bonds, community college districts, advertisement and sale, 341.702
Rules, school bonds, state guaranty, 328.331
Signatures, school district bonds, 328.235
State Treasurer, school bonds, guaranty, authority, 328.326, 328.351
State, issuance, school bonds, guaranty, 328.351
BONDS AND UNDERTAKINGS
Education service district superintendent, 334.225
Irrevocable letters of credit
Education service districts, superintendent, 334.225
Education, State Board of, textbook publishers, contracts, 337.090
School boards, employees, 332.525
Textbook publishers, 337.090
BOUNDARIES
Boards, schools and school districts, see SCHOOL BOARDS
Change, see SCHOOLS AND SCHOOL DISTRICTS
Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS
Schools and school districts, tax zones, 328.570, 328.573, 328.576
BUSES, SCHOOL
See MOTOR VEHICLES
CAREER SCHOOLS
See VOCATIONAL EDUCATION AND REHABILITATION
CAREER SCHOOLS, ADVISORY COMMITTEE ON (Generally), 345.330
CERTIFICATES AND CERTIFICATION
Barbers, hair designers and cosmetologists, career schools, see VOCATIONAL EDUCATION AND REHABILITATION
First aid cards, school employees, ratio requirement, compliance, 342.169
General Education Development (GED) certificates, issuance, 326.550
School bonds, state guaranty, 328.331
School nurses, 342.485
Schools
Certificate of Advanced Mastery, see SCHOOLS AND SCHOOL DISTRICTS
Certificate of Initial Mastery, see SCHOOLS AND SCHOOL DISTRICTS
Teacher Standards and Practices Commission, see TEACHER STANDARDS AND PRACTICES COMMISSION, generally
CHARTER SCHOOLS
See also SCHOOLS AND SCHOOL DISTRICTS (Generally), 338.035, 338.115
Academic content standards, 329.045
Administrators, 338.135
CHARTER SCHOOLS (Cont.)

American Indian languages, teaching license, 342.144

Appeal and review
Nonrenewal of charter, 338.065
Proposal, disapproval, 338.075
Termination of charter, 338.105

Application of laws, 338.115
Assessment system, statewide, 329.485
Audits, 338.095
Authority, 338.115
Bonds, issuance, 338.115
Certificates, offering, 338.115

Charter
Amendment, 338.065
Compliance, review, 338.095
Renewal, 338.065
Termination, 338.105
Terms and form, 338.065

Children in poverty families, calculation, 338.157

Closure, termination of charter, 338.105

Collective bargaining, 338.135

Contracts, 338.115
Curriculum, review, 329.045
Definitions, 338.005
Diplomas, offering, 338.115
Discipline, corporal punishment, 161.205, 338.115, 339.250
Discrimination, prohibited, 338.115, 338.125, 659.855

Education service districts, services from, 338.115

Employees
(Generally), 338.135
Administrators, 338.135
Assignment, voluntary, 338.135
Collective bargaining, 338.135
District school boards, membership, ineligibility, 332.016
Leaves of absence, school district, 338.135
Public Employees Retirement System, participation, 338.135
Schoolteachers, licensure and registration, 338.135

Enrollment
(Generally), 338.125
Minimum, 338.115
Nonresident students, 338.125

Extracurricular activities, tuition, 339.141, 339.147
Facilities, 338.045
Fees, 339.155

Formation
(Generally), 338.045
Approval, 338.055
Authorization, 338.065
Existing public school, proposal to convert, 338.055
Nonprofit status, 338.035
Prohibitions, 338.035
Proposal
(Generally), 338.035
Disapproval, review, 338.075
Technical assistance, 338.045

Funding
(Generally), 338.155
Bonds, issuance, prohibitions, 338.115
Children in poverty families, calculation, 338.157
Fund-raising activities, 338.125
Grants, 338.155, 338.165, 338.185
Loans, 338.185
Public Charter School Development Fund, 338.175
Special education, 338.165
Taxes, levying, prohibitions, 338.115
Transportation, 338.145
Withholding, discriminatory practices, 659.855

CHARTER SCHOOLS (Cont.)

Goals, 338.015
Grants, 338.155, 338.165, 338.185
Insurance, 338.115
Investigations, complaints, religious activities, 327.109
Laws applicable to charter schools, 338.115
Legislative intent, 338.015
Loans, 338.185
Low-income families, tuition charges, 339.147
Nonprofit status, 338.035
Online courses, 338.125
Policy, 338.015
Poverty families, children in, calculation, 338.157
Prohibitions, 338.115
Public Charter School Development Fund, 338.175
Public charter school, defined, 338.005
Registries, schoolteachers, 338.135
Religion
Complaints, religious activities, 327.109
Prohibitions, 338.115
Remote small school, qualifying as, 327.077
Reports, 338.095
Rules
Grant and loan program, 338.185
Termination of charter, appeal, 338.105
Waiver of provisions, exceptions, 338.025

School district, status as, 338.135
Schoolteachers, licensure and registration, 338.135
Small schools, remote, determination, 327.077
Special education, 338.165
Sponsor
Defined, 338.005
School district board, 338.065
State Board of Education, 338.075
Visitiation, 338.095

Statewide assessment system, 329.485

Students
Children in poverty families, calculation, 338.157
Diplomas, certificates, subject area endorsements, 338.115
Enrollment, see Enrollment, this topic
Transportation, 338.145
Subject area endorsements, Certificate of Initial Mastery, offering, 338.115
Taxes, levying, 338.115
Termination of charter, 338.105
Textbooks, providing, 337.150
Transportation, 338.145
Tuition, extracurricular activities, 339.141, 339.147

CITIES

Contracts, education, community college districts, 341.315
Cooperative agreements, school district vehicle regulation, 332.445

CIVIL RIGHTS

Discrimination, see DISCRIMINATION, generally

Schoolteachers, laws, knowledge required, 342.123

COLLECTIVE BARGAINING

See SCHOOLTEACHERS
COLLEGES AND UNIVERSITIES
See Oregon 529 College Savings Board, generally

COLLEGES AND UNIVERSITIES
See Oregon Health and Science University

Advanced technology education and training, public-private partnerships, 326.382

Alternative Student Loan Program
(Generally), 348.625 et seq.
Alternative Student Loan Program Fund, 348.570
Definitions, 348.625
Eligible student or parent, 348.630
Fees, 348.650
Private lenders, 348.640, 348.645
Repayment, administration, 348.640
Revenue bonds, see Bonds
Terms and conditions, establishment, 348.635

Articulation and transfer system, statewide, see note following, 348.890

Athlete agents, see Student Athlete Agents, generally

College Savings Network, Oregon 529, see Oregon 529 College Savings Network, generally

Common School Fund, see Loans, student, this topic

Community colleges and districts, see Community Colleges and Districts, generally

Community foundations, student aid programs, agreements, 348.580

Community service voucher program
(Generally), 348.427 et seq.
Administrative expenditures limitation, 348.433
Amounts, limitation, 348.429
Award, 348.429
Community Service Voucher Fund, 348.436
Establishment, 348.427
Tracking system, 348.431

Courses of study
(Generally), 351.070
American Indian languages, teaching license, 342.144
Expanded Options Program, high school students, see Schools and School Districts

Credits, statewide articulation and transfer system, see note following, 348.890

Deaf students, aid to, 346.070

Default, student loans, see Loans, student, this topic

Degrees
Authorization
(Generally), 348.594 et seq.
Appeals, 348.608, 348.615
Application of laws, 348.597
Conferring degree, approval required, 348.606
Criminal penalty, violations, 348.992
Exempt schools, theological degrees, 348.604, 348.605, 348.607, 348.608
Fees, 348.603, 348.606, 348.607, 348.609
Hearings, approval, 348.612
New post-secondary programs, reviewing and authorizing, 348.603, 348.607
Office of Degree Authorization, 348.599
Purpose, preserving integrity of degrees, 348.596
Revocation of approval, 348.612
School, defined, 348.594
Disclaimer, representation, 348.609
Representation, 348.609

INDEX - 4
COLLEGES AND UNIVERSITIES (Cont.)

Loans, student (Cont.)

Alternative Student Loan Program, see Alternative Student Loan Program, this topic
Career schools, 345.113
Common School Fund
Amounts, 348.050
Authority to make, 348.050, 348.090
Cosigners, 348.050
Definitions, 348.040
Eligibility, 348.040
General Fund moneys, loss reimbursement, 327.482, 327.484
Interest, 327.425, 327.482, 327.484, 348.050, 348.090
Medical students, 348.050
Out-of-state institutions, 348.040
Qualified school, defined, 348.040
Repayment, 327.425, 327.482, 327.484, 348.050
Security, 327.430, 348.050
State agency guaranteed loans, 348.090
Veterinary students, 348.050
Vocational schools, listing, 348.070
Community colleges, 341.475, 348.105
Default
(Generally), 348.393 et seq.
Certificates or licenses
Reinstatement, borrower no longer in default, 348.399
Suspending or not issuing or renewing, agencies, 348.393
Database matches and notification procedures, agreements to design and implement, 348.395
Declaration, 348.393
Losses, reimbursement, 348.095
Notices
Agencies issuing licenses, certificates or registration, 348.393
Borrower no longer in default status, prompt notice, 348.399
Borrower, notices to, 348.397
Repayment plans, debt consolidating agencies, 348.397
Denial, 348.530
District boards, donations for, 332.385
Federal funds, 341.475, 348.010, 348.090, 348.570, 348.575
Garnishment and wage withholding, loan enforcement, 348.530
Guarantee funds, 348.530, 348.570, 348.575
Insurance, loan cancellation, 348.592
Lending institutions, guarantee of payment, 348.530
Minor students, validity of contract, 348.105
Nursing programs, generally, 348.115, 348.117
Rural medical education loans, see RURAL MEDICAL EDUCATION LOANS, generally
Savings association loans, 722.332
Medical education loans, rural, see RURAL MEDICAL EDUCATION LOANS, generally
Military service, Troops to Teachers Program, Oregon, 348.282, 348.283
Nursing education, see NURSES AND NURSING
Oregon 529 College Savings Network, see Oregon 529 College Savings Network, generally
Oregon Health and Science University, see Oregon Health and Science University, generally
Plans, comprehensive, 326.075, 351.203
Post-secondary programs or locations, cooperation with mediation process, State Board of Education, 326.075

COLLEGES AND UNIVERSITIES (Cont.)

Reports
Alcohol and drug abuse, public information programs, 336.245
Articulation and transfer system, statewide, see note following, 348.890
Oregon 529 College Savings Network, 348.870, 348.873

Rules
Deaf students, state aid, 346.070
Degrees, authorization, 348.603, 348.606, 348.607, 348.609
Fees, degree authorization, 348.603, 348.606, 348.607, 348.609
Oregon 529 College Savings Network, 348.853, 348.870, 348.873
Student assistance, alternative student loan program, 348.645
Troops to Teachers Program, Oregon, 348.283

Rural medical education loans, see RURAL MEDICAL EDUCATION LOANS, generally
Scholar program, establishment, 348.530
Scholarships
See also Grants, this topic
District boards, donations for, 332.385
Employers, employee and dependent scholarships, tax credit program, 315.237, 348.616, 348.618, 348.621
Foreign students, 348.210
Former foster children, 348.270
Need grant program
(Generally), 348.260
Funding, 329.780, 348.696, 411.894, 461.543
Oregon Opportunity Grants, 348.205, 348.260
Policy, 348.205
Peace officers killed, disabled, children, 348.270, 348.280
Priority students, 348.280
Private
Institutions, students attending, 348.230, 348.250, 348.260
Scholarships, 348.520, 348.530
Public safety officers, deceased, children, 348.270, 348.280
Scholastic grant program
(Generally), 348.230, 348.250
Eastern Oregon University, 348.210
Policy, 348.205
Student Assistance Commission, Oregon, see Student Assistance Commission, Oregon, generally
Teachers of emotionally handicapped, 343.045, 343.055
Troops to Teachers Program, Oregon, 348.282, 348.283
Scholastic grants, see Grants, this topic
Social Security numbers of students, disclosure, 326.585, 326.587, 326.591, 352.017
Southern Oregon University, scholarships, 348.210
Student Assistance Commission, Oregon, see Student Assistance Commission, Oregon, generally
Student records, Social Security numbers, disclosure, 326.585, 326.587, 326.591, 352.017
Students
Athlete agents, see Student Athlete Agents, generally
Financial aid, see Financial Aid, this topic
High school students, Expanded Options Program, see Schools and School Districts, Loans, see Loans, student, this topic

INDEX - 5
COLEGES AND UNIVERSITIES (Cont.)
Students (Cont.)
Scholarships, see Scholarships, this topic
Social Security numbers, disclosure, 326.585, 326.587, 326.591, 352.017
Student aid programs, management, agreements, 348.580
Transfers, 348.470
Teacher education
Approved institutions, 342.147
Oregon Troops to Teachers Program, 348.282, 348.283
University of Oregon
Early Success Reading Initiative, design and implementation, 329.834, 329.837
School Safety, Center for, staff support, 339.331
Veterans, see Military service, this topic
Western Oregon University, scholarships, 348.210
Workforce 2005 Task Force, see note following, 326.111

COMMUNITY COLLEGE BOND BUILDING FUND
(Generally), 341.728

COMMUNITY COLLEGE BOND SINKING FUND
(Generally), 341.731

COMMUNITY COLLEGE CAPITAL CONSTRUCTION FUND
(Generally), 341.725

COMMUNITY COLLEGE SUPPORT FUND
(Generally), 341.021, 341.317, 341.620

COMMUNITY COLLEGES AND DISTRICTS
(Generally), 341.005 et seq.
Academic year, defined, 341.005
Accounting procedures
Audits, annual requirement, 341.709
Guidelines, adoption, 341.015
Accreditation, 341.425, 341.535
Administrators, 341.290
Admission of students, 341.009, 341.290, 341.505, 341.525, 341.527, 341.529
Adult basic education, federal funds, use, 341.009
Adult literacy
Findings, legislative, 344.760
Literacy coalitions, establishment in district, 344.765
Literacy hotline, 329.950
Title of Act, 344.770
Advanced technology education and training, public-private partnerships, 326.382
Affirmative action plans and goals, consideration and maintenance, faculty and staff reductions, 341.541
Agenda, community college issues, State Board of Education, 326.051
American Sign Language, offering classes, 341.463
Annexation, see Boundary changes, this topic
Annuities, contracts, 341.290
Appeal and review
Boundary changes, 341.573

COMMUNITY COLLEGES AND DISTRICTS (Cont.)
Appeal and review (Cont.)
Formation, 341.065, 341.076
Zone boundary changes, 341.185
Apprentices and trainees, programs, transferred, funds receipt, approval and notice, 341.665
Appropriations, see STATE FINANCE
Armed forces service, see Military service, this topic
Articulation and transfer system, statewide, see note following, 348.890
Athlete agents, see STUDENT ATHLETE AGENTS, generally
Attendance
Exemption, compulsory attendance law, 339.030
Religious days, 352.370
Audits, annual requirement, 341.709
Bank deposits, 341.703
Blue Mountain Community College District
(Generally), 341.601 et seq.
Bonded indebtedness, liability, annexed territory, 341.619
Definition, district, 341.601
Service areas, classification and designation, 341.604
Board
Change of method, nominating and electing, 341.331
Compensation, members, none, 341.283
Defined, 341.005
Duties and powers
(Generally), 341.009, 341.283, 341.287, 341.290
Administrators, 341.015, 341.290, 341.535
Admission of students, 341.290
Audits, 341.709
Boundary changes, assets, liabilities, 341.573
Budgeting, 341.095
Building projects, see Property and buildings, this topic
Condemnation, 341.290, 341.311
Courses of study, 341.009, 341.425, 341.440
Custodians of funds, designation, 341.703
Degrees, certificates, awarding, 341.465
Elections, see Elections, this topic
Gifts, 341.290, 341.319
Health insurance, district self-insurance, 341.312
Intellectual property, acquisition, management, 341.319
Name changes, district, college, 341.420
Notes, promissory, short-term, 341.715
Parking regulations, 341.300
Personnel, 341.015, 341.290, 341.535
Reserve fund, 341.321
Scholarships, awarding, 341.485
Teachers, 341.015, 341.290, 341.535
Traffic regulations, 341.300
Warrants, 341.705
Zones, members, 341.175, 341.185, 341.331
Elections, see Elections, this topic
Eligibility, members, 341.275
Employees of district, board member eligibility, 341.275
Expenses, members, 341.283
First board, 341.125
Gifts, 341.290, 341.319
Meetings, 341.283
Name, official, 341.287
Number of members, 341.125, 341.275
Oath of office, 341.326
Organization, 341.283
COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Board
Quorum, 341.283
Recall, election, 341.369
Records, 341.283, 341.290, 341.357, 341.709
Rules, 341.283, 341.290, 341.300
Term of office, 341.125, 341.326, 341.331, 341.335
Vacancies, filling, 341.331, 341.335
Voting requirement, 341.283

Bonds
Issued by district
(Generally), 287.014 et seq., 341.039, 341.675, 341.681
Advertisement and sale, 341.702
Debt
Blue Mountain Community College District, new territory, existing debt liability, 341.619
Boundary changes, 341.575
Columbia Gorge Community College District, new territory, existing debt liability, 341.619
Limitation, 341.039, 341.675, 341.697
Payment, 341.690
Definition, community college district and community college service district, 341.675
Election
(Generally), 341.369, 341.678, 341.681
Rogue Community College District, 341.611
Interest rate, 341.681, 341.697
Issuance, 341.681, 341.685
Legality, contest, 341.685
Paying agent and registrar, defined, 341.005
Payment, 341.681, 341.690, 341.693, 341.695, 341.697
Proceeds, 341.681, 341.685
Purposes, 341.675
Redemption, 341.695
Refunding, 341.675, 341.685, 341.697
Registration, 341.685
Rogue Community College District, see Rogue Community College District, this topic
Sale, 341.685
Sinking fund, 341.690, 341.695
State Bonds, buildings, CONST. XI-G §1, CONST. XI-G §2, CONST. XI-G §3
Tax levy, 341.690
Issued by state
(Generally), 286.010 et seq., 341.721, CONST. XI-G §1 et seq.
Bond counsel services, 341.739
Community College Bond Building Fund, 341.728
Community College Bond Sinking Fund, 341.731
Community College Capital Construction Fund, 341.725
Financial advisory services, 341.739
Grant agreements, distribution of funds to districts, 341.735
Issuance, State Treasurer, 341.721
Specific accounts for individual districts, see notes following, 341.725

Boundary changes
(Generally), 341.565 et seq.
Assets, liabilities, division, 341.573
Elections, 341.379, 341.565, 341.569
Liability for existing debt
(Generally), 341.575
Blue Mountain Community College District, 341.619

COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Budgets
(Generally), 341.305
Bond interest, principal payment, 341.690
Notices, 341.357
Organization expenses, 341.095
Reserve fund, 341.321
Short-term promissory notes, 341.715
Buildings, see Property and buildings, this topic
Capital construction, see Property and buildings, this topic
Checks, 341.703
Columbia Gorge Community College District, bonded indebtedness, liability, annexed territory, 341.619
Community college service districts
Bonds, 341.675
Educational services to nondistrict areas, 341.019, 341.021, 341.022
Formation, 341.039, 341.041
State aid, 341.626
Comprehensive plans, development, 326.075
Contracts and agreements
See also Direct and contract services, this topic
(Generally), 341.290, 341.357
Annuities, 341.290
Audits, 341.709
Bonds, state, grant agreements, 341.735
Educational services
(Generally), 341.290, 341.315, 341.440
Between operating districts, 341.505, 341.525
Nonoperating districts, 341.505, 341.525
Health benefits, 341.290
Oregon Health and Science University, 341.440
Copyrights, patents, acquisition, management, 323.745, 323.750, 341.319
Corporate bodies, as, 341.287
Costs of formation, 341.095, 341.102
County fiscal officer
Bonds, 341.685, 341.690, 341.693, 341.695
County treasurer, as, 341.005
Defined, 341.005
County treasurers
Bonds, 341.685, 341.690, 341.693, 341.695
Fiscal officer, as, 341.005
Courses of instruction
(Generally), 326.011, 326.051, 341.009, 341.290, 341.315, 341.425, 341.455
American Indian languages, teaching license, 342.144
Commencement, changes, approval, 341.425
Contracts, 341.315, 341.440
Credits, see Credits, this topic
High school students, see SCHOOLS AND SCHOOL DISTRICTS
Professional technical subjects, offering, 341.009
Transfer of credits, 341.009
Vocational, 332.075, 341.009, 341.455
Credits
Military education and training, 341.533
Transfer
(Generally), 341.009
COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Credits (Cont.)
Transfer (Cont.)
Statewide articulation and transfer system, see note following, 348.890

Custodians of funds, 341.703
Definitions, 341.005
Degrees, certificates, 341.465
Development and management, guidelines, 341.015

Direct and contract services
See also Contracts and agreements, this topic
Maximum reimbursable enrollments, nondistrict areas, 341.022
Outside district, providing service, 341.021
Rules, 341.024
State, all areas, service, 341.019

Disabled persons, capital improvements for access, 341.937

Distance learning
Qualification to teach, 342.985
Teacher certification, 342.173

Dues, professional, payment, 341.290

Education, State Board of, see EDUCATION, STATE BOARD OF, generally

Elections
Application of laws, 341.356
Ballots, measures, questions, 341.371
Boards
(Generally), 341.326
Application of laws, 341.356
Change of method, nominating and electing, 341.331

Duties and powers
Ballot measures, questions, 341.371
Name changes, 341.420
Notices, 341.357
Special, calling, 341.369
First board, 341.125
Method, 341.025, 341.175, 341.327
Nominations, 341.125, 341.327
Position numbers, 341.327, 341.339, 341.341
Qualifications of candidates, 341.326
Recall, 341.369

Zones
(Generally), 341.326, 341.327
Boundary changes, 341.175, 341.185
Election by, 341.326
Establishment, 341.025, 341.076, 341.085, 341.115, 341.331
Formation proceedings, 341.025, 341.076, 341.085, 341.125, 341.175
Vacancies, filling, 341.331, 341.335

Bonds, see Bonds, this topic
Boundary changes, 341.379, 341.565, 341.569
First board members, 341.125
Formation, 341.085, 341.095, 341.102, 341.105, 341.115
Name changes, 341.420
Notices, 341.085, 341.357
Qualifications of electors, 341.379
Recall, 341.369
Resolutions submitting questions, 341.371

Special, 341.369
Taxation
(Generally), 341.308, 341.369
Formation, 341.085, 341.095, 341.115, 341.308
Zones, abolition, establishment, 341.175, 341.331

Employees
Continued employment, reasonable assurance, notice, 341.547

COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Employees (Cont.)
Health insurance, district self-insurance, 341.312
Instructors, see Instructors, this topic
Retirement, optional plan, participation, 341.015, 341.551

Establishment of college, 341.405
Exchange procedure, nonresidents students, 341.527
Expanded Options Program, high school students, see SCHOOLS AND SCHOOL DISTRICTS

Faculty, see Instructors, this topic

Federal aid
Approved expenses, defined, 341.655
District board, 341.290
State board, 326.051

Student loans, 341.475
Vocational education, 341.009, 341.655, 344.070, 344.080, 344.090

Federal initiatives, funds, use, 341.009

Fees
(Generally), 341.290
Bonds, grant agreements, administration, 341.735

Financial aid, students
See also Scholarships, this topic

Expanded Options Program, ineligibility, 340.050
Oregon Achievement Grants, 348.180, 348.183, 348.186
Residents, 348.230
State policy, encouraging education etc., 348.005
Student loans, 341.475, 348.105

Formation of districts
Appeals from State Board of Education orders, 341.065, 341.076
Approval, 341.076
Board members, first, 341.125
Boundaries, 341.025, 341.045, 341.055, 341.076
Community college service districts, 341.039, 341.041
Contract programs, districts limited to, 341.025, 341.045
Costs, 341.095, 341.102
Elections, 341.085, 341.095, 341.102, 341.105, 341.115
Feasibility study, 341.045, 341.055, 341.065, 341.076
Hearings, 341.045, 341.055, 341.065, 341.076
Indebtedness, organizational expenses, 341.085
Legislature, recommendation, 341.076
Location of college, 341.025, 341.115
Notices, 341.045, 341.055, 341.085, 341.357
Organizational expenses, 341.095
Petition
(Generally), 341.025, 341.039
Approval, 341.076
Contents, form, 341.025
Dismissal, 341.065
Examination by State Board of Education, 341.045
Hearing on, 341.045, 341.055, 341.065, 341.076
Proclamation, 341.115
Requirements, 341.045
Taxation, 341.045, 341.085, 341.095, 341.115, 341.308
Voters, 341.005, 341.085, 341.105

General Education Development (GED) certificates, issuance, 326.550
Gifts and donations
(Generally), 341.290
COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Gifts and donations (Cont.)

Health care occupations, needs assessment, evaluation of programs, 348.900

High schools, see SCHOOLS AND SCHOOL DISTRICTS

Higher education institutions, contracts, 341.025, 341.315, 341.440

Instructors

See also Employees, this topic (Generally), 341.535

Affirmative action, 341.541

American Indian languages, teaching license, 342.144

Continued employment, reasonable assurance, notice, 341.547

Personnel guidelines, policy, 341.015

Insurance

Contracts, 341.290

Health insurance, district self-insurance, 341.312

Intellectual property, acquisition, management, 332.745, 332.750, 341.319

Leases and lease-purchase agreements, facilities and lands, 341.290

Literacy hotline, 329.950

Local Budget Law, subject to, 294.311, 294.326, 341.305

Location of college, 341.025

Management, guidelines, 341.015

Military service

Academic credit, military education and training, 341.533

Admission, residency status, 341.529

Call to active duty

Credit for tuition, room and board, fees, 341.532

Rights, generally, 341.531

Troops to Teachers Program, Oregon, 348.282, 348.283

Name (Generally), 341.415

Change, 341.420

Noncollege districts, contracts with operating districts, 341.505, 341.525

Nonresidents

Admission, 341.527

Students, 341.290, 341.505, 341.525

Notes, promissory, short-term, 341.715

Notices

Board meetings, 341.283

Bonds, redemption, sale, 341.695

Boundary changes, 341.565, 341.569

Budget, 341.357

Formation, 341.045, 341.055, 341.085, 341.357

Instructors, continued employment, 341.547

Merger, 341.357

Name change, 341.420

Purchasing, 341.357

Warrants, 7 years unpaid, cancellation, 341.705

Nursing education, see NURSES AND NURSING

Operating expenses

Intellectual property, 341.005, 341.440

State aid, 341.009, 341.626, 341.635

Traffic safety education courses, 336.805

Vocational courses, 341.009

Oregon Health and Science University, contracts, 341.440

Oregon University System, cooperation, student transfers, 348.470

Parking regulations, 332.445, 341.300

COMMUNITY COLLEGES AND DISTRICTS (Cont.)

Patents, copyrights, acquisition, management, 332.745, 332.750, 341.319

Paying agent and registrar, defined, 341.005

Petitioning territory, defined, 341.005

Plants, comprehensive, 326.075

Policy, 341.015

Private schools, contracts for services, 341.025, 341.440

Professional technical courses

Approved expenses, 341.655

Frontier Learning Network professional technical education program, grants, 344.058

Offering, 341.009

Scholarships, 341.485

Programs, commencement, 341.425

Property and buildings

(Generally), 341.009, 341.290

Bonds, building projects, see Bonds, this topic

Capital construction, state aid, 341.933, 341.937

Condemnation, 341.290, 341.311

Intellectual acquisition, management, 332.745, 332.750, 341.319

Leases and lease-purchase agreements, facilities and lands, 341.290

Public Employees Retirement System, see PUBLIC EMPLOYEES RETIREMENT SYSTEM

Publicity, 341.290

Purchasing, see Contracts and agreements, this topic

Records

(Generally), 341.283, 341.290, 341.357, 341.709

Student Privacy guidelines, generally, 341.015, 341.290

Social Security numbers, disclosure, 326.585, 326.589, 326.591

Rogue Community College District

(Generally), 341.601 et seq.

Bonds

Bonded indebtedness, 341.608

Election, bonded indebtedness, 341.611

Restrictions, bonded indebtedness, 341.613

State bonds, Rogue Community College Medford Instructional Facility Account, see note following, 341.725

Tax levy to pay, 341.616

Definition, district, 341.601

Financing, 341.608

Service areas, classification and designation, 341.604

Tax levy, bonded indebtedness, payment, 341.616, 341.618

Rules

Attendance, nonresident students receiving resident tuition rate, 341.527

Board, conduct, 341.283

Formation, petition requirements, 341.025

Funds, state, distribution, 341.933

Military service and training, 341.531, 341.532

State aid, 341.626

Records, access, 341.290

Services, 341.024

State aid, 341.626

Traffic control, parking privileges, 341.300

Scholarships

District board, 341.485, 341.635

Financial aid and grants, 348.230

Former foster children, 348.270


Public safety officers, deceased, children, 348.270, 348.280
### COMMUNITY COLLEGES AND DISTRICTS (Cont.)

- **Scholarships (Cont.)**
  - Troops to Teachers Program, Oregon, 348.282, 348.283
- **Schools and school districts**, see SCHOOLS AND SCHOOL DISTRICTS
- **Seismic safety and rehabilitation**, see Property and buildings, this topic
- **Service districts**, see Community college service districts, this topic
  - School districts, counties, municipalities, 341.315
  - State, all areas, 341.019
  - Students outside district, state reimbursement calculation, 341.019
- **Services**
  - Financial aid, see Financial aid, students, this topic
  - Full-time student, defined, 341.005
  - High school students, see SCHOOLS AND SCHOOL DISTRICTS
  - Loans, 341.475, 348.105
  - Military service, see Military service, this topic
  - Records, see Records, this topic
  - Scholarships, see Scholarships, this topic
  - Social Security numbers, disclosure, 326.585, 326.589, 326.591
  - Support, child attending school
  - Transfers, 341.009, 348.470
- **Tuition**
  - Full-time student, defined, 341.005

### Sign Language, American, offering classes, 341.463

### Special programs, fees, expenditures, 341.290

### State aid (Generally), 341.009, 341.290, 341.505, 341.525, 341.527, 341.529

### State finance, see STATE FINANCE

### Students
- Admissions, 341.009, 341.290, 341.505, 341.525, 341.527, 341.529
- Athlete agents, see STUDENT ATHLETE AGENTS, generally
- Financial aid, see Financial aid, students, this topic
- Full-time student, defined, 341.005
- High school students, see SCHOOLS AND SCHOOL DISTRICTS
- Loans, 341.475, 348.105
- Military service, see Military service, this topic
- Records, see Records, this topic
- Scholarships, see Scholarships, this topic
- Social Security numbers, disclosure, 326.585, 326.589, 326.591
- Support, child attending school
- Transfers, 341.009, 348.470
- Tuition, see Tuition, this topic

### Taxation, see TAXATION

### Teachers, see Instructors, this topic

### Traffic regulations, 341.300

### Traffic safety education, see SCHOOLS AND SCHOOL DISTRICTS

### Transfers of students, 341.009, 348.470

### COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT, DEPARTMENT OF

- **Account**, 326.373
- **Advanced Technology Center, Oregon, support**, 329.930
- **Advanced Technology Education and Training Fund**, 326.380, 326.382
- **Commissioner**, 326.370, 326.375
- **Direction and control, State Board of Education**, 326.370
- **Gifts, grants, etc., acceptance**, 326.373
- **Literacy hotline**, 326.930

### COMMUNITY LEARNING CENTERS

- **Activities**, 329.157
- **Confidential information, policy**, 329.156
- **Creation, partnerships**, 329.125
- **Defined**, 329.007
- **Effectiveness, evaluation**, 329.159
- **Existing resources, identification and coordination**, 329.157
- **Family resource centers, designation as community learning centers**, 329.157
- **Interagency cooperation**, 329.156, 329.159
- **Location**, 329.156
- **Outcomes, evaluation**, 329.159
- **Reports**, 329.159
- **Requirements**, 329.156
- **Services**, 329.157
- **Statewide evaluation**, 329.159
- **Training and technical assistance**, 329.156

### COMMUNITY SERVICE VOUCHER FUND

- **(Generally)**, 348.436

### COMPENSATION AND SALARIES

- **Blind Industries workers**, 346.190
- **School construction, federal aid, federal standards**, 327.635
- **Youth apprenticeship pilot program, wage amount**, 344.750

### COMPLAINTS

- **Schools and school districts, religious activities, involvement**, 327.109
- **Teacher certificate suspension, revocation**, 342.175, 342.176

### COMPUTERS AND INFORMATION SYSTEMS

- **Advanced technology education and training, public-private partnerships**, 326.382
- **Schools and school districts**
  - **Cyber Awareness, Responsibility and Ethics (CARE) pilot program**, see note following, 336.183
  - **Oregon Virtual School District, online instruction**, 329.840, 329.842
- **Student loan defaults, database matches and notification procedures, designing and implementing**, 348.395

### CONDEMNATION

- **Community college districts**, 341.311
- **School districts**, 332.182

**INDEX - 10**
CONSTRUCTION AND INTERPRETATION
Diplomas, certificates, teachers, 342.130
Talented and gifted children, education, 343.391

CONTINUING EDUCATION
Coordination, 344.259
Definition, 344.257
General Education Development (GED) tests, 344.257

CONTROLLED SUBSTANCES
Education, schools, effects, 336.067
Schools and school districts
Instruction, effects, 336.067
Students, possession, use or delivery, driving privileges suspension, 339.254
Teachers, effect of conviction, 342.143, 342.175

CORRECTIONAL INSTITUTIONS
Educational programs
Community colleges, contracts, 341.317
School-age youth, 339.115, 339.129

COUNTIES
Commissioners, see COUNTY COURTS AND COMMISSIONERS, generally
Community college districts, interstate taxing authority, feasibility discussions, 341.309
Contracts, education, community college districts, 341.315
Cooperative agreements, school district vehicle regulation, 332.445
Federal aid, forest reserve moneys, 328.005
Real property, lands, security for Common School Fund loans, 327.470, 327.475
Taxation, see TAXATION, generally
Treasurers, see COUNTY TREASURERS, generally

COUNTY COURTS AND COMMISSIONERS
Community college district bonds, tax levies, 341.690
Douglas County, chairperson, school fund commissioner, 328.120
Schools
District boundary board, as, 330.080
Districts
Attendance supervisors, compensation, 339.040
Bonds, tax levies, 328.265
Education service districts, 334.045, 334.145, 334.225

COUNTY TREASURERS
Bonds
Community college districts, 341.685, 341.690, 341.693, 341.695
School districts, 328.255, 328.260, 328.265, 328.270, 328.275
Security
Douglas County, 328.110
Liability on
Community college district funds, 341.690
School district funds, 328.260, 328.275
Community college districts
Bonds, 341.685, 341.690, 341.693, 341.695
Fiscal officer, as, 341.005

COUNTY TREASURERS (Cont.)
Douglas County, school fund custodian, 328.110, 328.115, 328.120, 328.125, 328.130
Records, bonds, school districts, registration, 328.255
School districts
Bonds, 328.255, 328.260, 328.265, 328.270, 328.275
County school fund, apportionments, 328.030, 339.125
Funds, custody, payment, 328.441, 328.445

DEAF AND HARD-OF-HEARING PERSONS
Dog guides, see DOG GUIDES
Education, see EDUCATION
Higher education, grants-in-aid, 346.070
Records of blind and deaf, exchange between agencies, request, 346.169
Schools, special education, 343.236
Special education, providing, Superintendent of Public Instruction, 343.236

DEAF SCHOOL, OREGON STATE
See SCHOOLS AND SCHOOL DISTRICTS

DEGREE AUTHORIZATION, OFFICE OF
(Generally), 348.599
Account, 348.601

DEGREES
Colleges and universities, see COLLEGES AND UNIVERSITIES

DISCRIMINATION
Charter schools, 338.115, 338.125
Disabled persons
Blind persons, animals, rental housing, 346.630
Deaf persons, animals, rental housing, 346.660
Education
(Generally), 326.051
Charter schools, 338.115, 338.125
Courses of study, 336.082, 336.086
Curriculum, public elementary and secondary schools, nondiscriminatory, 336.082
Instruction, nondiscriminatory attitudes, 336.067
Schoolteachers, laws, knowledge required, 342.123
Housing
Blind persons, animals, 346.630
Deaf persons, animals, 346.660
Disabled persons, assistance animal, discrimination in renting housing, 346.690
Schools
Career, professional or trade schools, 345.240
Instruction
Nondiscriminatory curriculum, development, 336.082
Respect regardless of race, color, etc., 336.067
Textbooks, schools, reflecting respect for race, color, etc., 337.260

DOG GUIDES
(Generally), 346.610 et seq.
Blind person, defined, 346.610
Damages
Discrimination, renting housing, 346.630
Hearing ear dogs, dwelling unit damage, deaf person liability, 346.660
DOG GUIDES (Cont.)

Disabilities

Public accommodation or transportation, liability, blind person or trainer, 346.620

Deaf persons

Defined, 346.640

Public accommodations or public transportation, right to dog, 346.650

Rental housing, 346.690

Definitions, 346.610, 346.640

Discrimination, rental housing, 346.630, 346.660, 346.690

Dog guide trainee, defined, 346.610

Dog guide, defined, 346.610

Hearing eye dog trainee, defined, 346.640

Mode of transportation, defined, 346.610, 346.640

Public accommodations

Blind persons, right to dog, 346.620

Defined, 346.610, 346.640

Fee or admission charge, additional, 346.620, 346.650

Liability, blind person or trainer, damages by dog guide, 346.620

Public transportation

Blind persons, right to dog, 346.620

Fee or admission charge, additional, 346.620, 346.650

Mode of transportation, defined, 346.610

Rental housing, discrimination, 346.630, 346.660, 346.690

Trainers

Defined, 346.610

Public accommodation, right to have dog, 346.620

Transportation, see Public transportation, this topic

EARLY CHILDHOOD EDUCATION

TRUST FUND

(Generally), 329.228

EDUCATION

See also SCHOOLS AND SCHOOL DISTRICTS

Adult education

Courses of study, 336.145

District school boards, authority, 336.145

Federal aid, 326.051

Fees, 336.145

Superintendent of Public Instruction functions, 336.145

Vocational education courses, 336.035

Apprentices and trainees, training programs, vocational rehabilitation, 344.555

Blind persons, see Disabled persons, this topic

Colleges and universities, see COLLEGES AND UNIVERSITIES, generally

Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS, generally

Comprehensive education plan, development, 326.075

Continuing education, see CONTINUING EDUCATION

Correctional institutions, see CORRECTIONAL INSTITUTIONS

Deaf persons, see Disabled persons, this topic

Disabled persons

Blind, deaf

Commission for the Blind, aid by, 346.180, 346.190, 346.250

Higher education, deaf students, state aid, 346.070

EDUCATION (Cont.)

Disabled persons (Cont.)

Blind, deaf (Cont.)

Schools, state, see SCHOOLS AND SCHOOL DISTRICTS

Children with disabilities, see SCHOOLS AND SCHOOL DISTRICTS

Correctional facilities, inmates, 339.115, 339.129

Work experience trainees, workers compensation, 655.605, 655.615, 656.135

Discrimination, see DISCRIMINATION

Education and Workforce Policy Advisor, see EDUCATION AND WORKFORCE POLICY ADVISOR, generally

Education Commission of the States, dues, representatives, 348.950

Education Stability Fund, see STATE FINANCE

Education, Department of, see EDUCATION, DEPARTMENT OF, generally

Education, State Board of, see EDUCATION, STATE BOARD OF, generally

Educational Organizations Fund, 326.350

Employed children, classes, 336.135, 339.030

Experimental programs, 327.490, 327.495

Extended educational experiences, community agencies, 336.175

Financing, public schools, see SCHOOL FINANCE, generally

General Educational Development (GED)

Certificates, 326.550

Program coordination, 344.257, 344.259

Gifts and donations, school finance, see SCHOOL FINANCE

Health care occupations, needs assessment, evaluation of programs, 348.900

Institutionalized persons, diplomas, 339.860

Juveniles, see JUVENILE DELINQUENTS AND DEPENDENTS

Lands, disposition, management, 327.405, CONST. VIII §5

Local or special acts prohibited, CONST. IV §23

Lottery, State, moneys use, CONST. XV §4

Mandated programs, state and federal, financing, 327.645

Nurses, see NURSES AND NURSING

Oregon Health and Science University, see OREGON HEALTH AND SCIENCE UNIVERSITY, generally

Parochial schools, see SCHOOLS AND SCHOOL DISTRICTS

Probationers, finding and maintaining approved schooling, 137.540

Radio, educational programming, 354.410, 354.420, 354.430

Report on funding public education system, CONST. VIII §8

Rules

Blind and visually impaired persons

Programs, 346.150

Vending facilities, proper and satisfactory operation, 346.540

Correctional institutions, education services to inmates, 341.317

Discrimination, prohibition, 659.850, 659.855

Industrial Extension Service, establishment, 329.930

Youth apprenticeship trainee ratios, 344.750

Scholarships

Colleges and universities, see COLLEGES AND UNIVERSITIES

Human Services, Department of, 411.575, 411.580

School finance, public schools, see SCHOOL FINANCE, generally

INDEX - 12
EDUCATION (Cont.)
School officers and employees, see SCHOOL OFFICERS AND EMPLOYEES, generally
Schools and school districts, see SCHOOLS AND SCHOOL DISTRICTS, generally
Schoolteachers, see SCHOOL TEACHERS, generally
Service districts, see SCHOOLS AND SCHOOL DISTRICTS
Special legislation, prohibition, CONST. IV §23
Student Assistance Commission, Oregon, see STUDENT ASSISTANCE COMMISSION, OREGON, generally
Superintendent of Public Instruction, see SUPERINTENDENT OF PUBLIC INSTRUCTION, generally
Taxation, school finance, see SCHOOL FINANCE
Tobacco and smoking, education program, see TOBACCO AND SMOKING
Traffic safety education, commercial schools, 336.800, 336.815
Training programs, conference fees, disposition, 326.340
Veterans, see VETERANS
Vocational education and rehabilitation, see VOCATIONAL EDUCATION AND REHABILITATION, generally
Work experience programs, 336.175, 655.605, 655.615, 656.033
Workers compensation, trainees, work experience programs or school directed professional education, 656.033

EDUCATION AND WORKFORCE POLICY ADVISOR
Appointment, duties, 660.312
Coordination, activities, Economic and Community Development Commission, 285A.045
Rules, 326.370, 660.312

EDUCATION CASH ACCOUNT
(Generally), 327.485
Publication fees, continuous appropriation, 326.320

EDUCATION COMMISSION, QUALITY
See QUALITY EDUCATION COMMISSION, generally

EDUCATION FUND, OREGON
(Generally), 348.716

EDUCATION SEISMIC FUND
(Generally), 286.768

EDUCATION SERVICE DISTRICTS
School boards, see SCHOOL BOARDS
Schools and school districts, see SCHOOLS AND SCHOOL DISTRICTS

EDUCATION STABILITY FUND
See SCHOOL FINANCE

EDUCATION, DEPARTMENT OF
(Generally), 326.111
Account, 326.115

EDUCATION, DEPARTMENT OF (Cont.)
Administrative and support services, review and report, see note following, 326.111
Appropriations, see STATE FINANCE
Creation, 326.111
Fingerprinting authority, criminal records checks, 181.539, 702.017
State finance, see STATE FINANCE
Superintendents, unclassified service, 240.205

EDUCATION, JOINT BOARDS OF
(Generally), 348.890

EDUCATION, STATE BOARD OF
(Generally), 326.111
Administrative officer, Superintendent of Public Instruction, 326.310
Administrative Services, Department of, services, 184.345
Chairperson, 326.041
Community Colleges and Workforce Development, Department of, direction and control, 326.370
Coordination, State Board of Higher Education, annual meeting, 348.890
Creation, 326.021
Duties and powers, 326.011, 326.051
Employees, approving appointment, 326.310
Intellectual property, 326.520, 326.530, 326.540
Meetings, 326.041, 348.890
Members
Appointment, 326.021, 326.031
Compensation, 326.041
Conflict of interest, 326.021
Expenses, 326.041
Qualifications, 326.021, 326.031
Removal, 326.021
Terms, 326.021, 326.031
Vacancies, 326.031
Policy, establishing, 326.011

EDUCATIONAL FACILITIES FUND
(Generally), 346.019

FAIR DISMISSAL APPEALS BOARD
(Generally), 342.930
Members, expired term, continued service, 342.930
Rulemaking authority, 342.930

FEDERAL AID
Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS
School finance, see SCHOOL FINANCE
Vocational, rehabilitation aid, 344.620

FEES
Barbering, hair design and cosmetology schools, inspection, licensure, 345.450
Career schools, see VOCATIONAL EDUCATION AND REHABILITATION
Colleges and universities, see COLLEGES AND UNIVERSITIES
Community college districts, 341.290, 341.735
Degrees, academic, authorization, 348.603, 348.606, 348.607, 348.609
Education, see SCHOOL FINANCE
Rule authorization
Career schools, 345.080

INDEX - 13
Fees (Cont.)
规则授权（Cont.）
 Degrees, academic, authorization, 348.603, 348.606, 348.607, 348.609
 General Educational Development (GED) certificates, tests, 326.550
 Teaching license, 342.127
 School boards, see SCHOOL BOARDS
 Schools and school districts, see SCHOOL FINANCE
 Schoolteachers, licensure, 342.127, 342.430
 Student athlete agents, 702.023
 Tuition savings accounts, Oregon 529 College Savings Network, 348.857

Fines and Penalties
学术学位、错误表示，348.69
民事罚金
学生运动员经纪人的罚金，702.994
职业学校，345.992, 345.995, 345.997
社区学院，345.992, 345.995, 345.997
 Degrees, authorization, violations, 348.992
 Student athlete agents, 702.991, 702.994
 Vocational schools, law violation, 345.992, 345.995, 345.997

Fires and Fire Protection
私立学校，345.535
住宅设施，学校，332.111
规则
私立学校，345.535
住宅设施，学校，332.111

Forests and Forestry
 Arbor Week, 336.015
 National forests, reserves, moneys to state, counties, 328.005
 United States, grants, reserves, proceeds, 328.005

Funds and Accounts
See also STATE FINANCE
 Advanced Technology Education and Training Fund, 326.380, 346.290
 Alternative Student Loan Program Fund, 348.570
 Blind, Commission for the Account, 346.290
 Claims against state, accounts, 346.230
 Fund, vending facilities, appropriations, 346.540
 Center for School Safety Account, 338.136
 Clatsop Community College Facilities Account, see note following, 341.725
 College Savings Network Fund, Oregon 529, 348.856
 Columbia Gorge Community College Facilities Account, see note following, 341.725
 Commission for the Blind Account, 346.290
 Common School Forest Revolving Fund, forest management and control, administrative expenses, 530.520
 Common School Fund, see SCHOOL FINANCE
 Community College Bond Building Fund, 341.728
 Community College Bond Sinking Fund, 341.731
 Community College Capital Construction Fund, 341.725
 Community College Support Fund (Generally), 341.620
 Eastern Oregon timber tax account, distributions from, 321.485
 Community Colleges and Workforce Development Account, Department of, 326.373

General Fund
 支付到
(Generally), 293.105, 293.110
学生运动员经纪人的罚金，702.994
课本出版商或供应商费用，337.065
职业学校，费用，其他收入，345.080
支付出
(Generally), 293.406
资助必要，CONST. IX §4
学生贷款，Common School Fund reimbursement, 327.482

Growth Account, Oregon
(Generally), 348.701 et seq.
Confidential information, 348.710
Creation, 348.702
Definitions, 348.701
Moneys, management and investment, 348.702, 348.703, 348.704, 348.707
Purpose, 348.702
Reports, 348.703, 348.707
Resource and Technology Development Subaccount, Oregon, 348.704, 348.706

High Cost Disabilities Account, 327.008, 327.348
Higher Education Student Loan Fund, 348.010
Human Services, Department of, vocational rehabilitation, federal funds, 344.540
Invention Fund, Board of Education, 326.520, 326.540

Klamath Community College Facilities Account, see note following, 341.725
Library School Library Fund, State, 293.110
Nursing Education Grant Fund, 335.612
Nursing Services Account, 348.570
Oregon 529 College Savings Network Fund, 348.856
Oregon Coast Community College Facilities Account, see note following, 341.725
Oregon Student Assistance Fund, 293.701, 348.570
Prekindergarten Program Trust Fund, 329.183
Professional Organizations Certification Fund (Teacher Standards and Practices Commission), 342.122

Public Charter School Development Fund, 338.175
Resource and Technology Development Subaccount, Oregon, 348.704, 348.706
Revoking fund, Department of Human Services, vocational rehabilitation, federal funds, 344.685, 344.690
Rogue Community College Medford Instructional Facility Account, see note following, 341.725

INDEX - 14
Funds and Accounts (Cont.)

- Rural Medical Education Loan Fund, sources and use, 348.390
- Safe Routes to Schools Fund, 184.740
- School boards, funds, see school boards
- School Capital Construction, Maintenance and Technology Fund, 327.711
- School Facility Improvement Fund, 327.320
- School finance, see School Finance
- School Lunch Revolving Account, 327.525
- School Safety Account, Center for, 339.336
- School Technology Account, 759.445
- Small School District Supplement Fund, 327.008, 327.357, 327.360
- Southwestern Oregon Community College Curry County Facilities Account, see note following, 341.725
- Special Education Account, 343.247
- Special Education Transportation Revolving Account, 346.041
- State School Fund, see School Finance
- Student Assistance Fund, Oregon, 293.701, 348.570
- Student Driver Training Fund, 336.805, 336.810, 802.110
- Student Loan Guarantee Fund, 348.570, 348.575
- Talking Book and Braille Library Endowment Fund, 357.195
- Teacher Corps Account, Oregon, 329.780
- Teacher Standards and Practices Commission Account, 342.420, 342.430
- Tillamook Bay Community College Facilities Account, see note following, 341.725
- Trust funds, donations, contributions, private, 326.051
- Tuition Protection Fund, 345.110
- Tuition savings accounts, Oregon 529 College Savings Network, see Oregon 529 College Savings Network
- Vending, facilities, blind persons, fund, appropriations, 346.540
- Veterans’ Educational Aid Account, 408.090
- Virtual School District Fund, Oregon, 329.842
- Vocational Rehabilitation Account, State, 344.530, 344.620
- Vocational Rehabilitation Revolving Fund, 344.685, 344.690

Gifts

- Colleges and universities, see Colleges and Universities
- Community colleges and districts, see Community Colleges and Districts
- Community Colleges and Workforce Development, Department of, 326.373
- Education, see School Finance
- Education service districts, money or property, acceptance, 334.125
- Prekindergartens, 329.175
- School finance, see School Finance
- Student Assistance Commission, Oregon, community foundations, transfer, 348.530, 348.580
- Teacher Standards and Practices Commission, acceptance, 342.122
- Vocational rehabilitation purposes, 344.630

Growth Account Board, Oregon

See state agencies

High Schools

See schools and school districts

Higher Education

- See Colleges and Universities, generally; Community Colleges and Districts, generally; Oregon Health and Science University, generally

Holidays and Commemorations

- Arbor Week, 336.015
- Columbus Day, 336.010
- King, Martin Luther Jr., birthday, 187.010, 336.010
- Lincoln, birthday, 187.010, 336.010
- Schools and school districts, see Schools and School Districts
- Washington, birthday, 187.010, 336.010
- Weeks
  - Arbor Week, 336.015
  - Women in History Week, 336.025
  - Women in History Week, 336.025

Juvenile Delinquents and Dependents

- Corrections, Department of, release or discharge of youth, notice, 339.321, 339.323
- Custody and detention
  - Notice, release or discharge, youth correction facility, 339.319, 339.321, 339.323
  - Schooling, children in correctional facilities, 339.129
- Detention facilities, education, 336.585
- Education
  - Detention facilities, 336.585
  - Records, detention facilities, 326.575
  - Scholarships, former foster children, 348.270
- School districts
  - Children in correctional facilities, 339.129
  - Contracts, Youth Corrections and Juvenile Detention Education Programs, 326.712
  - Responsibility, 336.580, 336.585
  - Special education, placement during administrative or judicial proceedings, 343.177
  - Youth care centers, 336.580
  - Youth Corrections and Juvenile Detention Education Programs
    - (Generally), 326.700, 326.712
    - Contracts, school districts, 326.712
    - Definitions, 326.695
- State School Fund
  - Allocations, 327.026
  - Distribution, 326.700
  - Student achievement grants, 327.297
- Foster care, scholarships, former foster children, 348.270
- Juvenile departments, safe school alliance, 339.312
- Placement, special education, 343.177
- Residential programs, establishment or expansion, notice to affected school district, 336.575
- Rules, Youth Corrections and Juvenile Detention Education Programs, State School Fund allocations, 327.026
- Schools and school districts
  - Criminal offender status, detained or released youths, notice, 339.317, 339.319, 339.321, 339.323
  - Safe school alliance, 339.312
- Youth care centers
  - Education, 336.580
  - School districts, residency of student, 339.137
- Youth correction facilities
  - Notice, release or discharge of youth, 339.319, 339.321, 339.323
  - Teachers, dismissal, appeal procedure, 342.905
LABOR AND EMPLOYMENT
Apprenticeship and training, see APPRENTICES AND TRAINEES, generally
Collective bargaining, public employees, schoolteachers, see SCHOOLTEACHERS
Compensation, see COMPENSATION AND SALARIES, generally
Disputes and arbitration, school districts, non-certificated employees, employment, basic school support funds, forfeiture, 342.173
Job training
Apprentices and trainees, see APPRENTICES AND TRAINEES, generally; Youth apprenticeship and training program, this topic
Schools and school districts, workforce preparation and development, see SCHOOLS AND SCHOOL DISTRICTS
Workforce development, see WORKFORCE DEVELOPMENT, generally
Youth apprenticeship and training program, see Youth apprenticeship and training program, this topic
Leaves of absence, sick leave, school employees, 332.507
Minors, part-time schools, classes, 336.135, 339.030
Professional technical education and training, 344.055
Rehabilitation facilities, see VOCATIONAL EDUCATION AND REHABILITATION
Rules, youth apprenticeship and trainee ratios, 344.750
Scholarships, employees and dependents, employer tax credit program, 348.616, 348.618, 348.621
School officers and employees, salaries, see SCHOOL OFFICERS AND EMPLOYEES
Schools, employment related training, education and job placement services, 329.850, 329.855
Schoolteachers, see SCHOOLTEACHERS
Training, policy, 344.055
Youth apprenticeship and training program
(Generally), 344.745
Education service grants, 344.753
Gifts and grants, 344.757
Hours per week of employment, 344.750
Number of students, 344.745
Qualifications of students, 344.745
Reimbursement, costs of training, employers eligible, 344.753
Tax credit, loss, terminating apprentices without cause, 344.755
Wages, amount, 344.750
Workers’ compensation coverage, 344.750

LANGUAGE
Indians, American Indian languages, teaching license, 342.144
Literacy hotline, 329.950

LOCAL 21ST CENTURY SCHOOLS COUNCILS
(Generally), 329.704

MILITARY
See ARMED FORCES, generally

MOTOR VEHICLES
Buses, school, see School buses, this topic

MOTOR VEHICLES (Cont.)
Drivers, school board membership, eligibility, 332.016
Enforcement officers
Patrols, schools, 339.665
Peace officers
School traffic patrols, 339.665
Traffic offenses, 341.300
Enrollment status, documentation, students applying for driving privileges, 339.257
Impoundment, community colleges, 343.100
Minors, enrollment status, documentation, students applying for driving privileges, 339.257
Public transportation, use for, 332.427
Rules
Operating and parking on school property, prohibiting, restricting or regulating, 332.445
Traffic safety education, 336.800, 336.805
School buses
Accident reports, 820.110
Bus safety lights, stop failure, bus driver report, 811.157
Competition, transit systems, prohibited, 332.427
Construction and equipment, standards, 820.100
Defined, 801.460
Disabled vehicles, warnings, use, 811.530
Drivers
(Generally), 820.110
Driver license endorsement, 807.035, 807.070
School board membership, eligibility, 332.016
Inspection, 820.120
Markings
Illegal display, 820.160
Improper, 820.170
Minor operating, 820.190
Public transportation, use for, 332.427
Registration
(Generally), 805.050, 820.130
Administration of laws, 802.010
Fee, 803.420
Revocation, 820.140
Rules
Accident reports, 820.110
Construction and equipment, standards, 820.100
Driver qualification and training, 820.110
Inspection, 820.120
Operation, standards and training, 283.310
Safety lights, operating, 811.515
Stop arms, 820.100, 820.105
Unsafe operation, 820.180
Schools and school districts
Enrollment status, documentation, students applying for driving privileges, 339.257
Parking regulation, 332.445
Property, vehicles on, regulation, 332.445
Rental or lease-purchase agreements, 332.155
School vehicles
Acquisition, replacement fund, 328.470
Public transportation, use for, 332.427
Replacement fund, districts, 328.470
School activity vehicles, public transportation, use for, 332.437

NURSES AND NURSING
Licenses, school nurses, 342.465, 342.475
Nurse practitioners, school pupils, physical examination, athletics, 336.479
Student loans (generally), 348.115, 348.117

NURSING SERVICES ACCOUNT
(Generally), 348.570

INDEX - 16
OREGON 529 COLLEGE SAVINGS BOARD
- Members, 348.849
- Powers and duties, 348.853
- Reports, 348.873
- Rules, 348.853

OREGON 529 COLLEGE SAVINGS NETWORK
- Accounts
  - Account owner, defined, 348.841
  - Assignment, 348.863
  - Beneficiaries, designation, 348.867
  - Confidential information, 348.867
- Contributions
  - Cash only, 348.857
  - Investment, 348.860
  - Liability for loss, 348.860
  - Limits, 348.857, 348.863
  - Persons qualified to make, 348.857
- Establishing, 348.857
- Execution, 348.863
- Fees, 348.857
- Fiduciary organizations, individual development account program, 458.685, 458.690, 458.700
- Garnishment, 348.863
- Limits, 348.857, 348.863
- Prohibitions, 348.863
- Records, 348.857
- Reports, withdrawals, 348.870
- Taxation, 316.680
- Transfers, 348.867
- Withdrawals, 348.841, 348.863, 348.870

OREGON HEALTH AND SCIENCE UNIVERSITY (Cont.)
- Students (Cont.)
  - Grants, 348.265
  - Loans, state, interest payments, 348.050
  - Scholarships, 348.270

PRIVATE SCHOOLS
- See SCHOOLS AND SCHOOL DISTRICTS

PRIVATE SCHOOLS ADVISORY COMMITTEE
- (Generally), 345.575

PRIVATE TEACHERS
- School attendance, 339.035

PUBLIC CHARTER SCHOOL DEVELOPMENT FUND
- (Generally), 338.175

PUBLIC CHARTER SCHOOLS
- See CHARTER SCHOOLS, generally

PUBLIC EMPLOYEES RETIREMENT SYSTEM
- Charter school employees, 338.135
- Community colleges, optional retirement plan, participation, 341.551
- Employee members, Blind Industries workers, 346.190
- Sick leave, school employees, unused accumulated, transfer from other district employer, 342.545

QUALITY EDUCATION COMMISSION
- (Generally), 327.500
- Chairperson, vice chairperson, 327.502
- Duties, 327.506
- Meetings, 327.502
- Purpose, legislative findings, 327.497
- Quorum, 327.502
- Reports, 327.506

RURAL MEDICAL EDUCATION LOAN FUND
- (Generally), 348.390

RURAL MEDICAL EDUCATION LOANS
- (Generally), 348.310
- Amount, 348.330
- Cost-sharing community loan fund program, 348.340
- Cost-sharing hospital loan fund program, limitation, 348.350
- Eligibility, application and written agreement, 348.320
- Family practice residency programs, priority admissions, loan recipients, 348.350
- Hospital loan fund program, cost-sharing, limitation, 348.350
- Renewal, 348.360
- Repayment and exception, 348.340
- Repayment, interest, conditions and exemptions, 348.370

OREGON HEALTH AND SCIENCE UNIVERSITY
- Community college districts, contracts, 341.440
- Educational programs for children, oversight, 343.261
- Health care occupations, needs assessment, evaluation of programs, 348.900
- Hospitalized children, patients, education, 343.261
- Intergovernmental agreements, education costs, treatment programs, 343.961
- Nursing education, see NURSES AND NURSING
- Scholarships, see COLLEGES AND UNIVERSITIES
- Students
  - Expanded Options Program, high school students, see SCHOOLS AND SCHOOL DISTRICTS

OREGON 529 COLLEGE SAVINGS NETWORK FUND
- (Generally), 348.856
SCHOLARSHIPS
Colleges and universities, see COLLEGES AND UNIVERSITIES
Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS
Injured workers' memorial scholarship, 654.200
Schools and school districts, see SCHOOLS AND SCHOOL DISTRICTS
Welfare recipients, 411.120, 411.575, 411.580

SCHOOL BOARDS
Accountants, audits, 328.465
Actions and suits, 332.072, 332.182, 339.260, 339.270
Activities, interschool, 332.075
Appeals, teacher certification and discipline, 342.180
Apprentice, trainee education, 660.135, 660.160, 660.162
Assets and liabilities, division, boundary changes, 330.123
Association of boards, 332.105
Audits, 328.465
Auxiliary services to students, 332.111
Bonds and undertakings, employees, 332.525
Bonds, school finance, see SCHOOL FINANCE
Borrowing money, 328.565
Boundary boards
Composition, 330.080
County governing body as, 330.080
Duties and powers
(Generally), 330.080
Records, 330.080
Education service board as, 330.080, 334.125
Governing body of county as, 330.080
School districts
Boundary changes
(Generally), 330.080, 330.090, 330.095, 330.101
Failure to act, 330.107
Education service districts, director election zones, 334.032
Merger, 330.080, 330.090, 330.095, 330.101
Numbers, 330.080
State Education Board as, 330.107
Union high school districts, course extension, election results to, 335.500
Budgets, preparation, 328.542
Buildings, 332.155, 332.172
Chairperson
(Generally), 332.040
Bonds, signing, 328.235
Election, 332.040
Meetings, calling, 332.045
Warrants, signing, 328.450
Charter school employees, ineligibility, 332.016
Civic use school property, 332.172
Clerks and deputies, 332.515, 332.525
Commissions, offering or giving to, 328.270
Compensation, none, 332.018
Condemnations, 332.182
Definitions, 332.002
Designation, official, 332.005
Directors
Official capacity, district school board, 332.005
Removal, 332.030
School board, directors as, 332.005
Zones, see Zones, directors, this topic
Donations, 332.385
Duties and powers, 332.057, 332.072, 332.075, 332.105
Early childhood programs, 329.235
Education service districts
Chairperson, 334.100, 334.730
Compensation, members, none, 334.100
Consolidated districts, 334.730, 334.740, 334.750, 334.760, 334.770
Creation, 334.010
Directors, residence change and removal or recall, 334.095
District boundary board, as, 330.080, 334.125
Douglas County, school fund apportionments, 328.115
Duties, powers, 334.125
Elections, see Elections, this topic
Employees, 334.125
Executive officer, 334.225
Expenses, members, 334.100
Lease-purchase agreements, 334.125
Meetings, 334.100, 334.730
Membership, 334.010, 334.025, 334.035, 334.045, 334.055, 334.065, 334.740
Mergers, 334.095
Offices, 334.100
Organization, 334.100
Pilot education service districts, see note following, 334.100
Property acquisition, sale, 334.125
Qualifications, 334.035, 334.090, 334.740
Removal or recall, directors, 334.095
Residence change, 334.095
Rules, 334.125
Terms of office, 334.045, 334.090, 334.750
Vacancies, 332.030, 334.090, 334.955
Elections
(Generally), 332.030, 332.124
Chairperson, 332.040
Date of election, 255.335
Districts 300,000 or more, 332.138
Education service districts
(Generally), 334.010, 334.025, 334.035, 334.045, 334.055, 334.065, 334.740
Nominations, 332.136, 334.035, 334.045, 334.055, 334.065, 334.740
Position numbers, 332.136
Zones, establishment, 334.032, 334.730
Nomination of candidates, 332.136, 334.035, 334.045, 334.055, 334.065, 334.740
Position numbers, 332.136
Reelection subsequent to zoning, 332.134
Vacancies, filling, 332.030, 332.134
Zones, election, 332.126
Employees of school districts, membership, ineligibility, 332.016
Equipment, 332.155
Expenses, reimbursement, 332.018
Expulsion of pupils, 332.061
Fees
(Generally), 339.155
Activities outside usual classroom hours, 336.183
Adult education, 336.145
School property, use, 332.172
Waiver, low-income families, 339.147
Wards, state, 339.147
Funds
Automotive equipment, 328.470
County school fund apportionments, 328.030
Custodians, designating, 328.441
Depositories, designating, 328.441
Disbursing, 328.445, 328.450, 328.460
Expenditure, unlawful, liability, 294.100
Gifts, establishing scholarships, 332.385
Indebtedness, short-term, 328.565
Instructional materials, selection, 337.120
Insurance, 332.432, 332.435, 332.437, 332.505
SCHOOL BOARDS (Cont.)

Intellectual property, 332.745, 332.750
Inventions, discoveries, ideas, acquisition, 332.745, 332.750
Klamath, No. 1, 328.165, 328.170, 328.190
Land, 332.155, 332.182
Lease agreements, property and buildings, 332.155
Legislators, members as, CONST. XV §8
Liability
Expenditures, unlawful, 294.100
Insurance, 332.435
Traffic patrols, 332.435, 339.655
Meetings
Absent members, compelling attendance, 332.055
Adjournment, 332.045, 332.055
Calling, 332.045
Duties performed at, 332.057
Notices of, 332.045
Organizational, 332.040
Place, 332.045
Quorum, 332.055
Records, 332.057
Time, 332.045
Voting requirement, 332.055
Member number, increasing, 332.012
Mergers, 330.106, 330.113
Nominations
Common, union high school districts, 332.122, 332.124
Education service districts, 334.035, 334.045, 334.740
Position numbers, 332.136
Zoning, common school districts, 332.128
Number of members
(Generally), 332.011, 332.015
Increasing, 332.012
Oath, directors, 332.005
Officers, electing, 332.040
Personal property, lease-purchase agreements, 332.155
Qualifications, 332.005, 332.018, 332.134
Questions to Superintendent of Public Instruction, 326.310
Quorum to do business, 332.055
Real property, 332.155, 332.158, 332.182
Records
Meetings, 332.057
Teachers, contract nonrenewal, reasons, 342.513
Removal of directors, 332.030
Residence, 332.018
Rules
(Generally), 332.107
Accountability for Schools for the 21st Century Law, 342.513
Activities outside usual classroom hours, 336.183
Admission of pupils, 339.115
Adult education, 336.145
Dental health program, 336.375
Education service districts, 334.125
Property, nonschool use, 332.172
Scholarships, student loans, 332.385
Traffic patrols, 339.655
Vehicles on school property, 332.445
Security patrol, 332.531
Self-insurance program, 332.432, 332.435, 731.036
Superintendent of Public Instruction assisting, 326.310, 326.320
Superintendent of schools
(Generally), 332.005
Contracts, authority, 332.075
Supplies, 332.075, 332.155
SCHOOL BOARDS (Cont.)
Teacher Standards and Practices Commission, membership, 342.360
Term
(Generally), 332.018
Districts 300,000 or more, 332.138
Education service districts, 334.045, 334.090, 334.750
Merged districts, 330.113
Vacancies, persons filling, 332.030
Traffic patrols, 332.435, 339.655
Vacancies
(Generally), 332.030
Education service districts, 332.030, 334.090, 334.095
Zoned districts, 332.030, 332.134
Vice chairperson, election, 332.040
Voting requirement, 332.055
Warrants
Cancellation, 7 years unpaid, 328.460
Execution, 328.450
Interest, designating, 328.450
Issuance, 328.213, 328.450
Payment, 328.213, 328.460
Sale, 328.295
Zones, directors
Common school districts, 332.030, 332.124, 332.128, 332.132, 332.134
Education service districts, 334.025, 334.032, 334.035, 334.730, 334.740
SCHOOL BOND GUARANTY ACT, OREGON
See SCHOOL FINANCE
SCHOOL BUSES
See MOTOR VEHICLES
SCHOOL FACILITY IMPROVEMENT FUND
(Generally), 327.320
SCHOOL FINANCE
(Generally), 327.006 et seq., 328.001 et seq.
Accounting procedures
Audits, see Audits and auditing, this topic
Uniform accounting and budget system, adoption, 327.511
Adult education
Federal aid, 326.051
Fees, 336.145
Advanced technology education and training, public-private partnerships, 326.382
Allocation of funds, legislative intent, 329.025
Alternative programs, costs and expenditures, 336.635
Appeals
Average daily membership, projection, 327.061
Boundary changes, district division of assets and liabilities, arbitration, 330.123
Apportionments
Boundary changes, effect, 330.123
Common School Fund, 327.410, 327.420, CONST. VIII §2, CONST. VIII §4
County school funds, see County school funds, this topic
Distributable Income Account, 327.410
State School Fund, see State School Fund, this topic

INDEX - 19
SCHOOL FINANCE (Cont.)
Apportionments (Cont.)
Unlicensed teachers, employment, effect, 342.173
Appropriations
Deaf students, aid to, 346.070
Disadvantaged children programs, 343.680
GED certificates, fees, 326.550
Intellectual property, 326.540
Invention Fund, Board of Education, 326.540
Local Option Equalization Grants Account, 327.339
Prekindergarten programs, 329.183
Publication fees, 326.320
Religious purposes, prohibited, CONST. I §5
Research, 326.540
School Lunch Revolving Account, 327.525
Student loans, Common School Fund reimbursement, 327.482
Sufficiency to meet quality goals, evaluation, Quality Education Commission, 327.506
Talented and gifted children programs, 343.399, 343.404
Teacher education, gifts, 327.495
Teacher Standards and Practices Commission Account, 342.430
Textbook publisher or supplier fees, 337.065
Transportation, blind or deaf students, 346.041
Vocational Rehabilitation Account, State, 344.620
Arbitration, boundary changes, division of assets and liabilities, 330.123
Asbestos removal
Bonds, 328.205
Contracts, 328.210
Audits and auditing
Districts
(Generally), 328.465
Boundary changes, effect, 330.103
Copies to Education Department, basic school support, 327.137
Education service, 334.125
State School Fund distribution, factors used, audit of, 328.465
Automotive equipment, 328.470
Average daily membership
Computation, 327.061
Defined, 327.006
Projections, 327.061
Remote small schools, determination, effect, 327.077
Blind and deaf schools
Educational Facilities Fund, 346.019
Grants, 327.023
Pupils, see Children with disabilities, this topic
Tuition and fees, nonresident students, 346.017
Bonds
Advertisement, 328.205, 328.295
Asbestos removal, 328.205
Attestation, district or deputy clerk, 328.235
Authority to contract bonded indebtedness, 328.205, 328.210
Boards
Collection commission prohibited, 328.270
Issuance, 328.230, 328.280
Payment, 328.260, 328.275, 328.565
Refunding, 328.230, 328.285
Sale, 328.295
Signatures, chairperson, 328.235
Tax levy to pay, 328.260, 328.265, 328.555
Charter schools, 338.115
Clerks, 332.525, 344.080
Collection commission prohibited, 328.270
Conditionally standard schools, 328.205
Contest of legality, 328.255, 328.280
Costs of issuance, sale, 328.205, 328.255
SCHOOL FINANCE (Cont.)
Bonds (Cont.)
County education bond districts, creation, 328.304, 334.125
Coupons, interest, 328.235
Delivery, 328.255
Education service districts, see Education service districts, this topic
Elections, see Elections, this topic
Employees, 332.525
Facsimile signatures, 328.235
Fund, interest and sinking, 328.260, 328.265, 328.275
Guaranty, state, see School Bond Guaranty Act, Oregon, this topic
Impact aid revenue bonds, Indian tribes, 328.316, 328.318
Interest, 328.235, 328.240, 328.260, 328.275, 328.280
Issuance, 328.205, 328.230, 328.280
Joint marketing, 328.300
Limitation on indebtedness, 328.245, 328.250, 328.280
Lottery bonds
(Generally), 327.700 et seq.
Definitions, 327.700
Education Fund, Oregon, transfers to, 348.716
Education project grants, use, 327.731
Issuance, 327.705, 327.711
Legislative findings, 327.708
Obligation, state, 327.705
Payment, earnings, Education Stability Fund, 327.711
Purpose of law, 327.705
Lottery moneys, use, CONST. XV §4
Payment, 328.240, 328.260, 328.265, 328.270, 328.275
Petition for election, 328.210
Proceeds
Custody, 328.255
Use, 328.205, 328.255, 328.441
Purposes for issuance, 328.205, 328.245, 328.280
Qualified zone academy bonds, issuance, 328.565
Redemption, 328.270, 328.275
Refunding, 328.205, 328.280, 328.295
Registration, 328.255
Sale, 328.205, 328.255, 328.295
Signatures, 328.235
Standards, noncompliance, limitations, 328.205
Superintendent of Public Instruction approval, 322.205
Tax levy funds, holding in trust, financial institutions, 328.260
Tax levy to pay, 328.260, 328.265, 328.555
Tax zones, levy, apportionment, 328.265
Warrants as bonds, 328.213
Boundary changes
See also Mergers, this topic
Arbitration board, expenses, 330.123
Assets and liabilities, division, 330.123
Budget pending effective date, 330.106
Election costs, 330.101
Indebtedness, 330.123
Breakfast programs, 326.051, 327.535
Budgets and budgeting
Budget and accounting system, uniform, 327.511
Districts
Automotive equipment fund transfers, 328.470
Boundary changes, pending, 330.106
Education service districts, see Education service districts, this topic
Experimental programs, gifts, 327.490
INDEX - 20
SCHOOL FINANCE (Cont.)

Budgets and budgeting (Cont.)

Districts (Cont.)
- Filing budget and tax levy with county treasurer, 328.265
- High school expenses, administrative and non-high-school districts, 335.090
- Indebtedness, short-term, 328.565
- Insurance reserve fund, 329.437
- Merger, pending, 330.106
- Migrant children education, 343.835
- Union high school, course extension, 335.502

School boards, budget preparation, 328.542

Census, Common School Fund apportionments, basis, 327.410

Charter schools, funding, see CHARTER SCHOOLS

Child development specialist services, state aid, 329.265, 343.045

Children with disabilities
- Blind, deaf children
- Free services, designation of facilities, 346.010
- Nonresident students, state facility enrollment, tuition and fees, 346.017, 346.019
- State grants-in-aid, 346.070
- Transportation, 346.041
- High cost disabilities grants, 327.008, 327.013, 327.348

Special education services
- Billing, resident districts, Department of Education, 343.239
- Child development specialists, expenses, state reimbursement, 329.265, 343.045
- Contracts
  - Approved providers, 343.534
  - Other districts, 343.221
- Cost recovery, State School Fund, 343.243
- Cost responsibility
  - (Generally), 343.261
  - Children in long term care or treatment, 343.961
- Cost statement, projected activities, 343.221
- Early intervention
  - Cost statement, projected activities, 343.221
  - Equipment and supplies, loans, 343.055
  - Financial responsibility, 343.224
  - Transportation costs, state reimbursement, 343.533
- Federal aid, 343.285
- Grant funds, approved providers, 343.534
- Hospitalized children, 343.261
- Local county and regional programs, 343.236
- Long-term care or treatment, children in, 343.961
- State reimbursement, 343.045, 343.236, 343.261, 343.285
- Transportation costs, 343.533, 343.961

Claims
- Audit costs, districts, 328.465
- Child development specialist services, 329.265
- Districts, 328.445, 328.450
- Professional technical education, federal moneys, 344.120

Colleges and universities, see COLLEGES AND UNIVERSITIES, generally

Common School Fund
- (Generally), 327.405, CONST. VIII §2
- Abandoned property, repayment, 327.405
- Administrative office for county, defined, 327.403
- Apportionments, 327.410, 327.420, CONST. VIII §2, CONST. VIII §4
- Common School Forest Lands, receipts, 530.520
- Composition, 327.405

SCHOOL FINANCE (Cont.)

Common School Fund (Cont.)

Deed cancellation judgments, 327.480

Distributable Income Account
- Creation, administration, 273.105
- Payments into, 273.105, 273.855
- Payments out of, 273.105, 327.410
- Elliott State Forest, receipts, 530.520

Escheats, 327.405, CONST. VIII §2

Investment interest, CONST. VIII §2

Loans and investments
- (Generally), 327.425, CONST. VIII §2
- Interest, 327.425, 327.445, 327.450, CONST. VIII §2
- Investment Council, 327.425
- Payment, 327.425, 327.430, 327.440, 327.455

Security
- Appraisal, 327.435
- Custody, 327.445
- Fees, appraisal, 327.435
- Foreclosure, 327.450, 327.455, 327.465, 327.470, 327.475
- Land, improved, 327.430
- Obligations, federal or state, 327.430
- Purchase, 327.450, 327.455, 327.465, 327.470, 327.475
- Student loans, 348.050
- Title, ascertaining, 327.435
- Type required, 327.425, 327.430
- Value, 273.815, 327.430, 327.435

Oil and gas tax, revenues, payments, 324.340

Sources, 327.405, CONST. VIII §2

Student loan loss reimbursement moneys, 327.482, 327.484, 327.488

Use, 327.405, CONST. VIII §2, CONST. VIII §4

Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS, generally

Compensatory education programs, 327.023

Construction and maintenance, see Grants, this topic

Cost-effectiveness, programs and strategies, priority, 329.153

County school funds

Apportionments
- Amounts, 328.015
- Boundary changes, districts, 330.123
- Computation, 328.015
- Deductions, 339.125
- Definitions, 328.001
- Forest reserve moneys, 294.060, 328.005
- Joint districts, 328.015, 339.125
- Partial, 328.030
- Reports, basis for apportionments, 328.015
- Time, 328.015, 328.030
- Creation, method, 328.005

Douglas County
- Commissioners, 328.120, 328.135, 328.140
- Custodian, 328.110
- Interest, 328.105, 328.115
- Loans, 328.115, 328.120, 328.125, 328.130, 328.135
- Rental of fund lands, 328.115, 328.120
- Sale, rental, lease of real property, 328.140
- Source, use, 328.105

Excess amounts, apportionment and tax offset application, 328.045

Forest reserve moneys, federal, 294.060, 328.005

School property, nonschool use, expenses, 332.172

Custodian, district funds, see District funds, this topic

Damages to school property, assessment of costs, pupils and parents, 339.270

Deaf schools, see Blind and deaf schools, this topic
SCHOOL FINANCE (Cont.)
Debt collection, students and parents owing, 339.260, 339.270
Defibrillators, grants, 327.365
Definitions
(Generally), 327.006
Facilities, construction and maintenance, grants, 327.300
Impact aid revenues, 328.001
Lottery bond program, 327.700
School Bond Guaranty Act, 328.321
Tax and taxes, 327.006
Dental health programs, 336.390, 336.410, 336.420
Depositories, district funds, 328.441
Disabled persons, see Children with disabilities, this topic
Disadvantaged children, special education services, advance payments to districts, 343.670, 343.680
Distributable Income Account, see Common School Fund, this topic
Distribution, State School Fund, see State School Fund, this topic
District funds
Association of boards, dues, 332.105
Audit costs, 328.465
Automotive equipment fund, 328.470
Bond interest and sinking fund, 329.260, 329.265, 329.275
Bonds, employees, premiums, 332.525
Custodian
(Generally), 328.441
Bonds, employees, 332.525
Checks, signature, 328.445
County School Fund apportionments, 328.255
County treasurer as, 328.441
Tax levy funds, bond retirement, financial institutions, 328.260
Depositories, 328.441
Disbursement, 328.441, 328.445, 328.450, 328.460
Donations and gifts, 332.385
Instruction in other districts, 339.125
Insurance premiums, 332.432, 332.435
Insurance reserve fund, 332.437
Kindergartens, 336.095
Klamath, District No. 1
Commissioners, 328.165, 328.170, 328.190
Custodian, 328.160
Interest, 328.155, 328.165
Investment, 328.165, 328.190
Loans, 328.165, 328.170, 328.175, 328.180, 328.185
Sale, rental, lease of real property, 328.165, 328.190
Sources, use, 328.155
Pedestrian facilities, off district property, 332.405
School property, nonschool use, expenses, 332.172
Substitute teacher reimbursement, Teacher Standards and Practices Commission, 342.420
Talented and gifted children programs, 343.397
Traffic patrols, 339.655
Transportation of pupils, 332.405, 339.125
Vocational programs, cooperation, 332.075
Donations, see Gifts and donations, this topic
Early childhood education
Early Childhood Education Trust Fund, 329.228
Early Childhood Improvement Program, allocation of funds, 329.237
Prekindergarten programs, see Prekindergarten programs, this topic
Education Cash Account
(Generally), 327.485
Publication fees, continuous appropriation, 326.320
SCHOOL FINANCE (Cont.)
Education service districts
Accounting and budget system, uniform, 327.511
Bonds
Bonded indebtedness, contracting, 328.304, 334.125
County education bond district, board powers, 328.304
Payment, direct ad valorem tax requirement, 334.293
Budgets and budgeting
(Generally), 334.125, 334.240
Budget and accounting system, uniform, 327.511
Committee, 334.240
Consolidating districts, 334.760
Emergency aid fund, 334.370
Migrant children education, 343.835
Services, facilities to local districts, 334.185, 334.240
Douglas County School Fund, apportionment, 328.115
Emergency aid fund, 334.370
Expenditures, resolution services, 334.177
Gifts and donations, 334.125, 334.215
Lease-purchase, personal property, 334.125
Local revenues, defined, 327.019
Office space, 334.145
Rules
Distributing school funds, auditing, etc., 334.125
State funding, 334.022
State funds, distribution, 334.022
State School Fund grant, 327.008, 327.019, 327.021
Taxes
Bond payments, 334.293
Certification and apportionment, 334.285
Education Stability Fund
Earnings, appropriation, 348.696
Establishment, 348.696
Growth Account, Oregon, see FUNDS AND ACCOUNTS
Lottery, State, moneys use, CONST. XV §4
Educational Act for the 21st Century
Funding support, 329.065
Grants, district eligibility, 329.875
Elections
Bonds
(Generally), 328.210
Favorite vote, issuance, 328.230
Majority vote, 328.213
Boundary changes, costs, proration, 330.101
Taxation, certifying property taxes to assessor, 328.542
Warrants, negotiable interest-bearing, issuance, 328.213
Eligibility, Oregon Educational Act for the Twenty-first Century, 329.875
Employed children, classes, 336.135
English as a Second Language, teacher training, 327.345
Expanded Options Program, 340.045, 340.065
Extracurricular activities, state fund reimbursement, 339.141
Facilities
Asbestos removal, see Asbestos removal, this topic
Bonds, 327.700, 327.705, 328.205
Construction and maintenance, grants, see Grants, this topic
Federal aid, construction, labor standards, 327.635
Lease, purchase or construction in another district, 332.158
School Capital Construction, Maintenance and Technology Fund, 327.711, 327.731
SCHOOL FINANCE (Cont.)

Funds and accounts

Accidental injury, 329.340, 329.345
Automotive equipment, acquisition or replacement, 326.145
Года, 339.155
Activities outside usual classroom hours, 336.183
Adolescent education, 336.196
Adolescent education, 336.196
School Activity Fund, 339.090
School Activity Fund, 339.090
School Lunch Revolving Account, 327.520
School Technology Account, 759.445
Small School District Supplement Fund, 327.008, 327.357, 327.360
Special Education Account, 343.247
Special Education Transportation Revolving Account, 346.041
State School Fund, see State School Fund, this topic
Student Driver Training Fund, 336.805, 336.810, 802.110
Teacher Corps Account, Oregon, 329.780
Virtual School District Fund, Oregon, 329.842

Gifts and donations

Acceptance, use, 332.385, 334.125
Districts, to, scholarships, loans, post-high-school education, 332.385
Education Cash Account, 327.485
Education service districts, 334.125, 334.215
Integrative property, 326.520
Kindergartens, 326.501
Literacy hotline, 326.510
Money or property, acceptance, 332.385, 334.125
Prekindergarten Program Trust Fund, 329.183
School lunch programs, 326.051, 327.520, 327.525
Work experience programs, 329.885

Grants

See also State School Fund, this topic
Child development programs
(Generally), 329.425
Developing curriculum, 329.415
Construction and maintenance
(Generally), 326.300 et seq.
Definitions, 326.300
Legislative findings, 327.310
School Facility Improvement Fund, 327.320
State School Fund, facility grants, 327.008, 327.013
Defibrillators, 327.365
Education lottery bond program, 327.731
Eligibility, Oregon Educational Act for the Twenty-first Century, 329.875
English as a Second Language, teacher training, 327.345
High cost disability grants, 327.008, 327.013, 327.348
Local option tax equalization, see Local option equalization grants, this topic
Professional technical education, Frontier Learning Network, 344.058
School Improvement and Professional Development program, see School Improvement and Professional Development program, this topic
Small school district grants, 327.355, 327.357, 327.360
Special and compensatory education programs, 327.023
Student achievement, see Student achievement grants, this topic
Teenage parent programs, use, appropriate education, 329.415
Transportation grants, 327.008, 327.013
Work experience programs, 329.885
Youth Corrections and Juvenile Detention Education Programs, 327.026

High cost disabilities grants, State School Fund, 327.008, 327.013, 327.348
SCHOOL FINANCE (Cont.)

Indebtedness
Bonded indebtedness
- Education service districts, 328.304, 334.125
- Limitations, 328.245, 328.250, 328.280
- Cemetery maintenance, 332.210
- Mergers, effect, 328.250, 330.095, 330.113
- Short-term, districts, 328.565
- Union high school district merger, 335.505
- Vocational funds, federal, advances, effect, 344.070
- Warrants, limitations, 328.213, 328.245, 328.250, 328.280

Indian tribes, impact aid revenue bonds, 328.316, 328.318

Juvenile Detention Education Program, 328.700, 327.026, 327.297

Kindergartens
- Apportionments, 327.006, 327.082
- Early childhood education program, 329.228, 329.237
- Free of charge, 336.095

Loans
- Common School Fund, loans and investments, see Common School Fund, this topic
- Klamath, District No. 1, 328.165, 328.170
- Oregon Teacher Corps program, 329.775, 329.780
- Security, 327.430

Local control, legislative intent, 329.025

Local option equalization grants
- Calculation, 327.336
- Definitions, 327.336
- Local Option Equalization Grants Account, 327.339
- Payments, 327.339
- Policy, 327.333
- Qualifications, 327.336

Local Option Equalization Grants Account, 327.339

Local or special acts prohibited, CONST. IV §23

Lottery bonds, see Bonds, this topic

Lottery moneys, use, CONST. XV §4

Lunch programs, 326.051, 327.520, 327.525, 327.527

Mandated programs, state and federal, 327.645

Mergers
- See also Boundary changes, this topic
- Budget pending effective date, 330.106
- Effect, 330.113
- Indebtedness, 328.250, 330.095, 330.113
- State School Fund, allocation, certain mergers, 327.152
- Tax levies, enlarged district, 330.113

Migrant children, see Special education services, this topic

Notices
- Bonds, elections, redemption, sale, 328.275, 328.295
- Special education services, billing, resident districts, Department of Education, 343.239
- Warrants, seven years unpaid, cancellation, 328.460

Prekindergarten programs
- (Generally), 329.160
- Appropriations, use, 329.175
- Gifts and grants, acceptance, 329.175, 329.183
- Grant applications, review and approval, 329.195
- Long-range plan, budget requests, 329.165
- Prekindergarten Program Trust Fund, 329.183
- State funding, eligibility, 329.185

Professional technical education
- Federal aid
  - Advances, 344.070, 344.080, 344.090
  - Completion of program, 344.090
  - Payment of claims, 344.120
- Frontier Learning Network, 344.058

Property and buildings, donation, 332.385, 334.125

SCHOOL FINANCE (Cont.)

Quality Education Commission, see QUALITY EDUCATION COMMISSION, generally

Quality goals, moneys to meet, evaluation, Quality Education Commission, 327.506

Records, districts, audits, 328.465

Remote small schools, determination, effect, 327.077

Reports
- Audits, districts, 328.465
- Boundary changes, asset, liability division, basis, 330.123
- Common School Fund apportionments, basis, 327.420
- County school fund apportionments, 328.015
- Legislature, special committee on public education appropriations, 171.857
- State School Fund, apportionments, 327.095

Room and board
- High school, 335.090
- Transportation, in lieu of, 332.405

Rules
- (Generally), 327.125
- Alternative education programs, 336.635
- Bonds, guaranty, 328.331
- Construction and maintenance grants, criteria, 327.330
- Defa students, grants-in-aid, 346.070
- Defibrillators, grants, 327.365
- Education service districts, see Education service districts, this topic
- English as a Second Language, teacher training grants, 327.435
- Loans, security, ascertaining value and state of title of lands, 327.435
- School-to-work transition and work experience programs, grants, eligibility, 329.885
- Small school district grants, 327.357
- Special education
  - Children in long term care or treatment, cost responsibility, 343.961
  - High cost disabilities grants, 327.348
  - State funds, application for, 343.399
- Standard school district, deficiencies, oversight, 327.103
- Student achievement grants, 327.297
- Summer lunch reimbursements, 327.527
- Twenty-first Century Schools Program, grants, approval, 329.700
- Uniform budget and accounting system, 327.511

School Bond Guaranty Act, Oregon
- Applications for guaranty, 328.331
- Authorization of guaranty, State Treasurer, 328.326
- Certificate of guaranty, 328.331
- Debt service, transfer of moneys by district or State Treasurer, 328.341, 328.346, 328.351
- Definitions, 328.321
- General Fund obligations, 328.346
- Refunded bonds, effect, 328.326
- Rights and remedies, state, 328.346
- Rules, 328.331
- School bond, defined, 328.321
- Short title, 328.361
- State bonds, issuance to meet school bond obligations, 328.351
- State guaranty, defined, 328.321
- State Treasurer, authority, 328.326, 328.351
SCHOOL FINANCE (Cont.)

School Improvement and Professional Development program
Grants
  Beginning teacher and administrator mentorship programs, 329.700
  Teachers, professional growth, 329.695
  Professional development centers, 329.745
School Improvement Fund, 327.290, 327.294
Small schools
Grants, small school districts, 327.355, 327.357, 327.360
Remote, determination, effect, 327.077
Special education services
Children with disabilities, see Children with disabilities, this topic
Criteria, 343.045
Disadvantaged children, advance payments to districts, 343.670, 343.680
Migrant children, 343.045, 343.835
Noneducational costs, district liability, 343.224
Rules
  Children in long term care or treatment, cost responsibility, 343.961
  State funds, application for, 343.399
Special Education Account, 343.247
Talented and gifted children
Programs, financial support, legislative policy, 343.396
State aid, 343.045, 343.397, 343.399, 343.401, 343.404
Special legislation, prohibition, CONST. IV §23
State School Fund
(Generally), 327.008, 327.013
Adjustment of distribution
  Between fiscal years, 327.101
  Within fiscal year, 327.099
Aggregate days membership, defined, 327.006
Apportionments, school districts
  Administration, Superintendent of Public Instruction, 327.125
  Amounts, computation
    Equalization, 327.137
    Errors, correction, 327.120
Kindergartens, 327.082
Organizational change, 327.097
Territorial change, 327.097
Audits, filing, 327.137
Boundary changes, 330.123
Deficiencies, correction, 327.103
Eligibility, 327.103
Equalization, 327.137
Errors, correction, 327.120
Facility grants, 327.008, 327.013
High cost disabilities grants, 327.008, 327.013, 327.348
Kindergarten, defined, 327.006
Mergers, certain, increased allocation, 327.120
Minimum apportionment, certain school districts, 327.157
Moneys use, programs, etc., 327.023
Net operating expenditures, defined, 327.006
Programs, special and compensatory education, moneys use, 327.023
Resident pupil, defined, 327.006
Small School District Supplement Fund, transfer to, 327.008
Special education, children with disabilities, cost recovery, 343.243
Standard school, defined, 327.008, 327.103
Transportation grants, 327.008, 327.013
Union high school district, becoming common school district, increased allocation, 327.147
Youth Corrections and Juvenile Detention Education Programs
  Allocations, 327.026
  Definitions, 326.695
  Distribution, 326.700
Student achievement grants
(Generally), 327.297
Findings, legislature, 327.290
School Improvement Fund, 327.294
Summer lunch reimbursements, 327.527
Talented and gifted children, see Special education services, this topic
Tax zones
Bonds, levy, apportionment, 328.265
Boundaries, 328.570, 328.573, 328.576
Establishment, conditions, 328.570
Itemization of property tax, 328.579
Levy, apportionment, 328.265
Notice, proposal to establish, public hearing, 328.573
Operating tax rate, 310.061, 328.579
Proposal, public hearing, 328.573, 328.576
Resolution, adoption, 328.576
Taxation
(Generally), CONST. XI §11
Bonds and warrants
  (Generally), 328.205
  Bond tax levy
  (Generally), 328.260
  Failure of board to levy, 328.265
  Education service districts, bond payment, direct ad valorem tax required, 334.293
SCHOOL FINANCE (Cont.)

Taxation (Cont.)

Bonds and warrants (Cont.)

Liability for indebtedness, taxable property,
328.555

Limitations
(Generally), 328.245
Merged or reorganized districts, 328.250
Warrants, 328.213
Warrants, tax levy, 328.213
Boundaries, merger, reorganization, 328.250
Boundary change, effective date, 330.103
Charter schools, 338.115
Common School Fund, 327.405
County school funds, apportionment, 328.045

Districts
Bonds, payment, 328.260, 328.265, 328.555
Education service districts, see Education service
districts, this topic
High school expenses, non-high-school districts,
335.095
Indebtedness, property liable for, 328.555
Levy, school board, 328.542
Merger, tax levies, enlarged district, 330.113
Non-high-school, 335.090, 335.095
Property, taxable, 328.555
Serial levies, warrants, payment, 328.213
Tax zones, see Tax zones, this topic
Education service districts, see Education service
districts, this topic
Higher education building bonds, CONST. XI-F(1) §3, CONST. XI-G §3
Issuance of warrants, 328.213
Local option equalization grants, see Local option
equalization grants, this topic
Merged or reorganized bonded indebtedness, limita-
tion, 328.250
Property, taxability, certain, 328.555
Warrants, 328.213

Teachers, unlicensed, employment, effect,
342.173

Textbooks
Fees
Publishers, proposals, 337.065
Pupils, free use, 337.150
Security deposits, 339.155
Traffic safety education, 336.805, 336.810
Transportation of pupils
Approved transportation costs
Defined, 327.006
Estimate, 327.033
Board and room in lieu, 332.405
Estimate, approved transportation costs, 327.033
Expanded Options Program, 340.065
Out-of-district students, sending district, liability,
339.125
Pedestrian facilities, reduction of transportation
costs, 332.405
Special Education Transportation Revolving
Account, appropriation, 346.041
State School Fund, transportation grants, 327.008,
327.013
Tuition
Adult education, 336.145
Extracurricular courses, 339.141
Free admission, 339.115
High schools, 335.090, 339.147
Low-income families, 339.147
Nonresident pupils, 339.115, 339.125
Special courses, 339.141
Special education programs, 343.085
Traffic safety education courses, charging, reducing
or waiving, 336.805
Virtual School District Fund, Oregon, 329.842

SCHOOL FINANCE (Cont.)

Warrants

Districts
Advertisement, 328.295
Bonds, as, 328.213
Cancellation, 7 years unpaid, 328.460
Contest of legality, 328.255
Disbursement of funds, 328.441, 328.445
Elections, 328.213
Interest, 328.450
Issuance, 328.213, 328.450
Limitation on indebtedness, 328.213, 328.245,
328.250
Payment, 328.213, 328.450, 328.460
Proceeds
Custody, 328.255
Use, 328.255, 328.441
Purposes for issuance, 328.213, 328.245, 328.441,
328.445
Refunding bonds, 328.280
Registration, 328.255
Sale, 328.213, 328.255, 328.295
Tax levy to pay, 328.213
Unpaid 7 years, cancellation, 328.460
Professional technical education, 344.070, 344.080
Superintendent of Public Instruction signature,
326.310
Taxation, bonds and warrants, see Taxation, this
topic
Work experience programs, 329.855
Youth Corrections Education Program, 326.700,
327.026, 327.297

SCHOOL LANDS
See SCHOOLS AND SCHOOL DISTRICTS

SCHOOL OFFICERS AND EMPLOYEES
Activities outside usual school hours, supervi-
sion, 336.183
Administrators
Beginning teacher and administrator mentorship
program, see SCHOOLTEACHERS
Defined, 342.120
Licensing, 342.121 et seq.,
Noncertified, employment, effect, 342.173
Reduction in staff, returning to teaching, teacher
status retention, 342.934
Teacher Standards and Practices Commission, club,
342.360
After and before school activities, supervision,
336.183
Attendance supervisors
Absences, truancy, investigating, 339.055
Appointment, 332.505, 339.040
Compensation, 332.505, 339.040
Duties and powers
(Generally), 332.505, 339.040
Investigations, 339.055
Notices, 339.080
Employment, district boards, 332.505, 339.040
Notices, nonattendance, giving, 339.080
Boards, see SCHOOL BOARDS, generally
Bonds, 332.525
Bullying, reporting, 339.362
Bus drivers
(Generally), 820.110
School board membership, eligibility, 332.016
Career schools, qualifications, 345.525, 345.585
Child abuse, see SCHOOLS AND SCHOOL DIS-
TRICTS

INDEX - 26
SCHOOL OFFICERS AND EMPLOYEES
(Cont.)
Child development specialists, 329.255, 329.265, 329.275
Classified school employee, defined, 332.554
Clerks
Bonds
District, signature, 328.235
Officers, employees, 332.525, 344.080
Chief administrative officers as, 332.515
Deputies
(Generally), 332.515
Bonds, signature, 328.235
Designation, 332.515
Duties and powers, 332.515
Funds, disbursement, warrants, 328.450, 328.460
Klamath, No. 1, 328.160, 328.165, 328.170, 328.180, 328.185
Compensation, see Salaries and compensation, this topic
Continued employment, reasonable assurance, notice, 332.554
Crimes and offenses
Child abuse, see SCHOOLS AND SCHOOL DISTRICTS
Convictions
Disclosure of disciplinary records, 339.375
Teachers, see SCHOOLTEACHERS
Criminal records checks
(Generally), 181.539
Employees and contractors not licensed by Teacher Standards and Practices Commission, 326.603
Fees, 326.603, 326.607, 342.223
Teachers and administrators
Employment pending result, 342.232
Refusal to consent, 342.223
Temporary license or certificate pending result, 342.227
Volunteers and applicants for employment, 326.607
Report, court or district attorney, 181.525
Demotion, dismissal, 332.544
Discipline, pupils, 339.240 et seq.
District school clerks, see Clerks, this topic
Educational assistance, employment, 332.505
Fingerprints, criminal records checks, 181.539
First aid
Cards, ratio, pupils to staff members holding, waiver and certification, 342.169
Certification, first aid card requirement, 342.126
Harassment, reporting, 339.362
Health insurance
(Generally), 332.432
Medical and hospital service contracts, 332.432
Intern teachers, employment, 332.505
Intimidation, reporting, 339.362
Investigations, internal, misconduct or wrongdoing, 342.961
Job satisfaction, programs to improve, 336.176
Labor disputes, noncertificated staff members, employment, basic school support funds, forfeiture, 342.173
Leaves of absence, 332.507
Licensing, 342.121 et seq.
Medication, students, 339.867, 339.869, 339.870, 339.873
Misconduct or wrongdoing, internal investigations, 342.961
Non-certificated, certain employees, salaries, forfeiture, basic school support funds, 342.173
SCHOOL OFFICERS AND EMPLOYEES
(Cont.)
Notice, continued employment, reasonable assurance, 332.554
Nurses
Certificates, 342.465, 342.475
Defined, 342.120, 342.455
Employment, health services programs, public schools, 342.495
Non-certificated, salary, forfeiture programs, public schools, 342.175
Notice, license action affecting ability, 342.465
Qualifications and practices, school nursing, consultation and advice, 342.485
Revocation, certificate, rules, 342.465
Rules, 342.465, 342.475
Voluntary, certification, 342.475
Personnel policies, written, maintaining, 332.505
Principals
Attendance of pupils, 339.065, 339.080
Compensation, 332.505
Employment, 332.505
Lunch periods for teachers, 342.608
Professional Organizations Certification Fund, 342.122
Punishment, physical force on student, teacher use, 161.205, 339.250
Related services, handicapped children, certification exemption, 342.120
Rules
Administrative licenses, 342.140
Education institutions and programs, approval, 342.147
Evaluations, form, completion, 342.850
First aid cards
Ratio of pupils to staff members holding card, 342.169
Requirement, waiver, 342.126
Licensing
(Generally), 342.165
Application fee, 342.127
Out-of-state applicants, 342.400
Requirements, 342.135
Teachers, employing unlicensed, contract approved annually, 342.173
Medication, school students, 339.867, 339.869, 339.870, 339.873
Mentorship programs, beginning teachers and administrators, grants-in-aid, 329.805
Minority teachers, recruitment, admission etc., 342.447
Nurses, certification, 342.465, 342.475
Teacher Standards and Practices Commission, proposals, review by Education Board, 342.167
Unlicensed teachers, employing, contract approved annually, 342.173
Salaries and compensation
(Generally), 332.505
Reports, form, 332.534
School board membership, eligibility, 332.016
School boards, see SCHOOL BOARDS, generally
Schoolteachers, see SCHOOLTEACHERS, generally
Sick leave, 332.507
Students, unemployment compensation, 657.030
Superintendent of Public Instruction, see SUPERINTENDENT OF PUBLIC INSTRUCTION, generally
Superintendents
Duties and powers
Education service districts, 334.225, 342.850
Purchasing and contracting, 332.075
INDEX - 27
SCHOOL OFFICERS AND EMPLOYEES
(Cont.)
Superintendents (Cont.)
  Duties and powers (Cont.)
  Teacher evaluation, 342.850
  Superintendent of Public Instruction, see SUPERINTENDENT OF PUBLIC INSTRUCTION, generally
  Teacher Standards and Practices Commission, membership, 342.360
Supervisors, attendance, see Attendance supervisors, this topic
Teachers, see SCHOOLTEACHERS, generally
Union high school districts, directors, nomination and election, 332.124
Volunteers, criminal records checks, 326.607
Workers compensation, work experience or professional education project trainees, 656.033
Workplace-based professional development opportunities, business and labor partnerships, 329.125

SCHOOL SAFETY HOTLINE
See SCHOOLS AND SCHOOL DISTRICTS

SCHOOL SAFETY, CENTER FOR
(Generally), 339.331
Account, 339.336
Board of directors, 339.333
Collaborative duties, Department of Education, 339.339
Duties, 339.331
Education, Department of, collaborative duties, 339.339
Funding, 339.336
Meetings, board of directors, 339.331
Reports, 339.331
Staff support, 339.331

SCHOOL TEACHERS
See SCHOOLTEACHERS, generally

SCHOOL TECHNOLOGY ACCOUNT
(Generally), 759.445

SCHOOLS AND SCHOOL DISTRICTS
See also EDUCATION
Absence and absentees, see Attendance, this topic
Academic standards and content areas, policy, 329.015, 329.025, 329.045
Accounting (financial), see SCHOOL FINANCE
Accounting system, student, see Student Accounting System, this topic
Actions and proceedings
(Generally), 30.310, 30.320, 332.072, 334.125
  Attorney fees, 30.864, 339.260, 339.270
  Condemnation, 35.215, 35.375, 332.182
  Debt collection, students and parents owing, 339.260, 339.270
  Employee dismissal, demotion, 332.544
  Harassment, intimidation or bullying, redress, victims, 339.364
  Property damage by pupils, 339.270
  Teacher fair dismissal, 342.895, 342.905
  Torts, schools, damaged property, parental liability, 339.270
Activities
Interscholastic, see Interscholastic activities, this topic
Interschool, 332.075
Nondiscriminatory, 326.051
Outside usual classroom hours, 336.183
Administrative and support services, review and report, see note following, 326.111
Administrative districts
Local school committees
  School property, use, civic purposes, determinations, 330.430
  Teachers, rejection for ensuing year, recommendations, 330.430
Reorganization, see Reorganization, this topic
Admission of pupils
(Generally), 339.115
  Administrative office for the county, defined, 339.005
  Age limits, 339.115
  Disabled inmates, correctional facilities, 339.115, 339.129
  Disadvantaged children, 339.115
  Expulsion from another school, 339.115
  Fees, 339.155
  Free, 339.115
  Immunization, see Immunizations, this topic
  Nonresidents, 336.575, 339.115, 339.125
  Requirement of school district, 339.115
  Residents, 339.115
  Special education programs, 343.055
Adult education classes, 336.145
Advanced technology education and training, public-private partnerships, 326.382
Alcohol and drug abuse program
(Generally), 336.222 et seq.
  Plan, district, 336.222
  Policy, district, 336.222
  Reports, 336.245
  State board rules, 336.235
  State office, duties, 336.227
Alcohol, effects, instruction, 336.067
Alternative programs
(Generally), 336.615
  Application of laws, 336.631
  Assessment of students, 336.637
  Definitions, 336.615
  Educational standards required, instruction, 336.637
  Enrollment and costs, 336.635
  Evaluation and approval, 336.631, 336.655
  Failure to propose programs, effect, 336.665
  Goals, 336.625
  Pupil discipline, options, 339.250
  Rules
    (Generally), 336.625
    Availability, notification, 336.645
    School district payments, 336.635
    Student placement, 336.631
    Waiving, collective bargaining agreement, 336.625
Animals
  Dissection, refusal by student, 337.300
  Humane treatment, instruction, 336.067
Appeals
  Arbitration, assets and liabilities, division, boundary changes, 330.125
  Attendance, compulsory, exemption, 339.030
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Appeals (Cont.)
Boundary changes, merger, 330.090, 330.101, 330.123
Charter schools, see CHARTER SCHOOLS
Interscholastic activities, voluntary organization decisions, 339.430
Apprenticeship programs, coordination of related instruction, 660.160, 660.162
Arbitration, boundary change, division of assets and liabilities, 330.123
Arbor Week activities, 336.015
Arts instruction, academic content area, 329.025, 329.045
Asbestos removal
Bonds, 328.205
Contracts, 332.155
Assessment system, statewide, 327.012
Athletic
Athlete agents, see STUDENT ATHLETE AGENTS, generally
Interscholastic activities
Administration, voluntary organizations, standards, 339.430
Participation, physical examination, 336.479
Rules, 326.051, 336.479
Voluntary organizations, school membership, 332.075
Participation
Interscholastic activities, physical examinations, 336.176
Transfer student, 339.450
Attendance
Absences, investigation, 339.055
Average daily membership
Computation, 327.061
Defined, 327.006
Census, see Census, this topic
Citations, issuance, notice, parent or guardian, 339.925
Compulsory
(Generally), 339.010, 339.020, 339.990
Administrative office for the county, defined, 339.005
Age limits, 339.010, 339.020, 339.030
Duty of parents, 339.020, 339.080, 339.990
Excuse from, 339.030, 339.065
Exemptions, 339.030
Notifications, nonattendance, 339.080
Regular, irregular attendance, 339.065
Violations, 339.925
Year around, 336.012
Days, school, 332.075, 336.010
Excuse from, 336.035, 339.030, 339.065, 339.420
Failure to comply, notice of attendance requirements, 339.090
Grading policies, consideration of attendance, 339.280
Holidays, 336.010
Hours, school, 332.075
Irregular, 339.065
Migrant children, 343.830
Month, school, days constituting, 336.010
Notifications, nonattendance, 339.080
Part-time schools, 339.030
Penalties, 339.990
Private teacher or parent, 339.035
Regular, estimating, 339.065
Religious instruction, release for, 339.420
Reports, school districts, average daily attendance, 327.133

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Attendance (Cont.)
Resident pupil, defined, 327.006
Saturday classes, 336.010
Supervisors, see SCHOOL OFFICERS AND EMPLOYEES
Truancy, investigation, 339.055
Withdrawals from school, see Withdrawals from school, this topic
Year around, 336.012
Youth offenders absence, notice, 339.080
Attorney fees, 30.864, 339.260, 339.270
Audits and auditing, see SCHOOL FINANCE
Automotive equipment, acquisition and replacement, 328.470
Auxiliary services to students, 332.111
Average daily membership
Computation, 327.061
Defined, 327.006
Barbering, hair design and cosmetology, see VOCATIONAL EDUCATION AND REHABILITATION
Bicycles, safe routes to school, 184.740, 184.741, 195.115
Blind and deaf schools, state (Generally), 346.010
Braille, see Braille, this topic
Building and grounds, 346.047
Course of instruction, 346.020
Deaf students, state aid, 346.070
Developmentally disabled children, placement, individual education plan, preparation and review, 346.015, 346.035
Educational Facilities Fund, 346.019
Employees, continued employment, reasonable assurance, notice, 346.080
Grants, special schools, 327.023
Location, 346.010
Mentally retarded children, placement, individual education plan, preparation and review, 346.015, 346.035
Nonresident students, enrollment, 346.017
Pupils
Admission, 346.020, 346.030
Attendance, duration, 346.020
Control, care, 346.020
Dropping, 346.020
Funds of, trust accounts, 346.055
Reading and writing proficiency, 343.575
Work experience trainees, workers compensation coverage, 656.135
Purpose, use, change, 346.010
Rules
(Generally), 346.010
Retarded or developmentally disabled children, placement, 346.015
Teachers, employees, 240.205, 240.240, 346.020
Trainees, workers compensation, 656.135
Board and room for pupils, see Room and board for pupils, this topic
Boards, school, see SCHOOL BOARDS, generally
Bonds, see SCHOOL FINANCE
Books
Spread the Word Program (donated books), 337.285, 337.288
Textbooks, see Textbooks, this topic
Boundary changes
(Generally), 330.092
Action completion, time, 330.107
Administrative districts, effect on, 330.113
Appeals, 330.090, 330.101, 330.123
INDEX - 29
BOUNDARY CHANGES (Cont.)
Arbitration, division of assets and liabilities, 330.123
Assets and liabilities, division, 330.123
Basis, 330.092
Boards, boundary, see SCHOOL BOARDS
Budget pending effective date, 330.106
Conditions, 330.090, 330.095, 330.101
Cost of elections, 330.101
Education service districts, 334.690
Effect, 330.113, 330.123, 335.290
Effect on electors, 330.133
Effective date, 330.103
Elections, 330.101, 330.133
Findings by boundary board, 330.090, 330.101
Hearings
   District boundary board, 330.101
   State Board of Education, 330.101, 330.107
Indebtedness, 330.123
Joint districts, 330.095
Limitations, 12.270, 330.090, 330.095, 330.101
Name, most populous district, 330.113
Noncontiguous areas, 330.090
Notices, 330.101
Opportunity to consider change or merger, 330.101
Remonstrances, 330.101
Review, 330.101
State board, functions, 330.101, 330.107
Union high school districts, effect, 330.101, 335.290, 335.505
Voting, elector qualifications, 330.103
Zones, board members, readjustment, 332.132

BRaille
Appropriate learning media
   (Generally), 343.565 et seq.
Definitions, 343.565
Individualized education program, Braille as part of, 343.585
Textbook publishers, supplying material in format, 343.595
Blind students
   (Generally), 343.575
   Encouraging learning, 343.600, 346.020
   Proficiency, teachers licensed, 342.153

BREAKFAST PROGRAMS, 326.051, 327.535

BUDGETS AND BUDGETING, see SCHOOL FINANCE

BUILDINGS, see PROPERTY AND BUILDINGS, this topic

BUSES, see BUSES, SCHOOL

CAREER EDUCATION, PROVIDING, 344.055
CAREER SCHOOLS, see VOCATIONAL EDUCATION AND REHABILITATION

CEMETERIES, 332.210

CENSUS
   (Generally), 326.355
   Annual estimate, 326.355
Common School Fund apportionments, basis, 327.400
Education service district zones, basis, 334.032
Pupils, 332.585
Residence described, 339.133
School boards conducting, 332.585

CERTIFICATES OF MASTERY
Admission to school, 339.115
Assessment system, 329.485
Certificate of Advanced Mastery, 329.475
Certificate of Initial Mastery
   (Generally), 329.465, 329.467
   Academic content standards, 329.465
   Learning centers, providing services, 329.860

CERTIFICATES OF MASTERY (Cont.)
Certificate of Initial Mastery (Cont.)
   Requirements of certificate, 329.465
   Subject area endorsements, 329.465
   Conferring upon students, 329.447

CHARTER SCHOOLS, see CHARTER SCHOOLS, generally

CHILD ABUSE
   Investigations, 339.375, 419B.045
   Records, disclosure, 339.375
   Reporting
      (Generally), 339.375
   Definitions, 339.370
   Policies, 339.372

CHILD DEVELOPMENT AND STUDENT-PARENT PROGRAMS
   (Generally), 329.385
   Definitions, 329.385, 329.395
   Grants, 329.415, 329.425
   Study, Churchill High School, Eugene, 329.405

CHILD DEVELOPMENT SPECIALISTS
   Availability of services, 329.255
   Duties, 329.255
   Expenses, state reimbursement, 329.265
   Qualifications, 329.275
   Rules, 329.255, 329.275

CHILDREN AND FAMILIES SERVICES, PROVIDING, 329.150

CHOICE, OPTIONS, DISTRICT AND PUBLIC AWARENESS, 329.075

CIVIC PURPOSES, SCHOOL PROPERTY, USE DETERMINATION, 330.430

CIVICS, ACADEMIC CONTENT AREA, 329.025, 329.045

COLLEGE COURSEWORK
   Community colleges, see COMMUNITY COLLEGES, this topic
   Expanded Options Program, see EXPANDED OPTIONS PROGRAM, this topic

COLUMBUS DAY ACTIVITIES, 336.010

COMMEMORATIVE ACTIVITIES
   Admission of Oregon into Union, 336.010
   Arbor Week, 336.015
   Columbus Day, 336.010
   Francis E. Willard, 336.025
   Lincoln's Birthday, 336.010
   Martin Luther King Jr.'s Birthday, 336.010
   Washington's Birthday, 336.010
   Women in Oregon History, 336.025

COMMITMENT TO EXCELLENCE, STUDENT, POLICY, 336.179

COMMON CURRICULUM GOALS
   (Generally), 329.045
   Updating, 329.075

COMMON SCHOOL DISTRICT, DEFINED, 330.005

COMMON SCHOOL MONTH, 336.010

COMMON, UNIFORM AND GENERAL SYSTEM, CONST. VIII §3

COMMUNITY COLLEGES
   Admission of high school students, 341.009, 341.290, 341.505, 341.525
   Contracts, educational services, 341.025, 341.315, 341.440, 341.505, 341.525
   Coordination, courses and programs, enhancing certificate of advanced mastery, 341.009
   Expanded Options Program, see EXPANDED OPTIONS PROGRAM, this topic

EXAMINATIONS, 339.370
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Community learning centers, see COMMUNITY LEARNING CENTERS, generally
Community participation, education process, policy, 329.125
Community schools
Advisory involvement, community, 336.520
Defined, 336.505
Local advisory bodies, duties, 336.520
Operation, school district or other governmental bodies, 336.525
Policy, Education Department direction, 336.510
Programs guidelines, 336.177
Compensatory education programs, grants, 327.023
Component school district, defined, 335.482
Compulsory education, see Attendance, this topic
Computers and information systems, see COMPUTERS AND INFORMATION SYSTEMS
Condemnation of property, 35.215, 35.375, 332.182
Conduct of students, 339.240, 339.250
Consolidation, see Mergers, this topic; Reorganization, this topic
Constitution, United States, instruction, 336.057
Construction and repair, see Property and buildings, this topic
Contracts, see Purchasing and contracting, this topic
Controlled substances, see CONTROLLED SUBSTANCES
Cooperative agreements
Community college districts, 341.290, 341.315, 341.440, 341.505, 341.525
Intellectual property, 336.525
Local governments
Parking regulation, 322.445
Vocational education programs, 332.075
Corporal punishment, 161.205, 339.250
Corporate bodies, as, 332.072, 334.125
Correctional facilities, children in, schooling, 339.129
Cost-effectiveness, programs and strategies, priority, 329.153
Counseling, second or subsequent discipline, 339.250
County school fund, creation, 328.005
County treasurers, see COUNTY TREASURERS
Courses of instruction
(Generally), 326.011, 326.051, 332.075, 336.035
Academic content standards, 329.025, 329.045
Adult education, 336.145
AIDS and HIV, 433.055
Alcohol and drug abuse program, see Alcohol and drug abuse program, this topic
Alcohol, effects, 336.067
Alternative programs, see Alternative programs, this topic
Animals
Dissection, refusal by student, 337.300
Humane treatment, 336.067
Arbor Week activities, 336.015
Arts instruction, academic content area, 329.025, 329.045
Blind students, Braille, encouraging learning, 343.600, 346.020
Blind, deaf facilities, state, 346.020
Career related courses of study, ensuring, 329.855
Character development, 336.181
Civics, academic content area, 329.025, 329.045
College coursework, see College coursework, this topic
Common Curriculum, general, 336.057
Comprehensive educational program, preparing and making available, Education Department, 336.088
Correctional facilities, children in, schooling, 336.057
Controlled substances, effects, 336.067
Curriculum
Academic content standards, 329.025, 329.045
Goals, 329.045, 329.075
Diploma requirements, 329.451
Driver training, see Driver training, this topic
Drugs, effects, 336.067
Economics, academic content area, 329.025, 329.045
English, see English, this topic
Environmental activities, Arbor Week, 336.015
Ethics and morality, 336.067
Expanded Options Program, see Expanded Options Program, this topic
Foreign languages, see Language, this topic
Geography, academic content area, 329.025, 329.045
Health education, academic content area, 329.025, 329.045
High schools, union, extended course, 335.482, 335.490, 335.495, 335.502
History
Academic content area, 329.025, 329.045
Oregon Statehood Week, 336.023
Oregon Studies, 329.492
United States, 336.057, 337.260
Human sexuality education
(Generally), 336.455
Examination of instructional material, 336.465
Report, legislative, 336.475
Irish Famine, 336.116
Law obedience, 336.067
Multicultural education, curricula and program development, 336.113
Nondiscrimination, 336.067, 336.082, 336.086
Online instruction, Oregon Virtual School District, 329.840, 329.842
Oregon Studies, 329.492
Parental skills and child development, 336.107
Parenting education, implementing programs, policy, 329.160
Physical education, academic content area, 329.025, 329.045
Private schools, 345.525
Professional technical education, rules and funds, 336.135
Programs before and after usual classroom hours, contracts, 336.183
Reading, phonics, 337.275
Required courses, teaching on Saturday, 336.010
Respect for all humans, 336.067
Science, academic content area, 329.025, 329.045
Second languages, see Language, this topic
Sexually transmitted diseases, education concerning, 336.035
Special education programs, 343.055
State aid, eligibility, 339.141
State Board duties, 326.011, 326.051, 336.145
Supplemental, 336.035
Tobacco, effects, 336.067

INDEX - 31
SCHOOLS AND SCHOOL DISTRICTS

Courses of instruction (Cont.)
Traffic safety education, 336.800, 802.345
Twenty-first Century Schools Program, see

Twenty-first Century Schools Program, this topic
Vocational, districts, 332.075
Women in Oregon History activities, 336.025
Year around, 336.012

Creation of school in another district, 332.158

Crimes and offenses
Child abuse, see Child abuse, this topic
Convictions, employees, see SCHOOL OFFICERS AND EMPLOYEES
Criminal records checks, see SCHOOL OFFICERS AND EMPLOYEES
Registration misrepresentation, 345.990
School Safety Hotline, reporting of criminal or suspicious activities, 180.650

Crosswalks, passing, motor vehicles, speed, 811.111, 811.124

Curriculum, see Courses of instruction, this topic
Custodians, see SCHOOL OFFICERS AND EMPLOYEES

Cyber Awareness, Responsibility and Ethics (CARE) pilot program, see note following, 336.183

Damages to school property, pupil and parents, assessment against, 339.270

Days
Extended school year, implementation, see note following, 329.075
School, 332.075, 336.010
Twelve-month schedule, 336.012

Deaf schools, state, see Blind and deaf schools, state, this topic

Debt collection, students and parents owing, 339.260, 339.270

Defibrillators, grants, 327.365

Definitions
Academic content standards, 329.007
Academic standards, 329.007
Administrative office for the county, 339.005
Administrator, 329.007
Arts, 329.007
Community learning center, 329.007
District planning committee, 329.007
English, 329.007
Harassment, intimidation or bullying, 339.351
History, geography, economics and civics, 329.007
Local law enforcement contact (School Safety Hotline), 180.650
Oregon Studies, 329.007
Parents, 329.007
School district, 329.007
School Improvement and Professional Development program, 329.007
Second languages, 329.007
Teacher, 329.007
Work-related learning experiences, 329.007

Dental health program
Authority, 332.111
Certificate of treatment, dentist, 336.400
Conducting, 336.390
Consent required, 336.390
Cooperation, 336.420
Defined, 336.375
Dentist, parent or guardian choosing, 336.400
Equipment and quarters, 336.390
Expense, 336.390, 336.420
Liability, school district, 336.410

INDEX - 32
<table>
<thead>
<tr>
<th>SCHOOLS AND SCHOOL DISTRICTS (Cont.)</th>
<th>SCHOOLS AND SCHOOL DISTRICTS (Cont.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Drugs and medicine (Cont.)</strong></td>
<td><strong>Education service districts (Cont.)</strong></td>
</tr>
<tr>
<td>Student medication</td>
<td>Gifts and donations, 334.125, 334.215</td>
</tr>
<tr>
<td>Administration, 339.867, 339.869, 339.870</td>
<td>Intellectual property, 332.745</td>
</tr>
<tr>
<td>Prescriptions, staff recommendations, prohibitions, 339.873</td>
<td>Joint school district, defined, 334.003</td>
</tr>
<tr>
<td><strong>Early childhood education</strong></td>
<td>Lease-purchase, personal property, acquisition, 334.125</td>
</tr>
<tr>
<td>(Generally), 329.160</td>
<td>Legal status, 334.125</td>
</tr>
<tr>
<td>Early Childhood Education Trust Fund, 329.228</td>
<td>Local service plans, 334.175</td>
</tr>
<tr>
<td>Long range plan, serving children and families, 329.165</td>
<td>Mergers, 330.093</td>
</tr>
<tr>
<td>Operating guides, 329.225</td>
<td>Migrant children, 343.810, 343.830, 343.835</td>
</tr>
<tr>
<td>Policy, 329.160</td>
<td>Office space, 334.145</td>
</tr>
<tr>
<td>Prekindergarten programs, state funded, eligibility, 329.185</td>
<td>Patents, copyrights, discoveries, acquisition, 332.745</td>
</tr>
<tr>
<td>Program applications, approval, 329.225</td>
<td>Performance measures, 334.175</td>
</tr>
<tr>
<td>Providers, requirements, 329.225</td>
<td>Pilot education service districts, see note following, 334.100</td>
</tr>
<tr>
<td><strong>Early Childhood Improvement Program</strong></td>
<td>Regions, boundaries, 334.020</td>
</tr>
<tr>
<td>(Generally), 329.215, 329.237</td>
<td>Services</td>
</tr>
<tr>
<td>Administration, 329.237</td>
<td>Core services, local service plan, 334.175</td>
</tr>
<tr>
<td>Definitions, 329.215</td>
<td>Entrepreneurial services and facilities, 334.185</td>
</tr>
<tr>
<td>Grants, 329.237</td>
<td>Expenditures, percentages of amounts received, 334.177</td>
</tr>
<tr>
<td>Rules, 329.245</td>
<td>Operations plans, 334.125</td>
</tr>
<tr>
<td><strong>Early intervention services</strong>, see <strong>Special education, children with disabilities</strong>, this topic</td>
<td>Standards of adequacy, 334.217</td>
</tr>
<tr>
<td><strong>Early Success Reading Initiative</strong></td>
<td>Special teacher and education services to local districts, 334.175, 334.240</td>
</tr>
<tr>
<td>(Generally), 329.834</td>
<td>Standards, adequacy of services and facilities, 334.217</td>
</tr>
<tr>
<td>Components, 329.834</td>
<td>Superintendent, 334.215, 334.225, 342.850</td>
</tr>
<tr>
<td>Design and implementation, 329.834</td>
<td>Title, property and buildings, 334.127</td>
</tr>
<tr>
<td>Findings, legislature, 329.822</td>
<td>Workers compensation, apprentices and trainees, instruction, coverage, 656.138</td>
</tr>
<tr>
<td>Purpose, 329.834</td>
<td><strong>Zones</strong></td>
</tr>
<tr>
<td>Reading sites, 329.834</td>
<td>Election of directors, 334.025, 334.045, 334.090, 334.730</td>
</tr>
<tr>
<td>Reports, 329.834, 329.837</td>
<td>Establishment, 334.032, 334.730</td>
</tr>
<tr>
<td><strong>Earthquakes</strong></td>
<td>Nomination of directors, 334.035, 334.740</td>
</tr>
<tr>
<td>Emergencies, drills and instruction, 336.071</td>
<td><strong>Education, Department of</strong>, see <strong>EDUCATION, DEPARTMENT OF</strong>, generally</td>
</tr>
<tr>
<td>Grant program, seismic rehabilitation, 401.270, 401.300, 401.343</td>
<td><strong>Education, State Board of</strong>, see <strong>EDUCATION, STATE BOARD OF</strong>, generally</td>
</tr>
<tr>
<td>Vulnerability</td>
<td><strong>Educational Act for the 21st Century</strong></td>
</tr>
<tr>
<td>Seismic safety survey and needs assessment, see notes after, 455.400</td>
<td>See also <strong>Twenty-first Century Schools Program</strong>, this topic</td>
</tr>
<tr>
<td>Structures, regulation, 455.447</td>
<td>(Generally), 329.005</td>
</tr>
<tr>
<td><strong>Economics, academic content area</strong>, 329.025, 329.045</td>
<td>Agency coordinating, 329.005</td>
</tr>
<tr>
<td><strong>Education service districts</strong></td>
<td>Assessing effectiveness</td>
</tr>
<tr>
<td>(Generally), 334.005, 334.010</td>
<td>(Generally), 329.085</td>
</tr>
<tr>
<td>Actions, suits, 334.125</td>
<td>Comprehensive school performance reports, 329.105</td>
</tr>
<tr>
<td>Board, see <strong>SCHOOL BOARDS</strong></td>
<td>Oregon Report Card, 329.115</td>
</tr>
<tr>
<td>Boundary changes, 334.690</td>
<td>Report, 329.085</td>
</tr>
<tr>
<td>Census determinations, 326.355</td>
<td>Self-evaluations, school district, 329.095</td>
</tr>
<tr>
<td>Charter schools, services to, 338.115</td>
<td><strong>Citation of Act, 329.005</strong></td>
</tr>
<tr>
<td>Child guidance clinics, gifts, 334.215</td>
<td>Curriculum goals, revision, 329.045</td>
</tr>
<tr>
<td>Community college districts, contracts, services, 341.440</td>
<td>Funding support, 329.065</td>
</tr>
<tr>
<td>Component school district, defined, 334.003</td>
<td>General policy, 329.035</td>
</tr>
<tr>
<td>Consolidation</td>
<td>Legislative intent, 329.015, 329.025</td>
</tr>
<tr>
<td>Boards, old, new, 334.730, 334.740, 334.750, 334.760, 334.770</td>
<td>Legislative review, 329.005</td>
</tr>
<tr>
<td>Effective date, 334.720</td>
<td>Parental participation, policy, 329.125</td>
</tr>
<tr>
<td>Hearings, State Board of Education, 334.710, 334.720</td>
<td>Quality Education Commission, establishment, purpose, 327.497</td>
</tr>
<tr>
<td>New district, organization, 334.730, 334.740, 334.750, 334.760, 334.770</td>
<td><strong>Rules</strong></td>
</tr>
<tr>
<td>Order, 334.720</td>
<td>Standards, revision, 329.085</td>
</tr>
<tr>
<td>Petitions for, 334.710</td>
<td>Statewide implementation, 329.075</td>
</tr>
<tr>
<td>Corporate bodies, as, 334.125</td>
<td>School restructuring, plans, 329.445</td>
</tr>
<tr>
<td>Creation, 334.010</td>
<td>Serving children and families</td>
</tr>
<tr>
<td>Definitions, 334.003</td>
<td><strong>Coordination of services, 329.155</strong></td>
</tr>
<tr>
<td>Early childhood programs, 329.235</td>
<td><strong>Definitions, 329.145</strong></td>
</tr>
<tr>
<td>Elections, see <strong>Elections</strong>, this topic</td>
<td><strong>Policy, 329.150</strong></td>
</tr>
<tr>
<td>Entrepreneurial services and facilities, 334.185</td>
<td><strong>Finance, see SCHOOL FINANCE</strong></td>
</tr>
</tbody>
</table>

INDEX - 33
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)
Educational television and radio programs, 354.410, 354.420, 354.430
Election Day, limited holiday, 336.010
Elections
Annexation, 330.101
Bonds, see SCHOOL FINANCE
Boundary changes, 330.101, 330.133
Consolidation, 330.101
Course of study, extending, union high schools, 335.482, 335.490, 335.495, 335.500
Education service districts
Consolidation, 334.720
Vacancy, director, filling, 334.090
Electors, qualifications, 330.133, CONST. VIII §6
Local school committees, 330.425, 330.430, 332.118, 335.515
Merger, 330.101, 334.720
Pending boundary changes, existing districts, 330.133
Petitions, mergers, remonstrance, zoning etc., filing with county clerk, 332.118
Recall
Intermediate education districts, 334.090
Vacancies, filling, 332.030
School boards, see SCHOOL BOARDS
Supervisory authority, Secretary of State, 332.118
Taxation, see SCHOOL FINANCE
Warrants, negotiable interest-bearing, 328.213
SCHOOL FINANCE
Taxation, see
Supervisory authority, Secretary of State, 332.118
School boards, see SCHOOL BOARDS
Recall
Petitions, mergers, remonstrance, zoning etc., filing with county clerk, 332.118
Pending boundary changes, existing districts, 330.133
Educational television and radio programs, 354.410, 354.420, 354.430
Emergency drills and instruction, 336.071
Electronic student records program, 326.580
Emergency drills and instruction, 336.071
Employed children
Classes, 336.135, 339.030
Employment certificates, 653.307
Employees, see SCHOOL OFFICERS AND EMPLOYEES, generally
Employment-related education and training
See also Workforce preparation and development, this topic
(Generally), 329.850
Career related courses of study, ensuring, 329.855
Consolidation, 334.720
Professional technical education, see Professional technical education, this topic
Work experience programs, 329.885, 336.175, 655.615, 656.033
English
Academic content area, 329.025, 329.045
Certificated personnel assisting non-English speaking students, cost, 336.081
Diploma requirements, 329.451
Foreign language instruction, exception to requirement to teach in English, 336.074
Teaching, 336.074, 336.079
Ethics and morality, instruction, 336.067
Ethnic characteristics, high school graduates, report, 335.105
Excellence, commitment, students, policy, 336.179
Exit doors, maintenance, 336.071
Expanded Options Program
Alternative programs, 340.090
Costs of instruction, not chargeable to student, 340.055
Credits, 340.040, 340.080
Definitions, 340.005
Enrollment, eligible courses, 340.030, 340.035, 340.037, 340.075
Funding, State School Fund, 340.045, 340.065
Notice to students and parents, 340.015
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)
Expanded Options Program (Cont.)
Purposes, 340.010
Reports, 340.085
Rules, 340.015, 340.080
Special education and related services, 340.070
Students
Academic progress, 340.030
Application, acceptance, 340.030
Droppers, providing information to, priority, 340.020
Educational learning plan, 340.025
Enrollment, eligible courses, 340.030, 340.035, 340.037, 340.075
Financial aid, ineligibility, 340.050
Intent to participate, notice, 340.025
Textbooks and materials, property of school district, 340.060
Transportation, 340.065
Experimental programs, 327.490, 327.495
Expulsion
Expulsion from another school, denying admission, 339.115
Hearings, exceptions to public meetings law, 332.061
Policies, district school boards, 339.250
Secret society membership, grounds for, 339.885
Weapons, certain activities, 339.250
Extended educational experiences, community agencies, 336.175
Facilities, lease, purchase or construction in another district, 332.158
Fees, see SCHOOL FINANCE
Financing, see SCHOOL FINANCE, generally
Firearms, see Weapons and firearms, this topic
Fires and fire protection, see FIRES AND FIRE PROTECTION
First aid
Cards, ratio, pupils to staff members holding, waiver and certification, 342.169
Certification, first aid card requirement, 342.126
Flags
Buildings, public, display, 329.875
Instruction, respect, 336.067
Saluting, 339.875
Food
Breakfast programs, 326.051, 327.535
Donated commodities, 327.520, 327.525
Lunch programs, 326.051, 327.520, 327.525, 327.527
Summer lunch reimbursements, 327.527
Foreign languages, see Language, this topic
Fraternities, 339.885
Free admission, 339.115
Funds and accounts, see SCHOOL FINANCE
Gang involvement, comprehensive policy to reduce, 336.109
Geography, academic content area, 329.025, 329.045
Gifted children, see Talented and gifted children, this topic
Gifts
Acceptance, use, 332.385
Spread the Word Program (donated books), 337.285, 337.288
Goals
Educational (Oregon Educational Act for the 21st Century), 329.005
Policy, 329.015
Grades
Attendance, consideration, 339.280
INDEX - 34
SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Grades (Cont.)
Policies, 339.280
Withholding, debt owing, 339.260, 339.270

Grants, see SCHOOL FINANCE

Guns, see Weapons and firearms, this topic

Harassment, intimidation or bullying
See also Menacing, students, this topic
Definition, 339.351
Findings, legislature, 339.353
Policy, districts, requirements, 339.356
Prevention task forces, programs, etc., 339.359
Prohibitions, 339.356, 339.362
Reporting, 339.362
Sexual harassment, see Sexual harassment, this topic
Victims
Redress, 339.364
Retaliation against, 339.362
Witnesses, retaliation against, 339.362

Health care
Defibrillators, grants, 327.365
Dental program, see Dental health program, this topic
Drugs and medicine, see Drugs and medicine, this topic
Education, academic content area, 329.025, 329.045
Immunization, see Immunizations, this topic
Insurance, see Insurance, this topic
Medical services, generally, 332.111
Sexually transmitted diseases, courses concerning, 336.035

High schools
College coursework, see College coursework, this topic
Community colleges, see Community colleges, this topic
Diplomas, institutionalized persons, 339.860
District responsibility where no school, 335.090, 335.095
District school boards, authority, 332.075
Driver training, see Driver training, this topic
Expanded Options Program, see Expanded Options Program, this topic
Fees, 339.155
Holidays, student employment, 653.320
Institutionalized persons, diplomas, 339.860
Non-high-school districts, 335.090, 335.095
Out of state instruction, 335.090, 335.095
Small school district grants, 327.355, 327.357, 327.360
Union high school districts
Abolition of districts, 335.482
Application of common school district laws, 335.210
Common school districts
Creation, boundary changes, effect, 335.290
Laws, application, 335.210
Property, use, purchase, 335.465
Transformation into, 12.270, 335.482, 335.505
Contracts, property use, 335.465
Course of study, extension, 335.482, 335.490, 335.495, 335.500, 335.502
Defined, 330.005
Election, adding district, effect, 335.525
Local school committees, 335.515
Merger of districts, board continuance, 335.505
School districts laws, application, 335.210
Transformation into common school districts, 12.270, 335.482, 335.505

SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

High schools (Cont.)
Vocational education, see VOCATIONAL EDUCATION AND REHABILITATION, generally

History, see Courses of instruction, this topic

Holidays and commemorations
(Generally), 336.010
Commemorative activities, see Commemorative activities, this topic
Martin Luther King Jr.'s Birthday, school employee compensation, 336.010
Presidents Day, not legal school holiday, 336.010

Home schooling
(Generally), 339.035
Compulsory school attendance, exemption, 339.030
Examinations, 339.035
Interscholastic activities, participation, 339.460

Hours, school, 332.075

Immunizations
(Generally), 433.267
Electronic records, 326.580

Indians
American Indian languages, teaching license, 342.144
Impact aid revenue bonds, 328.316, 328.318

Institutionalized persons, diplomas, 339.860

Instruction in other districts, 339.125

Instruction subjects, see Courses of instruction, this topic

Instructional materials
Adoption
(Generally), 337.050
Circulars, 337.100
District boards, 332.075
Guidelines, criteria, 337.035
Reports by state board, 337.080
Substitute or additional materials, 337.110, 337.141
Phonics, 337.275
Selection, use, 337.050, 337.120
Textbooks, see Textbooks, this topic

Insurance
Athletes, traffic patrol, district insurance, 332.435
Employee compensation, as, 332.505
Liability, 30.290, 332.435
Medical and hospital service contracts, 332.432
Reserve fund, 332.437

Intellectual property, inventions
Board of Education Invention Fund, 326.520, 326.540
Districts, 332.745, 332.750

Interscholastic activities
Athletics, participating, transfer students, 339.450
Homeschooled students, 339.460
Standards, 326.051
Voluntary organizations
Rule review, 339.430
School membership, 332.075
Standards, 339.430

Intimidation, see Harassment, intimidation or bullying, this topic

Investigations
Absences, 339.055
Child abuse, 339.375, 419B.045
Employee misconduct or wrongdoing, internal investigation, 342.961
Religious activities, district involvement, 327.109
Weapons and firearms possession, reports of, 339.315

Joint school district, defined, 330.005

INDEX - 35
SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Juvenile delinquents and dependents, education, see JUVENILE DELINQUENTS AND DEPENDENTS
Juvenile detention facilities, responsibility for education, 336.585
Juvenile offenders, see Youth offenders, this topic
Kindergartens
Child development specialist services, 329.255
Courses of instruction, 336.079
Definitions, 336.092
Disadvantaged children, 343.650, 343.660
Free of charge, certain children, 336.095
Funding, status, 336.095
Offering kindergarten programs, 327.106
Rules
Apportionments, 327.082
Facilities, public or private providers, standards, 336.095
State board authority, 326.051
State School Fund apportionments, 327.006, 327.082

Labor and employment
Employment-related education and training, see Employment-related education and training, this topic
Labor disputes, noncertificated staff members, employment, school support fund forfeiture, 342.173
Work experience programs, 329.885, 336.175, 655.615, 656.033

Language
Academic content area, second languages, 329.025, 329.045
American Indian languages, teaching license, 342.144
English, see English, this topic
Foreign language instruction, exception to requirement to teach in English, 336.074
Sign language, see Sign language, this topic
Teaching, 336.074, 336.079, 336.081

Law obedience, instruction, 336.067

Laws, school, publication, 327.006, 327.082

Local school committees
(Generally), 330.425 et seq.
Duties and authority, 330.430
Election, 330.425
Establishing additional or abolition, 330.430
Members, nomination, election and recall, 332.118

SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Local school committees (Cont.)
Membership, 330.425
School property, use, civic purposes, determinations, 330.430
Teachers, rejection for ensuing year, recommendations, 330.430
Vacancies, filling, 330.435

Lockers, deposit, 339.155
Lottery bonds, see SCHOOL FINANCE
Lottery, State, moneys use, CONST. XV §4
Lunch programs, 326.051, 327.520, 327.525, 327.527
Martin Luther King Jr.'s Birthday, activities, 336.010

Mathematics
Academic content area, 329.025, 329.045
Diploma requirements, 329.451

Medical care, see Health care, this topic

Medications, see Drugs and medicine, this topic

Menacing, students
See also Harassment, intimidation or bullying, this topic
Driving privileges suspension, request, school superintendent or district board, 339.254, 809.423
Suspension or expulsion, 339.250
Violence or harm, threats, notice to parents, subject individuals, 339.327

Mercury
Equipment or materials containing, elimination, 326.051
Thimerosal, pediatric vaccines containing, school entry immunizations, 433.271

Mergers
Administrative districts, 330.113
Affected district, defined, 330.090
Boundary board, duties, 330.090, 330.095, 330.101
Budget pending effective date, 330.106
Countywide districts, name, 330.113
Defined, 330.003
Effect, 330.113
Effective, 330.103
Elections, 330.101
Findings by boundary board, 330.090, 330.101
Hearings, boundary board, 330.101
Indebtedness, 328.250, 330.095, 330.113
Joint districts, 330.095
Kindergarten programs, 327.106
Limitations, 330.090, 330.095, 330.101
Name
Most populous district, 330.095, 330.113
New district, 330.113
New district, name, employees, etc., 330.113
Noncontiguous areas, 330.090
Notices
(Generally), 330.101
Hearings, newspaper publication, 330.400
Number of merged district, 330.113
Opportunity to consider change or merger, 330.101
Petitions for, 330.090, 330.095, 330.113
Remonstrances, 330.101
Remote small high schools, determination, effect, 327.077
Review, 330.101
Tax levies, enlarged district, 330.113
Union high school districts, 335.505
Voting, elector qualifications, 330.103

Migrant children
Administration of program, 343.055
Admission of children, 343.055, 343.830
Criteria for programs, 343.045
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Migrant children (Cont.)
Definitions, 343.810
Establishment of programs, 343.830
Expenses, state reimbursement, 343.045, 343.835
Supervisory personnel, 343.065
Tuition, 343.085

Month, school, days constituting, 336.010

Motor vehicles, see MOTOR VEHICLES

Multicultural education, curricula and program development, 336.113

Musical instruments, use, fees, 339.155

Name, merger, most populous district, 330.095

Nonresident pupils, 336.575, 339.115, 339.125

Notices
Accountability for Schools for the 21st Century Law, 342.835, 342.875, 342.885, 342.905
Bonds, elections, redemption, sale, 328.275, 328.295
Boundary changes, merger, 330.101
Debts, students and parents owing, intent to collect, 339.260
Meetings, boards, 332.045
Merger, hearings, newspaper publication, 330.400
Private residential schools, complaints, 418.327
School property damage by student, costs, assessment, 339.270
Threats of violence or harm, notice to parents, subject individuals, 339.327
Warrants, 7 years unpaid, cancellation, 328.460
Withdrawal from school, notice to Transportation Department, 339.257
Youth offenders, dispositional status, 339.317, 339.319, 339.321, 339.323

Numbers of districts
Merger, effect, 330.113
Petitions, boundary changes, merger, 330.095
Records, boundary board, 330.080

Nursery schools, 343.650, 343.660

Nurses, see SCHOOL OFFICERS AND EMPLOYEES

Officers and employees, see SCHOOL OFFICERS AND EMPLOYEES, generally

Online instruction, Oregon Virtual School District, 329.840, 329.842

Opening school in another district, 332.158

Oregon Report Card, 329.115

Oregon Studies, 329.492

Oregon Twenty-first Century Schools Program, see Twenty-first Century Schools Program, this topic

Organization
(Generally), 330.005
Reorganization, see Reorganization, this topic
Union high school districts, effect on, 335.290

Parenting education, programs for, implementing, policy, 329.160

Parents
Damage to property by pupils, assessment, 339.270
Debts owed to district, liability, 339.260, 339.270
Dissection of animals, permission refusal, 337.300
Special education, children with disabilities, parental rights, see Special education, children with disabilities, this topic
Teenage parent programs, see Teenage parent programs, this topic

Parking regulation, 332.445

Parochial schools
Attendance, 339.030
Employment, discrimination exception, 659A.006
English, teaching in, of, 336.074, 336.079
Foreign languages, teaching, 336.074

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Parochial schools (Cont.)
Traffic patrols, governmental cooperation, 339.665
Traffic safety education, 336.800, 336.805, 802.345
Transportation of pupils, 332.415

Peace officers
Property
Supervising officers, 332.172
Vehicle regulation, 332.445
Safe school alliance, 332.531
Security patrol, 332.531
Supervising officers, 332.172
Vehicle regulation, 332.445

Personnel policies, written, maintaining, 332.505
Petition, bond election, 328.210

Phonics, instructional materials, inclusion on statewide list, 337.275

Physical education, academic content area, 329.025, 329.045

Pilot programs, initiating and proposing, rules, 329.075

Plan development and coordination, assistance, local schools councils, 329.704

Plans, reorganization, see Reorganization, this topic

Policy
Early childhood education, 329.160
Educational Act for the Twenty-first Century, legislative intent, 329.015, 329.025
Literacy, 329.905
Parental participation, school educational goals, 329.125
Prevention and cost-effectiveness, programs and strategies, 329.153
Workforce preparation and development, 329.905

Political or religious use of facilities, 332.172

Pregnant and parenting students, education for, rules, 336.640

Prekindergarten
Administration, 329.175
Advisory committee, 329.190
Coordination, other programs, 329.175
Definitions, 329.170
Eligibility, state funded prekindergarten programs, 329.185
Grants, 329.175
Prekindergarten Program Trust Fund, 329.183
Programs, continued funding, policy, 329.160
Report, 329.200

Rules, 329.195
Special education, children with disabilities, preschool children, see Special education, children with disabilities, this topic

Prevention, education problems, priority, 329.153

Principals, see SCHOOL OFFICERS AND EMPLOYEES

Prisoners, state institutions, diplomas, 339.860

Private alternative programs, see Alternative programs, this topic

Private schools
Advisory committee, 345.575
Curriculum, 345.525
Definitions, 345.505
Home schooling, see Home schooling, this topic
Parochial schools, see Parochial schools, this topic

Registration
Advisory committee, 345.575
Application, 345.525
Criteria, 345.535

INDEX - 37
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Private schools (Cont.)
Registration (Cont.)
   Education Department, with, 345.515
   Expiration, 345.545
   Fire Marshal rules, compliance, 345.535
   Human Services, Department of, health and
   sanitation rules, compliance, 345.535
   Issuance, 345.545
   Misrepresentation, 345.990
   Refusal, 345.545
   Renewal, 345.545
   Suspension, revocation, refusal to issue or
   renew, 345.555
   Reports, information, 345.565
   Rules, see Rules, this topic
   Vocational, jurisdiction, courts, 345.230
Private teacher or parent teaching, 339.035
Professional technical education
   Cooperative agreements, 332.075
   Frontier Learning Network professional technical
   education program, grants, 344.058
   Instructors and technical training programs,
   Frontier Learning Network professional technical
   education program, grants, 344.840
   Vocational, jurisdiction, courts, 345.230
   Rules, see this topic
   Reports, information, 345.565
   Education service districts, 334.125
   Districts, 332.155, 332.158
   State Board of Education, 326.520, 326.530,
   Districts, 332.745, 332.750
   (Generally), CONST. VIII §5
   immunizations
   Immunization, see Health care, this topic
   Reports, see Health care, this topic
   Merger, districts, effect, 330.113
   Parking regulation, districts, 332.445
   Peace officers
   Supervising officers, 332.172
   Vehicle regulation, 332.445
   Political purposes, using for, 332.172
   Recreation purposes, using for, 332.172
   Religious purposes, using for, 332.172
   Revenues, districts, nonschool use, 332.172
   Sale
   Districts, 332.155
   Education service districts, 334.125
   Security patrol, 332.531
   Seismic safety and rehabilitation, see Earthquakes, this topic
   State lands, purchase and sale, proceeds of sale, disposi-
   tion, 327.405
   Supervising officer, nonschool use, 332.172
   Title, realty, districts, condemnation, 35.325,
   332.182
   Use determinations, civic purposes, 330.430
   Use for nonschool purposes, 332.172
   Vehicles
   Acquisition, replacement, fund, 328.470
   Parking regulations, 332.445
   Public transportation use, 332.427
   Regulation, 332.445
Public health, see Health care, this topic
Public purchasing and contracting, see Purchasing and contracting, this topic
Punishment, physical force on student, teacher
use, 161.205, 339.250
Pupils
   Admission, see Admission of pupils, this topic
   Alternative programs of instruction, 339.250
   Athlete agents, see STUDENT ATHLETE
AGENTS
   Attendance, see Attendance, this topic
   Census, see Census, this topic
   Character development, 336.181
   Child abuse, see Child abuse, this topic
   Conditional release, on, reports, 419A.300
   Conduct, 339.240, 339.250
   Counseling, expulsion or discipline, following,
   339.250
   Courses of study, see Courses of instruction, this topic
   Damage to property, 339.270
   Debts owed to district, liability, 339.260, 339.270
   Dental health program, see Dental health pro-
   gram, this topic
   Diseases, communicable, exclusion, 433.255,
   433.260
   Dissection of animals, refusal, 337.300
   Duties, 339.250
   Enrollment status, documentation, students applying
   for driving privileges, 339.257
   Expulsion, 332.172, 339.250, 339.885
   Fees, 339.155
   Health care, see Health care, this topic
   Immunization, see Immunizations, this topic
   Insurance, athletes, traffic patrols, 332.435
   Medical services, 332.111
   Performance, programs, to improve, 336.176
   Physical examinations, athletics participation,
   336.479
   Physical force, use by teachers, 161.205, 339.250

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Property and buildings
   Acquisition
   Districts, 332.155, 332.158
   Donations to districts, 332.385
   Education service districts, 334.125
   Intellectual property, 326.520, 332.745
   Personal property, lease-purchase agreements,
   332.155
   Union high school districts, 335.465
   Boundary changes, districts, division, 330.123,
   341.573
   Cemeteries, 332.210
   Charges for use, districts, division, 330.123,
   341.573
   Civic purposes, use determination, 330.430
   Civic use
   Local school committees, determining use, 330.430
   Purposes, using for, 332.172
   Condemnation, districts, 35.215, 35.375, 332.182
   Construction and repair
   Districts, 332.155
   School in another district, opening, 332.158
   Criminal or suspicious activities, reports to School
   Safety Hotline, 180.650
   Damaging, defacing, 339.270
   Disposal
   (Generally), CONST. VIII §5
   Education service districts, 334.125
   Union high school districts, merger, 335.505
   Education service districts, 334.125, 334.127
   Expanded Options Program, textbooks and materi-
   als, 340.060
   Fire, regulations, 332.111, 479.140, 479.150,
   479.155
   Flags, United States, Oregon, display, 339.875
   Gifts, districts, to, 332.385
   Intellectual property
   Districts, 332.745, 332.750
   State Board of Education, 326.520, 326.530,
   326.540
   Kindergarten facilities, 336.092, 336.095, 343.660
   Leasing
   Districts, 332.155, 332.158
   Education service districts, 334.125

INDEX - 38
SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Pupils (Cont.)
Public meeting exemption, expulsion and medical
records examination, 332.061
Religious instruction, attendance, 339.420
Residential care, 332.111
Room and board, see Room and board for pupils,
this topic
Saturday classes, 336.010
Solicitation, 339.880
Suspension, 339.250, 339.885
Textbooks, free, providing, 337.150
Transportation, see Transportation of pupils,
this topic
Tuition, see SCHOOL FINANCE
Withdrawals from school, see Withdrawals from
school, this topic

Purchasing and contracting
(Generally), 332.075
Activities outside usual school hours, 336.183
After and before school activities, 336.183
Approval, contracts of school district, district school
board, 332.075
Audits, 328.465
Child development specialist services, 329.255
Community college districts, 341.315, 341.440,
341.505, 341.525
Copyrights, patents, intellectual properties,
332.745, 332.750
Extended educational experiences, contracts,
336.175
Federal aid, state board, 326.051
Flags, United States, Oregon, 339.875
Handicapped children, contracts between districts,
343.221
Intellectual property, 332.745, 332.750
Kindergartens, public or private providers, 336.095
Nonresident pupil instruction, contracts, 339.125
Patents, copyrights, discoveries, inventions,
332.745, 332.750
Programs outside usual classroom hours, 336.183
Property, 332.155, 335.465
Real property, purchase, 332.155
Related services, handicapped children, persons in
private practice, 343.221
Student teacher training, 332.075
Superintendents, 332.075
Traffic safety education, commercial schools,
336.815
Transportation, public, school buses, 332.427
Union high school districts, property, 335.465
Virtual School District, Oregon, online course pro-
viders, 329.840
Vocational programs, 332.075
Quality Education Commission, see QUALITY
EDUCATION COMMISSION, generally
Race, high school graduates, report, 335.105
Reading programs
Early Success Reading Initiative, see Early Su-
cess Reading Initiative, this topic
Phonics, instructional materials, inclusion on state-
wide list, 337.275

Real property, see Property and buildings, this topic
Recognition, student excellence, 336.179
Records
Access, rules, 326.565
Board meetings, 332.057
Child abuse investigations, disclosures, 339.375
Criminal records checks, see SCHOOL OFFIC-
ERS AND EMPLOYEES

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)

Records (Cont.)
Disclosure and access, rules, 326.565
Institutionalized persons, transcripts, 339.860
Students
Disclosures and access, rules, 326.565
Electronic student records program, 326.580
Health or safety emergency, defined, 336.187
Juvenile justice agencies and courts, access, 336.187
Personally identifiable information, disclosures,
336.187
Review and amendment, right, notification to
parents and students, 326.575
Rules, standards, creation, use, custody and dis-
closure, 326.565, 326.575
Transfer or placement elsewhere of student,
326.575
Withholding, debt owing, 339.260, 339.270

Recreation, property, using for, 332.172

Reduction in staff, funding or administrative
decision, procedure, 342.934

Registration, private schools, see Private schools,
this topic

Reinstatement and settlement agreements,
342.905

Religion
Parochial schools, see Parochial schools, this topic
Religious activities, complaints and investigations,
327.109
Religious instruction, attendance, 339.420
Religious use of facilities, 332.172

Remote small school determination, 327.077
Reorganization
Administrative districts
Boundary changes, effect, 330.113
Merger, 330.113
Name of countywide district, 330.113
Boundary changes, conflict with plans, 330.090
Indebtedness, 328.250
Merger, conflict with plans, 330.090
Notices of hearings, 330.400
Organization, see Organization, this topic
Plans
Boundary changes, conflict, 330.090
Merger, conflict, 330.090

Report Card, Oregon, 329.115

Reports
Administrative and support services, see note fol-
lowing, 326.111
Annual, to Superintendent of Public Instruction,
327.133
Audit statements, to Education Department,
327.137
Child abuse, see Child abuse, this topic
Common School Fund, apportionments, 327.420
County school fund apportionments, 328.015
December quarterly, to Superintendent of Public
Instruction, 327.133
Ethnic characteristics, graduates, 335.105
Expanded Options Program, 340.085
Minority teacher recruitment plans, implementa-
tion, 351.077
Performance reports, Superintendent of Public
Instruction, 329.105
Pilot education service districts, see note following,
334.100
Race, graduates, 335.105
School district effectiveness, on-site visits, 329.085

INDEX - 39
SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Reports (Cont.)
School Safety Hotline, district to provide Department of Justice annually with list of law enforcement contacts, 180.650
School Safety, Center for, 339.331
State School Fund, apportionments, 327.095
Weapons and firearms, possession, 339.315

Residence
(Generally), 339.133
Admission of pupils, 339.115
Disability, child with, 339.134
Substitute care program, 339.133
Youth care center, residency of student, 339.137

Resident pupil, defined, 327.006
Residential care, students, 332.111
Residential programs, child welfare services, establishment or expansion, notice to affected district, 336.575
Restructuring efforts, study and plan development, 329.445
Review, district improvement plans, 329.445
Room and board for pupils
High school, 335.090
Transportation, in lieu of, 332.405

Rules
Absences, withdrawals, Student Accounting System, 339.505, 339.510
Activities outside usual classroom hours, 336.183
Alternative programs, see Alternative programs, this topic
Athletics, participation, physical examination, 336.479
Blind and deaf schools, state, see Blind and deaf schools, state, this topic
Career schools, see VOCATIONAL EDUCATION AND REHABILITATION
Child development specialists, 329.255, 329.275
Compulsory school attendance
Exemption, 339.030
Violations, citation form, 339.925
Conduct and discipline, pupils, 339.240
Construction and maintenance grants, criteria, 327.330
Dental health program, district board, 336.375
Discipline, pupils, 339.240
Early Childhood Improvement Program, 329.245
Education, State Board of, 326.051
Educational Act for the 21st Century, see Educational Act for the 21st Century, this topic
Electronic student records program, 326.580
Expanded Options Program, 340.015, 340.080
Financing, 327.125
General Educational Development certificates, tests, 326.550
General governance, school and interscholastic activities, 326.051
Government, 332.107, 332.172
Grades, schools, 329.105
Interscholastic activities, voluntary organizations, rule review, 339.430
Kindergartens, see Kindergartens, this topic
Learning centers, payments, 329.860
Loans, security, ascertaining value and state of title of lands, 327.435
Lunch and breakfast programs, 326.051, 327.527
Medication, administration, 339.669
Mercury, equipment or materials containing, elimination, 328.051
Motor vehicles, see MOTOR VEHICLES

SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Rules (Cont.)
Pilot programs, process for initiating and proposing, 329.075
Pregnant and parenting students, education for, 336.640
Prekindergartens, establishment, 329.195
Private schools
Registration, 345.535
Reporting, 345.565
Private teaching, comprehensive examination, list, 339.035
Professional technical education, funds, 336.135
Pupil conduct, discipline and rights and procedures, 339.240
Records
Electronic student records program, 326.580
Standards, creation, use, custody and disclosure, 326.565, 326.575
Safe routes to schools program (DOT), 184.741
Scholarships
Children of deceased or disabled peace officers, 348.280
Medical education, rural, 348.310
VISTO participants, vouchers, 348.415
School finance, see SCHOOL FINANCE
School-to-work transitions and work experience programs, grants, eligibility, 329.885
Special education, children with disabilities, see Special education, children with disabilities, this topic
Sports, participation, physical examination, 336.479
Statewide literacy hotline, 329.950
Student accounting system, absences, withdrawals, 339.505, 339.510
Student Assistance Commission, Oregon, 348.530
Student education records
(Generally), 326.565, 326.575
Creation, use etc., 326.565
Transfer, refusal to amend specified material, hearing, 326.575
Talented and gifted children, administration of programs, Superintendent of Public Instruction, 343.055
Textbooks, review and selection, 337.035, 337.120
Traffic patrols, 339.655, 339.660
Traffic safety education, 336.800, 336.805, 802.345
Twenty-first Century Schools Program
Applications, approval, 329.585
Grants, approval, 329.700
Timelines for program implementation, waiver or extension, 329.077
Uniform budget and accounting system, 327.511
Virtual School District, Oregon, online instruction, 329.840

Safe school alliance, 339.312
Safety
Children walking or bicycling to and from school, 184.740, 184.741, 195.115
Safe routes to schools program, 184.740, 184.741
School Safety Hotline, see School Safety Hotline, this topic
School Safety, Center for, see SCHOOL SAFETY, CENTER FOR, generally
Traffic safety education, see Traffic safety education, this topic

Scholarships
(Generally), 332.385
Rules, see Rules, this topic

School buses, see MOTOR VEHICLES

INDEX - 40
SCHOOLS AND SCHOOL DISTRICTS (Cont.)

School improvement and professional development program
(Generally), 329.675 et seq.
Administration, 329.695
Beginning teacher and administrator mentorship program, see SCHOOLTEACHERS
Evaluation of programs, 329.735
Grant applications, 329.709, 329.715
Policy, 329.685
Purpose, 329.690
Twenty-first Century Schools Councils, see TWENTY-FIRST CENTURY SCHOOLS COUNCILS, generally

School lands, see Property and buildings, this topic

School laws, publication, 326.320

School Safety Hotline
(Generally), 180.650
Funding, 180.660
Improper use, 165.570

School Safety, Center for, see SCHOOL SAFETY, CENTER FOR, generally

School sites, 332.155, 332.182

Schoolteachers, see SCHOOLTEACHERS, generally

Science, academic content area, 329.025, 329.045
Second languages, see Language, this topic

Secret societies, 339.885

Security patrol, 332.531

Seedlings, tree nurseries, release for schools, State Forester, 336.015

Seismic safety and rehabilitation, see Earthquakes, this topic

Sex offenders, conditions and restrictions related to, 144.102, 144.270, 144.642, 144.644

Sexual harassment
(Generally), 342.700 et seq.
Other rights and remedies, 342.708
Policy, 342.700, 342.704

Sexually transmitted diseases, courses concerning, 336.035

Sign language
Community colleges, offering classes, 341.463
Courses, curricula development and teacher programs, 351.117
Proficiency and curricula development, 329.489

Small schools
Grants, small school districts, 327.355, 327.357, 327.360
Remote determination, effect, 327.077

Solicitation of pupils, 339.880

Sororities, 339.885

Special education, children with disabilities
Administration of programs, 343.055, 343.221
Advisory councils, state and local, 343.287, 343.293
Age of majority, transfer of parental rights, 343.181
Aids and services, assistive technology, 343.223
Alternative education programs, enrollment, 336.635
Assistive technology devices or services, 343.223
Autism, 343.236
Billing, resident districts, Department of Education, 343.239
Braille, instruction, 343.585
Contested case hearings, 343.165, 343.167, 343.175
Contractors, coordination of services etc., local council advice, 343.507
Contracts, outside persons or agencies, 343.221
Cooperative agreements, public agencies, 343.041
Cost recovery, State School Fund, 343.243

SCHOOLS AND SCHOOL DISTRICTS (Cont.)

Special education, children with disabilities (Cont.)

Cost responsibility
(Generally), 343.261
Children in long term care or treatment, 343.961
Criteria for programs, 343.045
Definitions, 343.035
Development and operation, 343.045
Document, program completion, 343.295
Early intervention services
Definition, 343.035
Equipment and supplies, loans, 343.055
Evaluation, children in need, 343.157
Financial responsibility, school districts, 343.224
Local advisory councils, 343.507
Personnel, employment, 343.065
Prekindergarten, responsibility, early childhood special education services, 343.455
Review, 343.521
State School Fund, moneys credit, 343.533
Supervision, 343.041
Transportation, provision, cost, 343.533

Education service districts, 334.175, 334.240

Eligibility
Criteria, 343.035, 343.513
Evaluation, 343.146
Noncompliance with determination, districts, effect, 343.183
State reimbursement, local, county or regional programs, 343.236

Equipment, materials, 343.065

Evaluation or placement
(Generally), 343.146

Districts, identification and evaluation of resident children in need, 343.157
Notice, 343.159
Parent not consenting, procedures, 343.165

Examinations
Academic, 339.035
Health, 343.146
Vision, 343.146

Expanded Options Program, 340.070

Expenses
Contracts, other school districts, 343.221
County and regional programs, 343.236
Federal aid, 343.285
Hospitalized children, 343.261
State reimbursement, 343.045, 343.236, 343.261, 343.285
Federal aid, 343.285

Grant funds, 343.534

Health assessment, 343.146
Hearing impaired, providing, 343.236

Hearings
(Generally), 343.165
Civil actions following, 343.175
Parental nonconsent or contest of recommendation, 343.165

Procedural violations, 343.167
Result, 343.167

Hospitalized children, 343.261
Identification and evaluation, districts, resident children in need, 343.157

Individualized family service plan, 343.521, 343.527
Individualized programs, 343.151

Interagency agreements, services, 343.511

Kindergartens, 332.075, 336.092, 336.095, 343.650, 343.660

Local advisory councils, 343.293

INDEX - 41
INDEX - 42

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)
Special education, children with disabilities
(Cont.)
Local early intervention interagency advisory council, 343.507
Medical examination or health assessment, 343.146
Noneducational costs, district liability, 343.224
Notice, parents, evaluation or placement, 343.159
Nursery schools, 343.650, 343.660
Orthopedic impairment, 343.236
Parental rights
District records, examination, 343.173
Independent evaluation, obtaining, 343.173
Referral, initiation, 343.517
Transfer, child attaining age of majority, 343.181
Placement, contest, effect and change, 343.177
Prekindergartens, programs, responsibility, providing early childhood special education services, 343.455
Preplacement evaluation, written parental consent, 343.164
Preschool children
(Generally), 343.465 et seq.
Confidentiality, records, 343.485
Contractors, none available, providing education and early intervention, Superintendent of Public Instruction, 343.495
Early childhood special education and early intervention services, development and administration, 343.475
Policy on services, 343.465
Prekindergartens, responsibility, 343.455
Rules, 343.475, 343.485
Regional programs, 343.236
Related services, contracts, outside persons or agencies, 343.221
Removal from placement, disciplinary reasons, 339.552
Reports
Child appearing disabled, 343.193
Data and evaluations, 343.287
Residency, child with disability, 339.134
Retarded students, 343.923
Rules
(Generally), 343.155
Assistive technology devices and services, definitions, 343.223
Braille, instruction, 343.585
Contested case hearings, ensuring appropriate education, 343.165, 343.167
Contractors, coordination of services etc., local council advice, 343.507
Costs, responsibility, children in long term care or treatment, 343.961
Development and operation, 343.045
Disputes, eligibility or service, 343.531
Early childhood special education and early intervention
Contractors maintaining records confidentiality, 343.485
Services, disabled preschool children, 343.475
Eligibility, 343.146, 343.236, 343.475
Evaluation or placement, parent not consenting, procedures, 343.165
Grant funds, accounting for, form, 343.401, 343.534
Hospitalized children, certain, instruction, 343.261
Orthopedic impairment
Individualized family service plan, requirement, 343.521

SCHOOLS AND SCHOOL DISTRICTS
(Cont.)
Special education, children with disabilities
(Cont.)
Rules (Cont.)
Individualized programs, disabled children, 343.151
Personnel adequately trained, insuring, 343.041
Placement, development of services and school operation, procedures, 346.020
Preschool, developing interagency program, early childhood special education and early intervention services, 343.475
Procedural safeguards, 343.531
Procedure, no contractor designated for service area, 343.495
Protecting rights of child, 343.155
Qualification of teachers, supervisors, courses of study, admission etc., 343.055
Records, confidentiality, disabled preschool children, 343.485
Retarded students, 343.923
Summer programs, 343.835
Superintendent of Public Instruction, 343.055
Supervision, 343.041
School finance, see SCHOOL FINANCE
Service coordination as early intervention service or special education, 343.523
Special Education Account, 343.247
State Advisory Council for Special Education, 343.287
State aid, 343.045, 343.236, 343.261, 343.285
State interagency coordination, 343.499
State-approved program, school district, contract, 343.236
Supervision, responsibility, 343.041
Supervisory personnel, 343.055
Teachers, 343.055, 343.261
Traumatic brain injury, 343.236
Tuition, 343.085
Vision, examination, 343.146
Visually impaired, providing, 343.236
Special recognition, student excellence, 336.179
Split school district, defined, 335.482
Spread the Word Program (donated books), 337.285, 337.288
Standards, academic content, review, 329.045
Statehood day activities, 336.010
Statewide assessment system, 329.485
Statistical information, 326.310
Student Accounting System
(Generally), 339.505 et seq.
Definitions, 339.505
Goals of system, 339.510
Rules, 339.505, 339.510
Uniformity, reporting system, 339.515
Withdrawals from school, certain students, information reporting, 339.520
Student commitment to excellence, policy, 336.179
Student loans, 332.385
Student performance, programs to improve, 336.176
Students, see Pupils, this topic
Successful Schools Program
(Generally), 329.825 et seq.
Establishment, 329.830
Incentive rewards, 329.830
Policy, 329.825
Summer lunch reimbursements, 327.527
Suspension of pupils, 339.250, 339.885

INDEX - 42
SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Talented and gifted children
- Administration of programs, 343.055
- Admission
  - (Generally), 343.055
  - First grade, 339.115
- Approval, Superintendent of Public Instruction, 343.397
- Citation, Talented and Gifted Education Act, Oregon, 343.413
- Criteria for programs, 343.045
- Definitions, 343.395
- Eligibility of children, 343.395
- Equipment, materials, 343.065
- Expenses, 343.045, 343.397, 343.399, 343.401, 343.404
- Identification of programs, 343.411
- Identification, school districts, 343.407
- Plans, 343.397
- Programs
  - Administration, 343.055
  - Criteria, 343.045
  - Identification, 343.411
  - Legislative policy, financial and technical support, 343.396
  - Providing, requirement, 343.409, 343.411
  - Providing educational programs or services, requirement, 343.409, 343.411
  - Purpose of statutes, 343.391
- Rules, Superintendent of Public Instruction, 343.055
- State aid, 343.045, 343.397, 343.399, 343.401, 343.404
- Statutes, purpose, 343.391
- Supervisory personnel, services, 343.065

Taxation, see SCHOOL FINANCE

Teenage parent programs
- Definition, teenage parent program, 329.395
- Grants, 329.415
- Operating guides, preparation, 329.415
- Pregnant and parenting students, education, 336.640
- Study, Churchill High School, Eugene, 329.405

Textbooks
- Adoption
  - (Generally), 337.050, 337.120, 337.141
  - Circulars of adopted books, 337.100
  - District boards, by, 332.075, 337.120, 337.141
  - Fees, publishers, 337.065
  - Guidelines, criteria, 337.035
  - Parent involvement, 337.120
  - Periods, 337.050, 337.141
  - Proposals of publishers, 337.030, 337.060, 337.075
  - Reading instruction, phonics, 337.275
  - Rejection, grounds, 337.075
  - Reports by board, 337.080
  - Substitute or additional books, 337.050, 337.110, 337.141
- American history and government, 337.260
- Charge, 339.155
- Circulars
  - Publishers, to, 337.030, 337.110
  - Selected books, 337.100
  - Selection, 337.260
- Contracts for, 279A.015, 337.030, 337.090
- Cost
  - Contract, publisher sale at higher prices, 337.090
  - Free, 337.075, 337.150

SCHOOLS AND SCHOOL DISTRICTS

(Cont.)

Textbooks (Cont.)
- Fees, publishers, 337.065
- Free, 337.075, 337.150
- Loan to indigent pupils, 339.155
- Price, publisher sale higher than contract, 337.090
- Publishers
  - Bonds, 337.090
  - Circular to, 337.030, 337.110
  - Contracts with, 279A.015, 337.030, 337.090
  - Depository, 337.090
  - Fees, 337.065
  - Proposals of, 337.030, 337.060, 337.075
  - Rejection, 337.075
  - Substitute or additional selection, 337.050, 337.110, 337.141
- Use in district schools, 337.120, 337.141

Timelines, program implementation, waiver or extension, 329.077

Tobacco and smoking
- Instruction, effects, 336.067
- Possession, persons on facility grounds or attending facility-sponsored activities, 339.865

Torts, damages to property, parental liability, 339.270

Traffic patrols
- (Generally), 339.660
- Defined, 339.650
- Intergovernmental cooperation, 339.665
- Liability insurance, students engaging in patrols, 332.435
- Organizing and operating, 339.655
- Rules, 339.655, 339.660

Traffic safety education
- Commercial schools, contracts with, 336.815
- Community colleges, credit, none, 341.460
- Contracts, commercial driver training schools, 336.815
- Effectiveness studies, 336.810
- Expenses, state reimbursement, 336.805, 336.810
- Tuition, 336.805

Transcripts, institutionalized persons, 339.860

Transfer students, athletic participation, 339.450

Transportation of pupils
- (Generally), 332.405
- Acquisition, replacement of vehicles, fund, 328.470
- Approved transportation costs
  - Defined, 327.006
  - Estimate, 327.033
- Attendance exemption, 339.030
- Authorization, 332.111, 332.405
- Board and room in lieu, 332.405
- Disabled preschool children, 343.533
- Distance from school, required transportation, 332.043
- Districts 300,000 or more, 332.111
- Estimate, approved transportation costs, 327.033
- Expanded Options Program Program, 340.065
- Expenses, 332.405, 339.125
- High school, 335.090
- Legislative declaration, policy, 329.025, 329.035
- Motor fuel tax refund, 319.831
- Outside district, 339.120
- Policy, legislative declaration, 329.025, 329.035
- Private or parochial schools, 332.415
- Providing, requirement, school district, 327.043
- Reimbursement, Department of Education, resident school district, 346.041
- Requirement to provide, school district, 327.043
- Resident district responsibility, 346.041
SCHOOLS AND SCHOOL DISTRICTS  
(Cont.)
Transportation of pupils (Cont.)
Special Education Transportation Revolving
Account, appropriation, 346.041
Substitute care program, residency, placement of
child, 339.133
When transportation required, distance, etc.,
327.043
Travel services, solicitation and sale of to stu-
dents, 332.593
Tree nursery seedlings, release for schools, State
Forester, 336.015
Tuition, see SCHOOL FINANCE
Twenty-first Century Schools Councils, see
TWENTY-FIRST CENTURY SCHOOLS COUN-
CILS, generally
Twenty-first Century Schools Program
See also Educational Act for the 21st Century,
this topic
Advisory committee, 329.595, 329.700
Annual report, 329.600
Building site committees, application and administra-
tion, programs, 329.570, 329.575
Business, industry and education partnerships,
329.930
District eligibility, 329.565
Establishment, 329.555
Funding, State School Fund, 329.537
Implementation, timelines, waiver or extension,
329.077
Industrial extension service, 329.930
Oversight, 329.327
Safe school alliance, 339.312
Implementation, this topic
Age, sex and racial-ethnic designation of student,
339.065
Notice, Transportation Department, 339.257
Women in Oregon History activities, 336.025
Work experience programs, 329.885, 336.175,
655.615, 656.033
Veterans, war service, issuance of diploma,
336.580
Youth offenders
Conditional release, reports to schools, 419A.300
Criminal status, notice, 339.317, 339.319, 339.321,
339.323
Disclosure of information regarding, 339.317,
339.319, 339.321, 339.323
Probation, reports to school, 419A.015
Transfer students, youth offender status, notification
by supervisory authorities, 419A.015,
419A.300, 420.048
Youth correction facilities, see JUVENILE DELIN-
QUENTS AND DEPENDENTS
SCHOOLTEACHERS
Accountability for Schools for the 21st Century
Law, see Dismissal, transfer, this topic
Administrative license, 342.125
Administrative procedure, see Licensing, this topic
Administrator, defined, 342.815
Adult education, 336.145
Agreements, reinstatement and settlement,
342.905
Aides, see Educational assistants, this topic
Alternative assessment, fee, 342.127
Annuities, tax-sheltered, 243.810, 243.820, 243.830
Appeals
Certificate suspension, revocation, refusal, 342.180,
342.203, 342.553
Disciplinary action, Teacher Standards and Prac-
tices Commission, 342.180, 342.203
Dismissal
Nonrenewal, 342.835, 342.895, 342.905
Notice, 342.905
Waiver, contract grievance claim, appeal of dis-
missal decision, 342.910
Youth correction facilities, 342.905
Representatives, 342.905
Arbitration
Appeal, reduction in staff decision, 342.934
Dismissals, 342.905
Attendance of pupils, duties, 339.065, 339.080
Basic teaching license, 342.125, 342.135
SCHOOLTEACHERS (Cont.)
Beginning teacher and administrator mentorship program
Application, district, 329.800
Definitions, 329.675
Evaluation, programs, 329.820
Finding, legislative, 329.790
Grants, 329.700, 329.805
Mentors, 329.810, 329.815
Purpose, 329.795
Training, mentors and beginner participants, 329.810
Beginning teacher assessment, fee, 342.127
Blind facilities, state, 240.205, 346.020
Braille, proficiency, license, 342.153
Certificates, professional organizations, not required for teaching, 342.121
Charter schools, 338.135
Child abuse, see SCHOOLS AND SCHOOL DISTRICTS
Civil rights laws, knowledge required, 342.123
Clothing, religious, prohibited, 342.650, 342.655
Collective bargaining
Charter schools, 338.135
Community college districts, 341.290
Schoolteachers, competence, waiving right to consider, 342.934
Sick leave, school employees, 332.507
Teachers, competence, waiving right to consider, 342.934
Compensation, see Salaries and compensation, this topic
Confidentiality
Complaints, preliminary investigation, 342.176
Complaints, preliminary investigative materials, 342.176
Teacher personnel files, 342.850
Conflict of interest, 332.505
Continuing administrative license, issuance, 342.125
Continuing professional development, rules, 342.135
Continuing teaching license
(Generally), 342.138
Issuance, 342.125
Contract teachers
Appeals, contract non-extension or dismissal, 342.905, 342.910, 342.930
Appointment, dismissal or employment, 342.845
Defined, 342.815
Dismissal, grounds, 342.865
Employment contracts, duration, 342.895
Controlled substances, convictions, certificate refusal, 342.143
Conviction of crime
Disclosure of disciplinary records, 339.375
Dismissal, grounds, 342.865
Licensure, effect, 342.143, 342.175
Corps, Oregon Teacher, see TEACHER CORPS, OREGON, generally
Correctional institutions, employing, licensing requirement, 179.405
Counsel, right to
Certificate suspension, revocation, 342.177
Dismissal proceedings, 342.905
Crimes, report, court or district attorney, 181.525
Criminal records checks, see SCHOOL OFFICERS AND EMPLOYEES
Deaf facilities, state, 240.205, 346.020
Definitions, 342.120, 342.815
Discipline
Investigation, 342.176
SCHOOLTEACHERS (Cont.)
Discipline (Cont.)
Physical force, use, 161.205, 339.250
Teacher Standards and Practices Commission, 342.175, 342.177, 342.180, 342.203
Discrimination, laws, knowledge required, 342.123
Diseased, exclusion from school, 433.255, 433.260
Dismissal, transfer
(Generally), 342.845, 342.895
Appeals, see Appeals, this topic
Arbitration, 342.905
Causes, 342.865, 342.895
Competence, right to consider, waiver, collective bargaining agreements, 342.934
Conviction of felony or crime, 342.865
Costs, reimbursement, 342.937
Disability benefits, qualification, 342.865
Evidence, 342.895, 342.905
Fair dismissal districts, defined, 342.815
Fair Dismissal Law, title, 342.805
Grounds, 342.865, 342.895
Hearings, 342.835, 342.905
Local school committee recommendations, 335.515
Lunch period, failure to schedule, 342.608
Notices, 342.835, 342.895, 342.905
Panel, appointment, 342.905
Recommendation of district superintendent, 342.895
Reorganization, school district or education service district, transfer to employment of assumed district or acquired program responsibilities, 342.845
Representatives, 342.905
School board, authority, 342.895
Suspension pending proceedings, 342.865, 342.875
Youth correction facilities, appeal procedure, 342.905
Distance learning
Qualification to teach, 342.985
Teacher certification, 342.173
Duties and powers, 332.505
Education service districts
Evaluation, annual, 342.850
Noncertified, employment, 342.173
Educational assistants
Defined, 342.120
Teachers, 342.120
Emotionally handicapped children programs, 343.055
Employment
(Generally), 332.505
Adult education, 336.145
Collective bargaining, see Collective bargaining, this topic
Contracts
Rebate of salary prohibited, 342.613
Release from, 342.545
Renewal, nonrenewal, 342.513, 342.835
Return of teacher salary, prohibited, 342.613
Dismissal, see Dismissal, transfer, this topic
Hours, fixing, 342.608
Local school committee recommendations, 335.515
Noncertificated teachers, effect on state aid, 342.173
Notice of renewal, nonrenewal, 342.513, 342.835
Religious dress, suspension or dismissal for wearing, 342.655
Renewal and nonrenewal, 342.513
Retired, 238.082
Termination, 342.545
Traffic safety education courses, 336.800, 802.345
English as a Second Language, training grants, 327.345
INDEX - 45
SCHOOLTEACHERS (Cont.)
Evaluation, teachers, annual, 342.850
Evidence
Certificate suspension, revocation, discipline, 342.175, 342.177
Fair dismissal proceedings, 342.895, 342.905
Exchange of teachers, 342.965
Fair dismissal districts, defined, 342.815
Fees, licensing, 342.127, 342.430
Fingerprints, criminal records checks, 181.539
Fire drills, duties, 479.140
First aid
Cards, ratio, pupils to staff members holding, waiver and certification, 342.169
Certification, first aid card requirement, 342.126
Force, use on student, 161.205, 339.250
Gifted children programs, 343.055
Handicapped children programs, 343.055, 343.261
Hearings, complaints, preliminary investigation, notice whether hearing justified, 342.176
Hiring, see Employment, this topic
Holiday teaching, 336.010
Initial personnel service and administrative licenses, issuance, 342.125
Initial teaching license, issuance, 342.125, 342.136
Instruction, defined, 342.120
Instructional materials, selection, 337.120
Insurance
Compensation, as part, 332.505
Medical, hospital, 332.432
Interchange of teachers, 342.965
Intern teachers
(Generally), 342.120
Employment, 332.505
Investigations, complaints, conduct, 342.176
Juvenile detention education programs, transfer, effect, 342.845
Labor and employment, see Employment, this topic
Leaves of absence
Charter school teachers, district leave, 338.135
Military service, 408.240, 408.270, 408.290
Peace Corps volunteers, 236.040
Sickness, 342.545
Without pay, 332.507, 342.545
Legislators, as, CONST. XV §8
Licensing
(Generally), 342.121, 342.125, 342.400
Administrative certificates, 342.140, 342.200
Administrative license, 342.125
Alternative assessment, fee, 342.127
American Indian languages, instruction, 342.144
Appeals, suspension, revocation, refusal, discipline, 342.180, 342.903, 342.553
Basic teaching certificate, 342.135, 342.195
Beginner teacher assessment, fee, 342.127
Charter schools, 338.135
Classes of certificates, 342.135
Complaint, preliminary investigation, 342.176
Continuing teaching, 342.138
Definitions, 342.120
Denial, 342.143, 342.165, 342.180
Diplomas, existing, validity, 342.130
Disciplinary action, 342.175, 342.177, 342.180, 342.203
Drug law violations, effect, 342.143, 342.175
Existing certificates, diplomas, validity, 342.130
Expedited process, 342.125, 342.127
Fees, 342.127, 342.430
Fingerprints, criminal records checks, 181.539
First aid card, requirement, 342.126
Hearings, suspension, revocation, discipline, 342.177, 342.553
SCHOOLTEACHERS (Cont.)
Licensing (Cont.)
Indian languages, instruction, 342.144
Initial teaching licenses, 342.136
Interactive distance learning courses, 342.173
Investigations, complaints, 342.176
Issuance of certificates
(Generally-rules), 342.165
Fees, 342.127
Qualifications, restrictions, 342.135, 342.140, 342.143, 342.195, 342.200
List, suspended or revoked licenses, circulation, 342.203
Narcotic law violations, effect, 342.143, 342.175
Noncertificated teacher, effect of employing, 342.173
Out-of-state applicants, 342.400
Probation, disciplinary action, 342.177, 342.203
Qualifications
(Generally), 342.135, 342.143
Administrative certificates, 342.140, 342.200
Basic teaching certificates, 342.135, 342.195
Career school teachers, 345.585
Federal program participation, 342.195
Restricted teaching certificates, 342.195
Standard teaching certificates, 342.135
Reciprocal, other states, 342.400
Reinstatement of certificates, 342.127, 342.165, 342.175, 342.180
Related services, handicapped children, exemption, 342.120
Renewal of certificates, 342.127, 342.135, 342.165
Reprimands, public, 342.177, 342.203
Restricted teaching certificate, 342.195
Revocation, suspension of certificates
Administrative Procedure Act, 342.180, 342.190
Appeals, 342.180, 342.203, 342.553
Counsel, right to, 342.177
Criminal conviction reversed on appeal, reconsideration, 342.175
Disciplinary action, 342.177
Grounds, 342.175, 342.553
Hearings, 342.177, 342.553
Initiation, 342.175
Investigations, 342.177
Lists, circulation, 342.203
Resignation, improper, 342.553
Rules, see Rules, this topic
Sex offenses, effect, 342.143, 342.175
Standard teaching certificate, 342.135
Training, see Training, this topic
Types of certificates, 342.135
Validity, existing diplomas, certificates, 342.130
Loans, Teacher Corps program, 329.775
Lunch periods, 342.608
Medication, students, 339.867, 339.869, 339.870, 339.873
Mentorship program, see Beginning teacher and administrator mentorship program, this topic
Merger, districts, effect, 330.113
Migrant children education, 343.055
Minorities
(Generally), 342.433 et seq.
Definitions, 342.433
English as a Second Language, training grants, 327.345
Goal, ethnic-racial equity, number of minority teachers, 342.437
Plans, recruitment and graduation of minority teachers, 342.447
Recruitment plans, implementation and report, 351.077
Reports, Legislative Assembly, 342.443
INDEX - 46
SCHOOLTEACHERS (Cont.)

Minorities (Cont.)
Title of Act, 342.449
New district, reorganization, transfer of employment, assumed district or acquired program responsibilities, 342.845
Noncertificated teachers, employment, effect on state aid, 342.173
Obscene materials, exemptions from prosecution, 167.085, 167.089
Out-of-state applicants, certification, 342.400
Part-time, 342.815, 342.845
Permanent teachers
(Generally), 342.845
Defined, 342.815
Part-time employment, 342.845
Suspension, temporary, 342.865, 342.875
Personnel files, 342.850
Personnel policies, written, maintaining, 332.505
Physical force, use on student, 342.815, 342.845
Private schools
(Generally), 345.525
Qualifications, 345.525, 345.585
Probationary teachers
Appeals, staff reductions, funding or administrative decisions, 342.934
Defined, 342.815
Discharge, removal, 342.835
Permanent teachers, status retention, recall after reduction in staff, 342.934
Probationary teachers, recall after reduction in staff, service length, 342.934
Reduction in staff, funding or administrative decision, procedure, 342.934
Refusal to renew contract, 342.835
Service length, determination, 342.840
Professional development centers, 329.745
Professional Organizations Certification Fund, 342.122
Professional organizations, certification, not required for teaching, 342.121
Qualifications
Certification, 342.135, 342.140, 342.143, 342.195, 342.200
Special education programs, 343.055
Records
Child abuse investigations, disclosures, 339.375
Contract nonrenewal, reasons, 342.513
Criminal records checks, see SCHOOL OFFICERS AND EMPLOYEES
Personnel files, 342.850
Reductions in staff, procedure, 342.934
Reinstatement, agreements, 342.905
Related services, disabled children, certification exemption, 342.120
Religious garb prohibited, 342.650, 342.655
Reorganization, school district, transfer of employment, assumed district or acquired program responsibilities, 342.845
Report, schoolteachers, minorities, 342.443
Resignations, 342.545, 342.553
Restricted teaching license, 342.125
Retirement, see PUBLIC EMPLOYEES RETIREMENT SYSTEM
Rules
Administrative licenses, 342.140
Continuing professional development, 342.135
Education institutions and programs, approval, 342.147
Evaluations, form, completion, 342.850
Fair Dismissal Appeals Board, 342.930

SCHOOLTEACHERS (Cont.)

Rules (Cont.)
First aid cards
Ratio of pupils to staff members holding card, 342.169
Requirement, waiver, 342.126
Licensing
(Generally), 342.165
Application fee, 342.127
Out-of-state applicants, 342.400
Requirements, 342.135
Teachers, employing unlicensed, contract approved annually, 342.173
Medication, school personnel administering, 339.869
Mentorship programs, grants-in-aid, 329.805
Minority teachers, recruitment, admission etc., 342.447
Nurses, certification, 342.465, 342.475
Teacher Standards and Practices Commission, proposals, review by Education Board, 342.167
Unlicensed teachers, employing, contract approved annually, 342.173
Salaries and compensation
(Generally), 332.505
Exchange teachers, 342.965
Holidays, during school session, 336.010
Insurance as, 332.505
Notice of renewal, nonrenewal, failure to give, 342.513
Overtime, labor directly employed, 653.268
Rebates prohibited, 342.613
Reports, form, 332.534
Substitute teachers, 342.420, 342.610
Tax-sheltered annuities, 243.810, 243.820, 243.830
Tuition reimbursement as, 332.505
Saturday teaching, 336.010
Scholarships, emotionally disabled, teachers of, 343.045, 343.055
School improvement and professional development program, see SCHOOLS AND SCHOOL DISTRICTS
Settlement agreements, 342.905
Sick leave, 342.545
Standard teaching license, 342.125
State board members as, 326.021
State institutions, certification, 179.405
Student driver training, 343.055
Student teachers, 332.075, 332.155
Subpoenas
Certificate suspension, revocation, 342.177
Fair dismissal proceedings, 342.905
Substitute teachers
Addresses and telephone numbers, disclosure, 192.502
Defined, 342.815
Salaries and compensation, 342.420, 342.610
Tax-sheltered annuities, 243.810, 243.820, 243.830
Teacher Corps, Oregon, see TEACHER CORPS, OREGON, generally
Teacher Standards and Practices Commission, see TEACHER STANDARDS AND PRACTICES COMMISSION, generally
Teacher education programs, see COLLEGES AND UNIVERSITIES
Teacher Standards and Practices Commission, see TEACHER STANDARDS AND PRACTICES COMMISSION, generally
Teacher, defined, 342.815
Temporary teachers, defined, 342.815
Tenure, local school committee recommendations, 335.515
Termination of employment, 342.545
Textbooks, selection, 337.120
Training
District schools, use, construction, 332.075, 332.155
SCHOOLTEACHERS (Cont.)

Training (Cont.)
Educational television and radio programs, 354.410, 354.420, 354.430
Schools, 332.075, 332.155
Teacher education programs, see COLLEGES AND UNIVERSITIES

Troops to Teachers Program, Oregon, 348.282, 348.283
Tuition reimbursement as compensation, 332.505
Unemployment compensation, 657.065, 657.167
Wearing apparel, religious, prohibited, 342.650, 342.655
Witnesses, privileged communications, 40.245
Working hours, 342.608
Workplace-based professional development opportunities, business and labor partnerships, 329.125
Youth correction facilities
Dismissal, appeal procedure, 342.905

STATE AGENCIES (Cont.)
Advanced technology education and training, public-private partnerships, 326.382
Blind Program, Industries for the, 346.190
Blind, Commission for the, see BLIND, COMMISSION FOR THE, generally
Blind, Oregon State School for the, 346.010
Career schools, advisory committee on, 345.330
Claims against state, see STATE FINANCE
Community Colleges and Workforce Development, Department of, see COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT, DEPARTMENT OF, generally
Degree Authorization, Office of, 348.599
Education, Department of, see EDUCATION, DEPARTMENT OF, generally
Education, Joint Boards of, 348.890
Education, State Board of, see EDUCATION, STATE BOARD OF, generally
Funds, see FUNDS AND ACCOUNTS, generally
Interagency Coordinating Council, State, 343.499
Oregon 529 College Savings Board, see OREGON 529 COLLEGE SAVINGS BOARD, generally
Oregon Board of Teacher Standards and Practices, 343.287
Oregon Health and Science University, see OREGON HEALTH AND SCIENCE UNIVERSITY, generally
Prekindergarten, advisory committee, 329.190
Private schools advisory committee, 345.575
Quality Education Commission, see EDUCATION COMMISSION, QUALITY, generally
School district vehicle regulation, cooperation, 332.445
School Safety, Center for, see SCHOOL SAFETY, CENTER FOR, generally
Special Education, State Advisory Council for, 343.287
Student Assistance Commission, Oregon, see STUDENT ASSISTANCE COMMISSION, OREGON, generally
Teacher Corps, Oregon, see TEACHER CORPS, OREGON, generally
Teacher Standards and Practices Commission, see TEACHER STANDARDS AND PRACTICES COMMISSION, generally
Twenty-first Century Schools Advisory Committee, 329.595, 329.700
Vocational rehabilitation, disabled persons, advisory committee, 344.735
Workforce 2005 Task Force, see note following, 326.111

SPECIAL EDUCATION
See SCHOOLS AND SCHOOL DISTRICTS

SPECIAL EDUCATION ACCOUNT
(Generally), 343.247

SPECIAL EDUCATION TRANSPORTATION REVOLVING ACCOUNT
(Generally), 346.041

SPECIAL EDUCATION, STATE ADVISORY COUNCIL FOR
(Generally), 343.287

STATE AGENCIES
Accounts, see FUNDS AND ACCOUNTS, generally

STATE CONTRACTS
Human Services, Department of, vocational rehabilitation, federal aid, 344.540
Intellectual property, State Board of Education, 326.520, 326.530, 326.540
Juvenile Detention Education Program, school districts or education service districts, 326.712
Student Assistance Commission, Oregon, 348.530
Teacher Standards and Practices Commission, teacher certification, interstate, 342.400
Textbooks, 337.030, 337.090
Youth Corrections Education Program, school districts or education service districts, 326.712
STATE FINANCE
See also FUNDS AND ACCOUNTS; STATE CONTRACTS; STATE TREASURER
Accounts, see FUNDS AND ACCOUNTS, generally
Advanced technology education and training, public-private partnerships, 326.382
Appropriations
Blind
Fund, vending facilities, 346.540
Products, sale proceeds, 346.230
Community college districts
Bonds, matching, CONST. XI-G §1
Formation election expenses, 341.102
Policy, 341.009
Deaf students, aid to, 346.070
Education, Department of
Community college district formation elections, 341.102
Publication fees, 326.320
GED certificates, fees, 326.550
Handicapped children, education, 343.285
Scholarship funds, Oregon Student Assistance Commission, 348.590
Teacher education, gifts, 327.495
Vocational education, 344.120
Blind
Appropriations, see Appropriations, this topic
Facility pupil trust accounts, 346.055
Products, sale, 346.230
Checks and orders
See also Warrants, this topic
Blind, deaf facility pupil trust accounts, 346.055
Vocational Rehabilitation Revolving Fund, 344.685, 344.690
Claims against state
Blind Commission funds, 346.230
Education
Federal aid, 327.620
Special programs, state aid, 342.401, 343.835
Educational Improvement Account, 327.490
Vocational education, federal aid funds, 344.120
Donations or contributions, trust funds, placing in, 326.051
Education, Department of
Appropriations, see Appropriations, this topic
Publication fees, 326.320
Television, radio programs, sale proceeds, 354.430
Federal aid, education, accounts, review, 327.620
Forests and forestry, funds and finances, see FORESTS AND FORESTRY
 Funds and accounts, see FUNDS AND ACCOUNTS, generally
Higher Education, Department of, Student Loan Fund, 348.010
Investments
Common School Fund loans, interest, 327.425
Student Assistance Fund, Oregon, 348.570
Student Loan Guarantee Fund, 348.570
Schools, see SCHOOL FINANCE, generally
Vouchers
Vocational education, federal aid, 344.070, 344.080
Vocational Rehabilitation Revolving Fund, 344.685
Warrants
Blind Commission funds, 346.230, 346.240
Vocational education, federal aid, 344.070, 344.080
Vocational Rehabilitation Revolving Fund, 344.690
STATE TREASURER
Blind, deaf facility pupil moneys, 346.055
Bonds, see BONDS, generally
Donations, contributions, private, separate trust funds, 326.051
Growth Account Board, Oregon
Confidential information, 348.710
Contracts, 348.703
Membership, 348.707
Staff, 348.703
Student Assistance Commission, gifts or scholarship grant funds, custodian, 348.580
Student funds, 346.055
Teacher certificate fees, 342.430
Trust funds, 346.055
Vocational rehabilitation funds, 344.620, 344.690
STUDENT ASSISTANCE COMMISSION, OREGON
(Generally), 348.510
Compensation and expenses, 348.550
Creation, 348.510
Degree Authorization, Office of, 348.399
Duties, 348.520
Employees, 348.560
Fingerprinting authority, criminal records checks, 348.563
Meetings, 348.540
Office space, 348.560
Officers, 348.540
Powers, 348.530
Rules, 348.530, 348.616
Student members, 348.510
Teacher Corps program, administration, 329.757, 329.765
STUDENT ASSISTANCE FUND, OREGON
Creation, 348.570
Investment funds, defined as, 293.701
STUDENT ATHLETE AGENTS
(Generally), 702.005 et seq.
Civil remedies, educational institutions, 702.057
Contact, restrictions, 702.027
Contracts
Cancellation by student, 702.052
Definitions, 702.005
Inducements, prohibitions, 702.030, 702.032, 702.037
Notice of contract, 702.054
Predating or postdating, 702.027
Requirements, 702.047
Warning notice, loss of eligibility, 702.047
Damages, educational institution, 702.057
Definitions, 702.005
Fees, 702.023
Fingerprints, criminal records checks, 702.017
Inducements, prohibitions, 702.030, 702.032, 702.037
Penalties, 702.991, 702.994
Records, retention and inspection, 702.059
Registration
(Generally), 702.012
Application, 702.017
Fees, 702.023
Fingerprints, criminal records checks, 702.017
Penalties, 702.991, 702.994
Reciprocity, 702.017
Refusal, suspension, revocation, 702.012
Renewal, 702.012
INDEX - 49
STUDENT ATHLETE AGENTS (Cont.)
Registration (Cont.)
Requirements, 702.017
Temporary certificate, 702.019
Restrictions on agents, 702.027, 702.030, 702.032, 702.037
Rules, 702.063
Service of process, 702.062
Subpoenas, 702.062
Uniformity of laws, 702.065

STUDENT DRIVER TRAINING FUND
(Generally), 336.805, 336.810, 802.110

STUDENTS
See SCHOOLS AND SCHOOL DISTRICTS

SUPERINTENDENT OF PUBLIC INSTRUCTION
Career schools, interest in or acting as agent or employee, prohibited, 345.020
Conference fees, disposition, 326.340
Deputies, 240.205, 326.330
Duties and powers, 326.310, CONST. VIII §1
Education, Department of, executive officer, 326.310
Education, State Board of, administrative officer, 326.310
Election of, 326.305
Employees, 326.310
Legislative measures, preparation, Legislative Counsel assistance, 173.130
Lobbying regulation, exemption, 171.735
Nonpartisan office, 249.002, 249.005
Performance reports, production, 329.105
Prekindergarten program, report, 329.200
Principal assistant, 240.205
Questions, answering, submitting to State Board, 326.310
Salary
(Generally), 292.313
Compensation, CONST. VIII §1
Determination, Legislature, 292.930
Signature
Authorizing others to sign, 326.310
Personal services contracts, 326.323
Staff, service, education related organizations, 326.350

TAXATION
Boundary changes, taxing districts, schools
Date change takes effect, 330.101, 330.103
District boundary boards, 330.080
Budgets, school districts and education service districts, preparation, 328.542
Common School Fund, composition and use, 327.405
Community colleges and districts
Bonds, payment, 341.690
Interstate taxing authority, feasibility discussions, county governments and organizations, 341.309
Levy
(Generally), 341.305, 341.308
Authority, 341.305, 341.308
Bonds, payment, 341.690
Operating taxes, permanent rate limit, 341.045, 341.085, 341.095, 341.115, 341.308
Outside limitation, 341.369
Operating taxes, permanent rate limit, 341.045, 341.085, 341.095, 341.115, 341.308

TEACHER CORPS ACCOUNT, OREGON
(Generally), 329.780

TEACHER CORPS, OREGON
Creation, 329.757
Loans, 329.775
Oregon Student Assistance Commission administration, 329.765

TEACHER STANDARDS AND PRACTICES COMMISSION
Appropriation, 342.430
Chairperson, 342.380
Compensation, 342.390, 342.420
Creation, 342.350
Employees, 342.410
Executive secretary, appointment, 342.410
Expenses, 342.390
Fingerprinting authority, criminal records checks, 181.539
Gifts, grants, etc., acceptance, 342.122
Meetings, 342.390
Membership, 342.350, 342.360, 342.420
Officers, 342.380
Professional Organizations Certification Fund, 342.122
Quorum, 342.380
Vice chairperson, 342.380

TEACHERS
See SCHOOLTEACHERS, generally

TOBACCO AND SMOKING
Schools and school districts
Instruction, effects, 336.067
Persons on facility grounds or attending facility-sponsored activities, 339.865

INDEX - 50
TORTS
Emergency medical assistance, liability immunity, school personnel administering medication, 339.870
Schools, damaged property, parental liability, 339.270
State, claims against, see STATE FINANCE

TRUSTS AND TRUSTEES
Oregon 529 College Savings Network, trustee agency, 348.869
School districts, tax levy funds, bond retirement, holding in trust, 328.260
Student funds, 346.055

TUITION
Community colleges and districts, see COMMUNITY COLLEGES AND DISTRICTS
Schools and school districts, see SCHOOL FINANCE

TUITION PROTECTION FUND
(Generally), 345.110

TUITION SAVINGS ACCOUNTS
Oregon 529 College Savings Network, see OREGON 529 COLLEGE SAVINGS NETWORK

TWENTY-FIRST CENTURY SCHOOLS COUNCILS
(Generally), 329.704
Administration, 329.570
Schools program, application, approval, 329.575

UNIFORM LAWS
Athlete Agents Act, Uniform, 702.065

UNITED STATES
Constitution, school instruction, required, 336.057
Education
Aid to, see SCHOOL FINANCE
Intellectual property
Community college district contracts, 341.319
School district contracts, 332.745, 332.750
Funding
Advanced technology education and training, public-private partnerships, 326.382
Blind aid, 346.265
Higher education, 348.010
Vocational rehabilitation, 344.540, 344.620
History, school instruction, required, 336.057
Loans, students, higher education, 341.475, 348.010, 348.090, 348.570, 348.575
Peace Corps, teaching certificates, qualifications, 342.195

VETERANS
High school diplomas, issuance, war service, 332.114
Troops to Teachers Program, Oregon, 348.282, 348.283

VIOLATIONS
School attendance
Compulsory, 339.925

VIOLATIONS (Cont.)
School attendance (Cont.)
Violation, 339.990

VIRTUAL SCHOOL DISTRICT FUND, OREGON
(Generally), 329.842

VOCATIONAL EDUCATION AND REHABILITATION
Advisory committee, 344.735
Apprenticeship training programs, 344.555
BARBERS, HAIR DESIGNERS AND COSMETOLOGISTS
Certificates, licenses, permits, registrations, career schools, 345.030, 345.040, 345.060, 345.070, 345.080
Financial aid to study, 348.290
Inspections, facilities and schools, 345.440, 345.450
Rules, schools, 345.400
Schools
Fees, inspections, 345.450
Financial aid, 348.290
Inspections, 345.440, 345.450
Licensure, 345.030, 345.040, 345.060, 345.070, 345.080
Regulation, rules, 345.400
Test applicants, foreign, records evaluation, 345.430

Blind and visually impaired persons, 346.180, 346.190, 346.250
Career education, receipt of federal funds, 326.051
Career schools
Actions against, 345.115
Actions by, 345.115, 345.210
Advisory committee, 345.330
Agents
Carrying license, 345.070
Defined, 345.010
Investigations, 345.120
Licenses, 345.030, 345.040, 345.060
Civil penalties, 346.992, 345.995, 345.997
Contracts
Inquiries, 345.117
Loans, student, 345.113
Tuition, 345.110, 345.115, 345.120
Tuition Protection Fund, 345.110
Courses of study, 341.455
Definitions, 345.010
Discrimination, prohibition, 345.240
Enrollment agreements, 345.115
Fees
License, 345.080
Student, refund, 345.115
Teacher registration, 345.080
Transcripts, 345.080
Foreign
Agents, licenses, 345.030, 345.060, 345.080
Fees, 345.080
Superintendent of Public Instruction as agent for process service, 345.060
Hair design, barbering and cosmetology, see Barbers, hair designers and cosmetologists, this topic
Investigations, 345.120
Licensing
(Generally), 345.020, 345.030, 345.070
Applications, 345.060
Carrying license, agents, 345.070
Display of license, 345.070
Exceptions, 345.015

INDEX - 51
VOCATIONAL EDUCATION AND REHABILITATION (Cont.)

Career schools (Cont.)
Licensing (Cont.)
  Fees, 345.080
Foreign or nonresident, 345.030, 345.060, 345.080
Form and contents of license, 345.070
Qualifications of licensees, 345.040, 345.060
Requirement, 345.030
Revocation or suspension
  Grounds, 345.120
Involuntary, 345.120
Standards
  Program, effect, 345.330
  Rules, 345.325
  Term of license, 345.070

Loans, student
  Contracts, negotiability, 345.113
Schools, qualified, listing, 348.070
Penalties, 345.990, 345.992, 345.995, 345.997
Refund schedule, tuition contracts, 345.115, 345.330
Rules, see Rules, this topic
Secondary school students, programs enabling to attend, 326.051
Standards
  Community college course credit, 341.455
  Legislative findings, intent, 345.320
  Minimum, recommendations, 345.340
  Purpose of statutes, 345.320
  Rules, State Board, 345.325
  Teachers, registration, fees, 345.080
  Transcripts, student, fees, 345.080
  Tuition protection, cessation of school, fund, 345.110

Community colleges
Contracts, 341.025
Courses, 332.075, 341.009, 341.455
Federal aid funds, 341.009, 341.655, 344.070, 344.080, 344.090
School districts, cooperation, 332.075
Transcripting fee, 341.455

Data, unauthorized use, 344.600
Definitions, 655.605
Discrimination, 345.240
Education, State Board of, see EDUCATION, STATE BOARD OF, generally
Establishing vocational schools or classes, school boards, cooperation, State Board of Education, 344.130
Establishment, vocational schools or classes, 344.130

Federal aid funds, 341.009, 341.655, 344.070, 344.080, 344.090
Federal funding, professional technical educational purposes, applications, 326.051

Federal Manpower Development and Training Act, acceptance by state, 326.051
Federal Vocational Education Act, 344.100, 344.120
Hair design, barbering and cosmetology, see Barbers, hair designers and cosmetologists, this topic
Injury benefits, workers compensation, trainees, 655.615
Interdistrict agreements, 332.075
Policy, 344.055
Professional technical education and training, 344.055
Rehabilitation
  Account
    Appropriation, 344.620
    Creation, 344.620

VOCATIONAL EDUCATION AND REHABILITATION (Cont.)

Rehabilitation (Cont.)
Account (Cont.)
  Payments into, 344.530, 344.630, 344.690, 344.850
  Payments out of, 344.530, 344.620, 344.685, 344.690
  Appeal and hearing, 344.590
  Application for aid, 344.560, 344.570
  Apprenticeship training programs, 344.555
  Cooperation, intergovernmental and private, 344.530, 344.540, 344.555
  Definitions, 344.511
  Eligibility for aid, 344.550, 344.555
  Facilities, see Rehabilitation facilities, this topic
  Federal funds, 344.540, 344.620
  Gifts, donations, 344.540, 344.630
  Home industries, 344.530
  Payments, transferability, exempt from process, 344.580
  Records, 344.530, 344.570, 344.600
  Research, 344.530
  Revolving fund, 344.685, 344.690
  Services available, 344.550
  Trade or craft training programs, 344.555
  Workers compensation recipients, 344.840, 344.850
Rehabilitation facilities
  Definition, 344.710
  Establishment, 344.720
  Human Services, Department of, duties and powers, 344.530
  State aid, 344.720, 344.730

Rules
  Career schools, Tuition Protection Fund, payments, 345.110
  Claims, payment, 344.120
  Facilities, maintaining records confidentiality etc., 344.530
  Schools, licensing, 345.020, 345.325
  Tuition, advance deposits, 345.115
  Warrants, federally sponsored education or training, 344.070, 344.080

Scholarships, welfare recipients, 411.120, 411.575, 411.580
Schools, establishing and maintaining, district school boards, 332.075
Sheltered workshops, see Rehabilitation facilities, this topic
Vocational schools, see Career schools, this topic
War workers, federally sponsored, 344.070, 344.080, 344.090
Warrants, state funds, federally sponsored education or training, 344.070
Welfare recipients, applicants, 418.097
Work experience programs, 336.175, 655.605, 655.615, 656.033
Workers' compensation, see WORKERS' COMPENSATION
Youth apprenticeship and training program, see LABOR AND EMPLOYMENT

VOCATIONAL SCHOOLS
See VOCATIONAL EDUCATION AND REHABILITATION

VOLUNTEERS
Schools and school districts, criminal records checks, 326.067
WORKERS’ COMPENSATION
Schools and school districts, vocational training, furnishing, costs, reimbursement, 344.840, 344.850
State Vocational Rehabilitation Account, cost reimbursements, deposits, 344.850
Youth apprenticeship pilot program, coverage, 344.750

WORKFORCE DEVELOPMENT
Advanced technology education and training, public-private partnerships, 326.382
Education and Workforce Policy Advisor, see EDUCATION AND WORKFORCE POLICY ADVISOR, generally
Schools and school districts, workforce preparation and development, see SCHOOLS AND SCHOOL DISTRICTS
Workforce 2005 Task Force, see note following, 326.111
CONSTITUTION OF OREGON

Proposed Amendments

The 2005 regular session of the Legislative Assembly did not propose any amendments to the Constitution of the State of Oregon.
PREAMBLE

We the people of the State of Oregon to the end that Justice be established, order maintained, and liberty perpetuated, do ordain this Constitution. —
ARTICLE I
BILL OF RIGHTS

Sec. 1. Natural rights inherent in people
2. Freedom of worship
3. Freedom of religious opinion
4. No religious qualification for office
5. No money to be appropriated for religion
6. No religious test for witnesses or jurors
7. Manner of administering oath or affirmation
8. Freedom of speech and press
9. Unreasonable searches or seizures
10. Administration of justice
11. Rights of Accused in Criminal Prosecution
12. Double jeopardy; compulsory self-incrimination
13. Treatment of arrested or confined persons
14. Bailable offenses
15. Foundation principles of criminal law
16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case
17. Jury trial in civil cases
18. Private property or services taken for public use
19. Imprisonment for debt
20. Equality of privileges and immunities of citizens
21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors
22. Suspension of operation of laws
23. Habeas corpus
24. Treason
25. Corruption of blood or forfeiture of estate
26. Assemblages of people; instruction of representatives; application to legislature
27. Right to bear arms; military subordinate to civil power
28. Quartering soldiers
29. Titles of nobility; hereditary distinctions
30. Emigration
31. Taxes and duties; uniformity of taxation
32. Enumeration of rights not exclusive
33. Slavery or involuntary servitude
34. Sale of liquor by individual glass
35. Penalty for aggravated murder
36. Work and training for corrections institution inmates; work programs; limitations; duties of corrections director
37. Rights of victim in criminal prosecutions and juvenile court delinquency proceedings
38. Rights of victim and public to protection from accused person during criminal proceedings; denial of pretrial release
39. Term of imprisonment imposed by court to be fully served; exceptions
40. Person convicted of certain crimes not eligible to serve as juror on grand jury or trial jury in criminal case

Section 1. Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. —

Section 2. Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences. —

Section 3. Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions, or interfere with the rights of conscience. —

Section 4. No religious qualification for office. No religious test shall be required as a qualification for any office of trust or profit. —

Section 5. No money to be appropriated for religion. No money shall be drawn from the Treasury for the benefit of any religious [sic], or theological institution, nor shall any money be appropriated for the payment of any religious [sic] services in either house of the Legislative Assembly. —

Section 6. No religious test for witnesses or jurors. No person shall be rendered incompetent as a witness, or juror in consequence of his opinions on matters of religion [sic]; nor be questioned in any Court of Justice touching his religious [sic] belief to affect the weight of his testimony. —

Section 7. Manner of administering oath or affirmation. The mode of administering an oath, or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered. —

Section 8. Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. —

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized. —

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation. —

Section 11. Rights of Accused in Criminal Prosecution. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy
Section 18. Private property or services taken for public use. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use. [Constitution of 1859; Amendment proposed by S.J.R. 17, 1919, and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1923, and adopted by the people Nov. 4, 1924]

Section 19. Imprisonment for debt. There shall be no imprisonment for debt, except in case of fraud or absconding debtors. —

Section 20. Equality of privileges and immunities of citizens. No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens. —

Section 21. Ex-post facto laws; laws impairing contracts; laws depending on authorization in order to take effect; laws submitted to electors. No ex-post facto law, or law impairing the obligation of contracts shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; provided, that laws locating the Capitol of the State, locating County Seats, and submitting town, and corporate acts, and other local, and Special laws may take effect, or not, upon a vote of the electors interested. —

Section 22. Suspension of operation of laws. The operation of the laws shall never be suspended, except by the Authority of the Legislative Assembly.

Section 23. Habeas corpus. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion, or invasion the public safety require it. —

Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court. —

Section 25. Corruption of blood or forfeiture of estate. No conviction shall work corruption of blood, or forfeiture of estate. —
Section 26. Assemblies of people; instruction of representatives; application to legislature. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their Representatives; nor from applying to the Legislature for redress of grievances [sic]. —

Section 27. Right to bear arms; military subordinate to civil power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]]

Section 28. Quartering soldiers. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Section 29. Titles of nobility; hereditary distinctions. No law shall be passed granting any title of Nobility, or conferring hereditary distinctions. —

Section 30. Emigration. No law shall be passed prohibiting emigration from the State. —

Section 31. Rights of aliens; immigration to state. [Constitution of 1859; repeal proposed by H.J.R. 16, 1969, and adopted by the people May 26, 1970]

Section 32. Taxes and duties; uniformity of taxation. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax. [Constitution of 1859; Amendment proposed by H.J.R. 16, 1917, and adopted by the people June 4, 1917]

Section 33. Enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people. —

Section 34. Slavery or involuntary servitude. There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted. — [Added to Bill of Rights as unnumbered section by vote of the people at time of adoption of the Oregon Constitution in accordance with section 4 of Article XVIII thereof]

Section 35. Restrictions on rights of certain persons. [Added to Bill of Rights as unnumbered section by vote of the people at time of adoption of the Oregon Constitution in accordance with Section 4 of Article XVIII thereof; Repeal proposed by H.J.R. 8, 1925, and adopted by the people Nov. 2, 1926]

Section 36. Liquor prohibition. [Created through initiative petition filed July 1, 1914, and adopted by the people Nov. 3, 1914; Repeal proposed by initiative petition filed March 20, 1933, and adopted by the people July 21, 1933]

Section 36a. Prohibition of importation of liquors. [Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Repeal proposed by initiative petition filed March 20, 1933, and adopted by the people July 21, 1933]

Section 37. Penalty for murder in first degree. [Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920; Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964]

Section 38. Laws abrogated by amendment abolishing death penalty revived. [Created through S.J.R. 8, 1920, and adopted by the people May 21, 1920; Repeal proposed by S.J.R. 3, 1963, and adopted by the people Nov. 3, 1964]

Section 39. Sale of liquor by individual glass. The State shall have power to license private clubs, fraternal organizations, veterans’ organizations, railroad corporations operating interstate trains and commercial establishments where food is cooked and served, for the purpose of selling alcoholic liquor by the individual glass at retail, for consumption on the premises, including mixed drinks and cocktails, compounded or mixed on the premises only. The Legislative Assembly shall provide in such detail as it shall deem advisable for carrying out and administering the provisions of this amendment and shall provide adequate safeguards to carry out the original intent and purpose of the Oregon Liquor Control Act, including the promotion of temperance in the use and consumption of alcoholic beverages, encourage the use and consumption of lighter beverages and aid in the establishment of Oregon industry. This power is subject to the following:

(1) The provisions of this amendment shall take effect and be in operation sixty (60) days after the approval and adoption by the people of Oregon; provided, however, the right of a local option election exists in the counties and in any incorporated city or town containing a population of at least five hundred (500). The Legislative Assembly shall prescribe a means and a procedure by which the voters of any county or incorporated city or town as limited above in any county, may through a local option election determine whether to prohibit or permit such power, and such procedure shall specifically include that whenever fifteen per cent (15%) of the registered voters of any county in the state or of any incorporated city or town as limited above, in any county in the state,
shall file a petition requesting an election in this matter, the question shall be voted upon at the next regular November biennial election, provided said petition is filed not less than sixty (60) days before the day of election.

(2) Legislation relating to this matter shall operate uniformly throughout the state and all individuals shall be treated equally; and all provisions shall be liberally construed for the accomplishment of these purposes. [Created through initiative petition filed July 2, 1952, and adopted by the people Nov. 4, 1952]

Section 40. Penalty for aggravated murder. Notwithstanding sections 15 and 16 of this Article, the penalty for aggravated murder as defined by law shall be death upon unlawful affirmative jury findings as provided by law and otherwise shall be life imprisonment with minimum sentence as provided by law. [Created through initiative petition filed July 6, 1983, and adopted by the people Nov. 6, 1984]

Section 41. Work and training for corrections institution inmates; work programs; limitations; duties of corrections director. (1) Whereas the people of the state of Oregon find and declare that inmates who are confined in corrections institutions should work as hard as the taxpayers who provide for their upkeep; and whereas the people also find and declare that inmates confined within corrections institutions must be fully engaged in productive activity if they are to successfully re-enter society with practical skills and a viable work ethic; now, therefore, the people declare:

(2) All inmates of state corrections institutions shall be actively engaged full-time in work or on-the-job training. The work or on-the-job training programs shall be established and overseen by the corrections director, who shall ensure that such programs are cost-effective and are designed to develop inmate motivation, work capabilities and cooperation. Such programs may include boot camp prison programs. Education may be provided to inmates as part of work or on-the-job training so long as each inmate is engaged at least half-time in hands-on training or work activity.

(3) Each inmate shall begin full-time work or on-the-job training immediately upon admission to a corrections institution, allowing for a short time for administrative intake and processing. The specific quantity of hours per day to be spent in work or on-the-job training shall be determined by the corrections director, but the overall time spent in work or training shall be full-time. However, no inmate has a legally enforceable right to a job or to otherwise participate in work, on-the-job training or educational programs or to compensation for work or labor performed while an inmate of any state, county or city corrections facility or institution. The corrections director may reduce or exempt participation in work or training programs by those inmates deemed by corrections officials as physically or mentally disabled, or as too dangerous to society to engage in such programs.

(4) There shall be sufficient work and training programs to ensure that every eligible inmate is productively involved in one or more programs. Where an inmate is drug and alcohol addicted so as to prevent the inmate from effectively participating in work or training programs, corrections officials shall provide appropriate drug or alcohol treatment.

(5) The intent of the people is that taxpayer-supported institutions and programs shall be free to benefit from inmate work. Prison work programs shall be designed and carried out so as to achieve savings in government operations, so as to achieve a net profit in private sector activities or so as to benefit the community.

(6) The provisions of this section are mandatory for all state corrections institutions. The provisions of this section are permissive for county or city corrections facilities. No law, ordinance or charter shall prevent or restrict a county or city governing body from implementing all or part of the provisions of this section. Compensation, if any, shall be determined and established by the governing body of the county or city which chooses to engage in prison work programs, and the governing body may choose to adopt any power or exemption allowed in this section.

(7) The corrections director shall contact public and private enterprises in this state and seek proposals to use inmate work. The corrections director may: (a) install and equip plants in any state corrections institution, or any other location, for the employment or training of any of the inmates therein; or (b) purchase, acquire, install, maintain and operate materials, machinery and appliances necessary to the conduct and operation of such plants. The corrections director shall use every effort to enter into contracts or agreements with private business concerns or government agencies to accomplish the production or marketing of products or services produced or performed by inmates. The corrections director may carry out the director’s powers and duties under this section by delegation to others.

(8) Compensation, if any, for inmates who engage in prison work programs shall be determined and established by the corrections
director. Such compensation shall not be subject to existing public or private sector minimum or prevailing wage laws, except where required to comply with federal law. Inmate compensation from enterprises entering into agreements with the state shall be exempt from unemployment compensation taxes to the extent allowed under federal law. Inmate injury or disease attributable to any inmate work shall be covered by a corrections system inmate injury fund rather than the workers compensation law. Except as otherwise required by federal law to permit transportation in interstate commerce of goods, wares or merchandise manufactured, produced or mined, wholly or in part by inmates or except as otherwise required by state law, any compensation earned through prison work programs shall only be used for the following purposes: (a) reimbursement for all or a portion of the costs of the inmate’s rehabilitation, housing, health care, and living costs; (b) restitution or compensation to the victims of the particular inmate’s crime; (c) restitution or compensation to the victims of crime generally through a fund designed for that purpose; (d) financial support for an immediate family of the inmate outside the corrections institution; and (e) payment of fines, court costs, and applicable taxes.

(9) All income generated from prison work programs shall be kept separate from general fund accounts and shall only be used for implementing, maintaining and developing prison work programs. Prison industry work programs shall be exempt from statutory competitive bid and purchase requirements. Expenditures for prison work programs shall be exempt from the legislative appropriations process to the extent the programs rely on income sources other than state taxes and fees. Where state taxes or fees are the source of capital or operating expenditures, the appropriations shall be made by the legislative assembly. The state programs shall be run in a businesslike fashion and shall be subject to regulation by the corrections director. Expenditures from income generated by state prison work programs must be approved by the corrections director. Agreements with private enterprise as to state prison work programs must be approved by the corrections director. The corrections director shall make all state records available for public scrutiny and the records shall be subject to audit by the Secretary of State.

(10) Prison work products or services shall be available to any public agency and to any private enterprise of any state, any nation or any American Indian or Alaskan Native tribe without restriction imposed by any state or local law, ordinance or regulation as to competition with other public or private sector enterprises. The products and services of corrections work programs shall be provided on such terms as are set by the corrections director. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding for-profit prison work programs that produce goods or services offered for sale in the private sector if the establishment or expansion would displace or significantly reduce preexisting private enterprise. To the extent determined possible by the corrections director, the corrections director shall avoid establishing or expanding prison work programs if the establishment or expansion would displace or significantly reduce government or nonprofit programs that employ persons with developmental disabilities. However, the decision to establish, maintain, expand, reduce or terminate any prison work program remains in the sole discretion of the corrections director.

(11) Inmate work shall be used as much as possible to help operate the corrections institutions themselves, to support other government operations and to support community charitable organizations. This work includes, but is not limited to, institutional food production, maintenance and repair of buildings, grounds, and equipment; office support services, including printing; prison clothing production and maintenance; prison medical services; training other inmates; agricultural and forestry work, especially in parks and public forest lands; and environmental clean-up projects. Every state agency shall cooperate with the corrections director in establishing inmate work programs.

(12) As used throughout this section, unless the context requires otherwise: “full-time” means the equivalent of at least forty hours per seven day week, specifically including time spent by inmates as required by the Department of Corrections, while the inmate is participating in work or on-the-job training, to provide for the safety and security of the public, correctional staff and inmates; “corrections director” means the person in charge of the state corrections system.

(13) This section is self-implementing and supersedes all existing inconsistent statutes. This section shall become effective April 1, 1995. If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect. [Created through initiative petition filed Jan. 12, 1994, and adopted by the people Nov. 8, 1994; Amendment proposed by H.J.R. 2, 1997, and adopted by the people May
Section 42. Rights of victim in criminal prosecutions and juvenile court delinquency proceedings. (1) To preserve and protect the right of crime victims to justice, to ensure crime victims a meaningful role in the criminal and juvenile justice systems, to accord crime victims due dignity and respect and to ensure that criminal and juvenile court delinquency proceedings are conducted to seek the truth as to the defendant’s innocence or guilt, and also to ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal and juvenile court delinquency proceedings, the following rights are hereby granted to victims in all prosecutions for crimes and in juvenile court delinquency proceedings:

(a) The right to be present at and, upon specific request, to be informed in advance of any critical stage of the proceedings held in open court when the defendant will be present, and to be heard at the pretrial release hearing and the sentencing or juvenile court delinquency disposition;

(b) The right, upon request, to obtain information about the conviction, sentence, imprisonment, criminal history and future release from physical custody of the criminal defendant or convicted criminal and equivalent information regarding the alleged youth offender or youth offender;

(c) The right to refuse an interview, deposition or other discovery request by the criminal defendant or other person acting on behalf of the criminal defendant provided, however, that nothing in this paragraph shall restrict any other constitutional right of the defendant to discovery against the state;

(d) The right to receive prompt restitution from the convicted criminal who caused the victim’s loss or injury;

(e) The right to have a copy of a transcript of any court proceeding in open court, if one is otherwise prepared;

(f) The right to be consulted, upon request, regarding plea negotiations involving any violent felony; and

(g) The right to be informed of these rights as soon as practicable.

(2) This section applies to all criminal and juvenile court delinquency proceedings pending or commenced on or after the effective date of this section. Nothing in this section reduces a criminal defendant’s rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section:

(a) “Convicted criminal” includes a youth offender in juvenile court delinquency proceedings.

(b) “Criminal defendant” includes an alleged youth offender in juvenile court delinquency proceedings.

(c) “Victim” means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event that no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

(d) “Violent felony” means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense. [Created through H.J.R. 87, 1999, and adopted by the people Nov. 2, 1999]

Note: The effective date of House Joint Resolutions 87, 89, 90 and 94, compiled as sections 42, 43, 44 and 45, Article I, is Dec. 2, 1999.

Note: Sections 42, 43, 44 and 45, were added to Article I as unnumbered sections by the amendments proposed by House Joint Resolutions 87, 89, 90 and 94, 1999, and adopted by the people Nov. 2, 1999.

Section 43. Rights of victim and public to protection from accused person during criminal proceedings; denial of pretrial release. (1) To ensure that a fair balance is struck between the rights of crime victims and the rights of criminal defendants in the course and conduct of criminal proceedings, the following rights are hereby granted to victims in all prosecutions for crimes:

(a) The right to be reasonably protected from the criminal defendant or the convicted criminal throughout the criminal justice process and from the alleged youth offender
or youth offender throughout the juvenile delinquency proceedings.

(b) The right to have decisions by the court regarding the pretrial release of a criminal defendant based upon the principle of reasonable protection of the victim and the public, as well as the likelihood that the criminal defendant will appear for trial. Murder, aggravated murder and treason shall not be bailable when the proof is evident or the presumption strong that the person is guilty. Other violent felonies shall not be bailable when a court has determined there is probable cause to believe the criminal defendant committed the crime, and the court finds, by clear and convincing evidence, that there is danger of physical injury or sexual victimization to the victim or members of the public by the criminal defendant while on release.

(2) This section applies to proceedings pending or commenced on or after the effective date of this section. Nothing in this section abridges any right of the criminal defendant guaranteed by the Constitution of the United States, including the rights to be represented by counsel, have counsel appointed if indigent, testify, present witnesses, cross-examine witnesses or present information at the release hearing. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution.

(3) As used in this section:

(a) “Victim” means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

(b) “Violent felony” means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

(4) The prosecuting attorney is the party authorized to assert the rights of the victim and the public established by this section.

Note: See notes under section 42 of this Article.

Section 44. Term of imprisonment imposed by court to be fully served; exceptions. (1)(a) A term of imprisonment imposed by a judge in open court may not be set aside or otherwise not carried out, except as authorized by the sentencing court or through the subsequent exercise of:

(A) The power of the Governor to grant reprieves, commutations and pardons; or

(B) Judicial authority to grant appellate or post-conviction relief.

(b) No law shall limit a court’s authority to sentence a criminal defendant consecutively for crimes against different victims.

(2) This section applies to all offenses committed on or after the effective date of this section. Nothing in this section reduces a criminal defendant’s rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section creates any cause of action for compensation or damages nor may this section be used to invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal or juvenile delinquency proceedings at any point after the case is commenced or on appeal.

(3) As used in this section, “victim” means any person determined by the prosecuting attorney to have suffered direct financial, psychological or physical harm as a result of a crime and, in the case of a victim who is a minor, the legal guardian of the minor. In the event no person has been determined to be a victim of the crime, the people of Oregon, represented by the prosecuting attorney, are considered to be the victims. In no event is it intended that the criminal defendant be considered the victim.

Note: See notes under section 42 of this Article.

Section 45. Person convicted of certain crimes not eligible to serve as juror on grand jury or trial jury in criminal case. (1) In all grand juries and in all prosecutions for crimes tried to a jury, the jury shall be composed of persons who have not been convicted:

(a) Of a felony or served a felony sentence within the 15 years immediately preceding the date the persons are required to report for jury duty; or

(b) Of a misdemeanor involving violence or dishonesty or served a sentence for a misdemeanor involving violence or dishonesty within the five years immediately pre-
ceding the date the persons are required to report for jury duty.

(2) This section applies to all criminal proceedings pending or commenced on or after the effective date of this section, except a criminal proceeding in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section reduces a criminal defendant's rights under the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to disqualify a jury, invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after a jury is impaneled and sworn on the effective date of this section. Nothing in this section applies to all criminal proceedings in which a jury has been impaneled and sworn on the effective date of this section. Nothing in this section supersedes any conflicting section of the Constitution of the United States. Except as otherwise specifically provided, this section supersedes any conflicting section of this Constitution. Nothing in this section is intended to create any cause of action for compensation or damages nor may this section be used to disqualify a jury, invalidate an accusatory instrument, ruling of a court, conviction or adjudication or otherwise suspend or terminate any criminal proceeding at any point after a jury is impaneled and sworn on or on appeal. [Created through H.J.R. 89, 1999, and adopted by the people Nov. 2, 1999]

Note: See notes under section 42 of this Article.

ARTICLE II
SUFFRAGE AND ELECTIONS

Sec. 1. Elections free
2. Qualifications of electors
3. Rights of certain electors
4. Residence
5. Soldiers, seamen and marines; residence; right to vote
7. Bribery at elections
8. Regulation of elections
9. Penalty for dueling
10. Lucrative offices; holding other offices forbidden
11. When collector or holder of public moneys ineligible to office
12. Temporary appointments to office
13. Privileges of electors
14. Time of holding elections and assuming duties of office
14a. Time of holding elections in incorporated cities and towns
15. Method of voting in legislature
16. Election by plurality; proportional representation
17. Place of voting
18. Recall; meaning of words "the legislative assembly shall provide"
22. Political campaign contribution limitations
23. Approval by more than majority required for certain measures submitted to people
24. Death of candidate prior to election

Section 1. Elections free. All elections shall be free and equal.

Section 2. Qualifications of electors. Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:

(a) Is 18 years of age or older;
(b) Has resided in this state during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who is otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and

(c) Is registered not less than 20 calendar days immediately preceding any election in the manner provided by law.

(2) Except as otherwise provided in section 6, Article VIII of this Constitution with respect to the qualifications of voters in all school district elections, provision may be made by law to require that persons who vote upon questions of levying special taxes or issuing public bonds shall be taxpayers. [Constitution of 1859; Amendment proposed by initiative petition filed Dec. 20, 1910, and adopted by the people Nov. 5, 1912; Amendment proposed by S.J.R. 6, 1913, and adopted by the people Nov. 3, 1914; Amendment proposed by S.J.R. 6, 1923, and adopted by the people Nov. 4, 1924; Amendment proposed by H.J.R. 7, 1927, and adopted by the people June 28, 1927; Amendment proposed by H.J.R. 5, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by H.J.R. 26, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 41, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by initiative petition filed July 20, 1986, and adopted by the people Nov. 4, 1986]

Note: The leadline to section 2 was a part of the measure submitted to the people by initiative petition (Measure No. 13, 1986) and adopted by the people Nov. 4, 1986.

Section 3. Rights of certain electors. A person suffering from a mental handicap is entitled to the full rights of an elector, if otherwise qualified, unless the person has been adjudicated incompetent to vote as provided by law. The privilege of an elector, upon conviction of any crime which is punishable by imprisonment in the penitentiary, shall be forfeited, unless otherwise provided by law. [Constitution of 1859; Amendment proposed by S.J.R. 9, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by S.J.R. 26, 1979, and adopted by the people Nov. 4, 1980]

Section 4. Residence. For the purpose of voting, no person shall be deemed to have gained, or lost a residence, by reason of his presence, or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any Seminary of Learning; nor while kept at any alms house, or other assylum [sic], at public expence [sic]; nor while confined in any public prison. —
Section 5. Soldiers, seamen and marines; residence; right to vote. No soldier, seaman, or marine in the Army, or Navy of the United States, or of their allies, shall be deemed to have acquired a residence in the state, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote. —

Section 6. Right of suffrage for certain persons. [Constitution of 1859; Repeal proposed by H.J.R. 4, 1927, and adopted by the people June 28, 1927]

Section 7. Bribery at elections. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given, or offered a bribe, threat, or reward to procure his election. —

Section 8. Regulation of elections. The Legislative Assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating, and conducting elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct. —

Section 9. Penalty for dueling. Every person who shall give, or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust, or profit. —

Section 10. Lucrative offices; holding other offices forbidden. No person holding a lucrative office, or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution [sic] expressly permitted; Provided, that Officers in the Militia, to which there is attached no annual salary, and the Office of Post Master, where the compensation does not exceed One Hundred Dollars per annum, shall not be deemed lucrative. —

Section 11. When collector or holder of public moneys ineligible to office. No person who may hereafter be a collector, or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over according to law, all sums for which he may be liable. —

Section 12. Temporary appointments to office. In all cases, in which it is provided that an office shall not be filled by the same person, more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term. —

Section 13. Privileges of electors. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the Militia on any day of election, except in time of war, or public danger. —

Section 14. Time of holding elections and assuming duties of office. The regular general biennial election in Oregon for the year A. D. 1910 and thereafter shall be held on the first Tuesday after the first Monday in November. All officers except the Governor, elected for a six year term in 1904 or for a four year term in 1906 or for a two year term in 1908 shall continue to hold their respective offices until the first Monday in January, 1911; and all officers, except the Governor elected at any regular general biennial election after the adoption of this amendment shall assume the duties of their respective offices on the first Monday in January following such election. All laws pertaining to the nomination of candidates, registration of voters and all other things incident to the holding of the regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before the first Monday in June biennially, except as may hereafter be provided by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1907, and adopted by the people June 1, 1908]

Section 14a. Time of holding elections in incorporated cities and towns. Incorporated cities and towns shall hold their nominating and regular elections for their several elective officers at the same time that the primary and general biennial elections for State and county officers are held, and the election precincts and officers shall be the same for all elections held at the same time. All provisions of the charters and ordinances of incorporated cities and towns pertaining to the holding of elections shall continue in full force and effect except so far as they relate to the time of holding such elections. Every officer who, at the time of the adoption of this amendment, is the duly qualified incumbent of an elective office of an incorporated city or town shall hold his office for the term for which he was elected and until his successor is elected and qualified. The Legislature, and cities and towns, shall enact such supplementary legislation as may be necessary to carry the provisions of this amendment into effect. [Created through H.J.R. 22, 1917, and adopted by the people June 4, 1917]

Section 15. Method of voting in legislature. In all elections by the Legislative Assembly, or by either branch thereof, votes...
shall be given openly or viva voce, and not by ballot, forever; and in all elections by the people, votes shall be given openly, or viva voce, until the Legislative Assembly shall otherwise direct. —

Section 16. Election by plurality; proportional representation. In all elections authorized by this constitution until otherwise provided by law, the person or persons receiving the highest number of votes shall be declared elected, but provision may be made by law for elections by equal proportional representation of all the voters for every office which is filled by the election of two or more persons whose official duties, rights and powers are equal and concurrent. Every qualified elector resident in his precinct and registered as may be required by law, may vote for one person under the title for each office. Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office. These principles may be applied by law to nominations by political parties and organizations. [Constitution of 1859; Amendment proposed by initiative petition filed Jan. 29, 1908, and adopted by the people June 1, 1908]

Section 17. Place of voting. All qualified electors shall vote in the election precinct in the County where they may reside, for County Officers, and in any County in the State for State Officers, or in any County of a Congressional District in which such electors may reside, for Members of Congress. —

Section 18. Recall; meaning of words “the legislative assembly shall provide.” (1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer’s justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until the officer has actually held the office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after the election of the senator or representative.

(7) After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which the officer was elected unless such further petitioners first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election.

(8) Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words, “the legislative assembly shall provide,” or any similar or equivalent words in this constitution or any amendment thereto, shall not be construed to grant to the legislative assembly any exclusive power of lawmaking nor in any way to limit the initiative and referendum powers reserved by the people. [Created through initiative petition filed Jan. 29, 1908, and adopted by the people June 1, 1908; Amendment proposed by S.J.R. 16, 1925; and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 1, 1983, and adopted by the people Nov. 6, 1984]

Note: The word “Recall” constituted the leadline to section 18 and was a part of the measure submitted to the people by S.J.R. 16, 1925.

Note: An initiative petition (Measure No. 3, 1992) proposed adding new sections relating to term limits to the Oregon Constitution. Those sections, appearing as sections 19, 20 and 21 of Article II in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of
Section 22. Political campaign contribution limitations. Section (1) For purposes of campaigning for an elected public office, a candidate may use or direct only contributions which originate from individuals who at the time of their donation were residents of the electoral district of the public office sought by the candidate, unless the contribution consists of volunteer time, information provided to the candidate, or funding provided by federal, state, or local government for purposes of campaigning for an elected public office.

Section (2) Where more than ten percent (10%) of a candidate’s total campaign funding is in violation of Section (1), and the candidate is subsequently elected, the elected official shall forfeit the office and shall not hold a subsequent elected public office for a period equal to twice the tenure of the office sought. Where more than ten percent (10%) of a candidate’s total campaign funding is in violation of Section (1) and the candidate is not elected, the unelected candidate shall not hold a subsequent elected public office for a period equal to twice the tenure of the office sought.

Section (3) A qualified donor (an individual who is a resident within the electoral district of the office sought by the candidate) shall not contribute to a candidate’s campaign any restricted contributions of Section (1) received from an unqualified donor for the purpose of contributing to a candidate’s campaign for elected public office. An unqualified donor (an entity which is not an individual and who is not a resident of the electoral district of the office sought by the candidate) shall not give any restricted contributions of Section (1) to a qualified donor for the purpose of contributing to a candidate’s campaign for elected public office.

Section (4) A violation of Section (3) shall be an unclassified felony. [Created through initiative petition filed Jan. 25, 1993, and adopted by the people Nov. 8, 1994]

Note: An initiative petition (Measure No. 6, 1994) adopting a constitutional amendment as an unnumbered section. Section 22 sections (1), (2), (3) and (4) were designated in the proposed amendment as “SECTION 1.,” “SECTION 2.,” “SECTION 3.,” and “SECTION 4.,” respectively.

Section 23. Approval by more than majority required for certain measures submitted to people. (1) Any measure that includes any proposed requirement for more than a majority of votes cast by the electorate to approve any change in law or government action shall become effective only if approved by at least the same percentage of voters specified in the proposed voting requirement.

(2) For the purposes of this section, “measure” includes all initiatives and all measures referred to the voters by the Legislative Assembly.

(3) The requirements of this section apply to all measures presented to the voters at the November 3, 1998 election and thereafter.

(4) The purpose of this section is to prevent greater-than-majority voting requirements from being imposed by only a majority of the voters. [Created through initiative petition filed Jan. 15, 1998, and adopted by the people Nov. 3, 1998]

Note: Added as unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 63, 1998) adopted by the people Nov. 3, 1998.

Note: An initiative petition (Measure No. 62, 1998) proposed adding new sections and a subsection relating to political campaigns to the Oregon Constitution. Those sections, appearing as sections 24 to 32 of Article II and sections 1 (6), 1b and 1c of Article IV in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Swett v. Bradbury, 333 Or. 597, 43 P.3d 1094 (2002).

Section 24. Death of candidate prior to election. When any vacancy occurs in the nomination of a candidate for elective public office in this state, and the vacancy is due to the death of the candidate, the Legislative Assembly may provide by law that:

(1) The regularly scheduled election for that public office may be postponed;

(2) The public office may be filled at a subsequent election; and

(3) Votes cast for candidates for the public office at the regularly scheduled election may not be considered. [Created through S.J.R. 19, 2003, and adopted by the people Nov. 2, 2004]

ARTICLE III
DISTRIBUTION OF POWERS

Sec. 1. Separation of powers
2. Budgetary control over executive and administrative officers and agencies
3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits
4. Senate, confirmation of executive appointments

Section 1. Separation of powers. The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided. —

CONST-15
Section 2. Budgetary control over executive and administrative officers and agencies. The Legislative Assembly shall have power to establish an agency to exercise budgetary control over all executive and administrative state officers, departments, boards, commissions and agencies of the State Government. [Created through S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952]

Note: Section 2 was designated as “Sec. 1” by S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952.

Section 3. Joint legislative committee to allocate emergency fund appropriations and to authorize expenditures beyond budgetary limits. (1) The Legislative Assembly is authorized to establish by law a joint committee composed of members of both houses of the Legislative Assembly, the membership to be as fixed by law, which committee may exercise, during the interim between sessions of the Legislative Assembly, such of the following powers as may be conferred upon it by law:

(a) Where an emergency exists, to allocate to any state agency, out of any emergency fund that may be appropriated to the agency for that purpose, additional funds beyond the amount appropriated to the agency by the Legislative Assembly, or funds to carry on an activity required by law for which an appropriation was not made.

(b) Where an emergency exists, to authorize any state agency to expend, from funds dedicated or continuously appropriated for the uses and purposes of the agency, sums in excess of the amount of the budget of the agency as approved in accordance with law.

(c) In the case of a new activity coming into existence at such a time as to preclude the possibility of submitting a budget to the Legislative Assembly for approval, to approve, or revise and approve, a budget of the money appropriated for such new activity.

(d) Where an emergency exists, to revise or amend the budgets of state agencies to the extent of authorizing transfers between expenditure classifications within the budget of an agency.

(2) The Legislative Assembly shall prescribe by law what shall constitute an emergency for the purposes of this section.

(3) As used in this section, “state agency” means any elected or appointed officer, board, commission, department, institution, branch or other agency of the state government.

(4) The term of members of the joint committee established pursuant to this section shall run from the adjournment of one regular session to the organization of the next regular session. No member of a committee shall cease to be such member solely by reason of the expiration of his term of office as a member of the Legislative Assembly. [Created through S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952]

Note: Section 3 was designated as “Sec. 2” by S.J.R. 24, 1951, and adopted by the people Nov. 4, 1952.

Section 4. Senate confirmation of executive appointments. (1) The Legislative Assembly in the manner provided by law may require that all appointments and reappointments to state public office made by the Governor shall be subject to confirmation by the Senate.

(2) The appointee shall not be eligible to serve until confirmed in the manner required by law and if not confirmed in that manner, shall not be eligible to serve in the public office.

(3) In addition to appointive offices, the provisions of this section shall apply to any state elective office when the Governor is authorized by law or this Constitution to fill any vacancy therein, except the office of judge of any court, United States Senator or Representative and a district, county or precinct office. [Created through S.J.R. 20, 1977, and adopted by the people Nov. 7, 1978]
25. Majority necessary to pass bills and resolutions; special requirements for bills raising revenue; signatures of presiding officers required
26. Protest by member
27. All statutes public laws; exceptions
28. When Act takes effect
29. Compensation of members
30. Members not eligible to other offices
31. Oath of members
32. Income tax defined by federal law; review of tax laws required
33. Reduction of criminal sentences approved by initiative or referendum process

Section 1. Legislative power; initiative and referendum. (1) The legislative power of the state, except for the initiative and referendum powers reserved to the people, is vested in a Legislative Assembly, consisting of a Senate and a House of Representatives.

(2)(a) The people reserve to themselves the initiative power, which is to propose laws and amendments to the Constitution and enact or reject them at an election independently of the Legislative Assembly.

(b) An initiative law may be proposed only by a petition signed by a number of qualified voters equal to six percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(c) An initiative amendment to the Constitution may be proposed only by a petition signed by a number of qualified voters equal to eight percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(d) An initiative petition shall include the full text of the proposed law or amendment to the Constitution. A proposed law or amendment to the Constitution shall embrace one subject only and matters properly connected therewith.

(e) An initiative petition shall be filed not less than four months before the election at which the proposed law or amendment to the Constitution is to be voted upon.

(3)(a) The people reserve to themselves the referendum power, which is to approve or reject at an election any Act, or part thereof, of the Legislative Assembly that does not become effective earlier than 90 days after the end of the session at which the Act is passed.

(b) A referendum on an Act or part thereof may be ordered by a petition signed by a number of qualified voters equal to four percent of the total number of votes cast for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. A referendum petition shall be filed with the Secretary of State not more than 90 days after the end of the session at which the Act is passed.

(c) A referendum on an Act may be ordered by the Legislative Assembly by law. Notwithstanding section 15b, Article V of this Constitution, bills ordering a referendum and bills on which a referendum is ordered are not subject to veto by the Governor.

(4)(a) Petitions or orders for the initiative or referendum shall be filed with the Secretary of State. The Legislative Assembly shall provide by law for the manner in which the Secretary of State shall determine whether a petition contains the required number of signatures of qualified voters. The Secretary of State shall complete the verification process within the 30-day period after the last day on which the petition may be filed as provided in paragraph (e) of subsection (2) or paragraph (b) of subsection (3) of this section.

(b) Initiative and referendum measures shall be submitted to the people as provided in this section and by law not inconsistent therewith.

(c) All elections on initiative and referendum measures shall be held at the regular general elections, unless otherwise ordered by the Legislative Assembly.

(d) Notwithstanding section 1, Article XVII of this Constitution, an initiative or referendum measure becomes effective 30 days after the day on which it is enacted or approved by a majority of the votes cast thereon. A referendum ordered by petition on a part of an Act does not delay the remainder of the Act from becoming effective.

(5) The initiative and referendum powers reserved to the people by subsections (2) and (3) of this section are further reserved to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district. The manner of exercising those powers shall be provided by general laws, but cities may provide the manner of exercising those powers as to their municipal legislation. In a city, not more than 15 percent of the qualified voters may be required to propose legislation by the initiative, and not more than 10 percent of the qualified voters may be required to order a referendum on legislation. [Created through H.J.R. 16, 1967, and adopted by the people May 28, 1968 (this section adopted in lieu of former sections 1 and 1a of this Article); Amendment proposed by S.J.R. 27, 1985, and adopted by the people May 20, 1986; Amendment proposed by S.J.R. 3, 1999, and adopted by the people May 16, 2000]

Note: An initiative petition (Measure No. 62, 1998) proposed adding new sections and a subsection relating
to political campaigns to the Oregon Constitution. Those sections, appearing as sections 24 to 32 of Article II and sections 1 (6), 1b and 1c of Article IV in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See Swett v. Bradbury, 333 Or. 597, 43 P.3d 1094 (2002).

Section 1. Legislative authority vested in assembly; initiative and referendum; style of bills. [Constitution of 1859; Amendment proposed by H.J.R. 1, 1901, and adopted by the people June 2, 1902; Amendment proposed by S.J.R. 6, 1953, and adopted by the people Nov. 2, 1954; Repeal proposed by H.J.R. 16, 1967, and adopted by the people May 28, 1968 (present section 1 of this Article adopted in lieu of this section)].

Note: Section 1b as submitted to the people was preceded by the following:

To protect the integrity of initiative and referendum petitions, the People of Oregon add the following provisions to the Constitution of the State of Oregon:

Section 1b. Payment for signatures. It shall be unlawful to pay or receive money or other thing of value based on the number of signatures obtained on an initiative or referendum petition. Nothing herein prohibits payment for signature gathering which is not based, either directly or indirectly, on the number of signatures obtained. [Created through initiative petition filed Nov. 7, 2001, and adopted by the people Nov. 5, 2002]

Note: Added as an unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 26, 2002) adopted by the people Nov. 5, 2002.

Section 1d. Effective date of amendment to section 1, Article IV, by S.J.R. 3, 1999. [Created through S.J.R. 3, 1999, and adopted by the people May 16, 2000; Repealed Dec. 31, 2002, as specified in text of section adopted by the people May 16, 2000]

Section 2. Number of Senators and Representatives. The Senate shall consist of sixteen, and the House of Representatives of thirty four members, which number shall not be increased until the year Eighteen Hundred and Sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives, always keeping as near as may be the same ratio as to the number of Senators, and Representatives: Provided that the Senate shall never exceed thirty and the House of Representatives sixty members.

Section 3. How Senators and Representatives chosen; filling vacancies; qualifications. (1) The senators and representatives shall be chosen by the electors of the respective counties or districts or subdistricts within a county or district into which the state may from time to time be divided by law.

(2) If a vacancy in the office of senator or representative from any county or district or subdistrict shall occur, such vacancy shall be filled as may be provided by law. A person who is appointed to fill a vacancy in the office of senator or representative shall have been an inhabitant of the district the person is appointed to represent for at least one year next preceding the date of the appointment. However, for purposes of an appointment occurring during the period beginning on January 1 of the year next following the operative date of an apportionment under section 6 of this Article, the person must have been an inhabitant of the district for one year next preceding the date of the appointment or from January 1 of the year following the reapportionment to the date of the appointment, whichever is less. [Constitution of 1859; Amendment proposed by S.J.R. 20, 1929, and adopted by the people Nov. 4, 1930; Amendment proposed by H.J.R. 20, 1953, and adopted by the people Nov. 2, 1954; Amendment proposed by S.J.R. 14, 1995, and adopted by the people May 16, 1995]

Section 3a. Applicability of qualifications for appointment to legislative vacancy. [Section 3a was designated section 1b, which was created by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Repealed Dec. 31, 1999, as specified in text of section adopted by the people May 16, 1995]

Section 4. Term of office of legislators; classification of Senators. (1) The Senators shall be elected for the term of four years, and Representatives for the term of two years. The term of each Senator and Representative shall commence on the second Monday in January following his election, and shall continue for the full period of four years or two years, as the case may be, unless a different commencing day for such terms shall have been appointed by law.

(2) The Senators shall continue to be divided into two classes, in accordance with the division by lot provided for under the former provisions of this Constitution, so that one-half, as nearly as possible, of the number of Senators shall be elected biennially.

(3) Any Senator or Representative whose term, under the former provisions of this section, would have expired on the first Monday in January 1961, shall continue in office until the second Monday in January 1961. [Constitution of 1859; Amendment proposed by S.J.R. 23, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 28, 1959, and adopted by the people Nov. 8, 1960]

Section 5. Census. [Constitution of 1859; Repeal proposed by H.J.R. 16, 1971, and adopted by the people May 23, 1972]

Section 6. Apportionment of Senators and Representatives. [Constitution of 1859; Amendment proposed by initiative petition filed July 3, 1952, and adopted by the people Nov. 4, 1952; Repeal proposed by
Section 6. Apportionment of Senators and Representatives. (1) At the regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government, the number of Senators and Representatives shall be fixed by law and apportioned among legislative districts according to population. A senatorial district shall consist of two representative districts. Any Senator whose term continues through the next regular legislative session after the effective date of the reapportionment shall be specifically assigned to a senatorial district. The ratio of Senators and Representatives, respectively, to population shall be determined by dividing the total population of the state by the number of Senators and by the number of Representatives. A reapportionment by the Legislative Assembly shall become operative no sooner than September 1 of the year of reapportionment.

(2) This subsection governs judicial review and correction of a reapportionment enacted by the Legislative Assembly.

(a) Original jurisdiction is vested in the Supreme Court, upon the petition of any elector of the state filed with the Supreme Court on or before August 1 of the year in which the Legislative Assembly enacts a reapportionment, to review any reapportionment so enacted.

(b) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before September 1 of the same year and the reapportionment shall become operative on September 1.

(c) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. In its written opinion, the Supreme Court shall specify with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to draft a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Supreme Court shall file its order with the Secretary of State on or before September 10. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The Secretary of State shall file the corrected reapportionment with the Supreme Court on or before November 1 of the same year.

(d) On or before November 15, the Supreme Court shall review the corrected reapportionment to assure its compliance with subsection (1) of this section and all law applicable thereto and may further correct the reapportionment if the court considers correction to be necessary.

(e) The corrected reapportionment shall become operative upon November 15.

(3) This subsection governs enactment, judicial review and correction of a reapportionment if the Legislative Assembly fails to enact any reapportionment by July 1 of the year of the regular session of the Legislative Assembly next following an enumeration of the inhabitants by the United States Government.

(a) The Secretary of State shall make a reapportionment of the Senators and Representatives in accordance with the provisions of subsection (1) of this section and all law applicable thereto. The Secretary of State shall conduct a hearing on the reapportionment at which the public may submit evidence, views and argument. The Secretary of State shall cause a transcription of the hearing to be prepared which, with the evidence, shall become part of the record. The reapportionment so made shall be filed with the Supreme Court by August 15 of the same year. It shall become operative on September 15.

(b) Original jurisdiction is vested in the Supreme Court upon the petition of any elector of the state filed with the Supreme Court on or before September 15 of the same year to review any reapportionment and the record made by the Secretary of State.

(c) If the Supreme Court determines that the reapportionment thus reviewed complies with subsection (1) of this section and all law applicable thereto, it shall dismiss the petition by written opinion on or before October 15 of the same year and the reapportionment shall become operative on October 15.

(d) If the Supreme Court determines that the reapportionment does not comply with subsection (1) of this section and all law applicable thereto, the reapportionment shall be void. The Supreme Court shall return the reapportionment by November 1 to the Secretary of State accompanied by a written opinion specifying with particularity wherein the reapportionment fails to comply. The opinion shall further direct the Secretary of State to correct the reapportionment in those
particulars, and in no others, and file the
corrected reapportionment with the Supreme
Court on or before December 1 of the same
year.

(e) On or before December 15, the Su-
preme Court shall review the corrected re-
apportionment to assure its compliance with
subsection (1) of this section and all law ap-
licable thereto and may further correct the
reapportionment if the court considers cor-
rection to be necessary.

(f) The reapportionment shall become op-
erative on December 15.

(4) Any reapportionment that becomes
operative as provided in this section is a law
of the state except for purposes of initiative
and referendum. A reapportionment shall not
be operative before the date on which an ap-
peal may be taken therefrom or before the
date specified in this section, whichever is
later.

(5) Notwithstanding section 18, Article II
of this Constitution, after the convening of
the next regular legislative session following
the reapportionment, a Senator whose term
continues through that legislative session is
subject to recall by the electors of the dis-
trict to which the Senator is assigned and
not by the electors of the district existing
before the latest reapportionment. The num-
ber of signatures required on the recall peti-
tion is 15 percent of the total votes cast for
all candidates for Governor at the most re-
cent election at which a candidate for Gov-
ernor was elected to a full term in the two
consecutive terms of Governor. The number
of signatures required on the recall petition
is 15 percent of the total votes cast for
all candidates for Governor at the most re-
cent election at which a candidate for Gov-
ernor was elected to a full term in the two
representative districts comprising the sena-
torial district to which the Senator was as-
signed. [Created through H.J.R. 6, 1985, and adopted
by the people Nov. 4, 1986 (this section adopted in lieu
of former section 6 of this Article)]

Section 7. Senatorial districts; sena-
torial and representative subdistricts. A
senatorial district, when more than one
county shall constitute the same, shall be
composed of contiguous counties, and no
county shall be divided in creating such sen-
antorial districts. Senatorial or representative
districts comprising not more than one
county may be divided into subdistricts from
time to time by law. Subdistricts shall be
composed of contiguous territory within the
district; and the ratios to population of sen-
ators or representatives, as the case may be,
elected from the subdistricts, shall be sub-
stantially equal within the district.
[Constitution of 1859; Amendment proposed by H.J.R. 20,
1953, and adopted by the people Nov. 2, 1954]

Section 8. Qualification of Senators
and Representatives; effect of felony con-
viction. (1) No person shall be a Senator or
Representative who at the time of election is
not a citizen of the United States; nor any-
one who has not been for one year next pre-
ceding the election an inhabitant of the
district from which the Senator or Represen-
tative may be chosen. However, for purposes
of the general election next following the
operative date of an apportionment under
section 6 of this Article, the person must
have been an inhabitant of the district from
January 1 of the year following the reappor-
tionment to the date of the election.

(2) Senators and Representatives shall be
at least twenty one years of age.

(3) No person shall be a Senator or Rep-
resentative who has been convicted of a fel-
ony during:

(a) The term of office of the person as a
Senator or Representative; or

(b) The period beginning on the date of
the election at which the person was elected
to the office of Senator or Representative
and ending on the first day of the term of
office to which the person was elected.

(4) No person is eligible to be elected as
a Senator or Representative if that person
has been convicted of a felony and has not
completed the sentence received for the con-
viction prior to the date that person would
take office if elected. As used in this subsec-
tion, “sentence received for the conviction”
includes a term of imprisonment, any period
of probation or post-prison supervision and
payment of a monetary obligation imposed as
all or part of a sentence.

(5) Notwithstanding sections 11 and 15,
Article IV of this Constitution:

(a) The office of a Senator or Represen-
tative convicted of a felony during the term
in which the person was elected or appointed shall become vacant on
the date the Senator or Representative is
convicted.

(b) A person elected to the office of Sen-
ator or Representative and convicted of a
felony during the period beginning on the
date of the election and ending on the first
day of the term of office to which the person
was elected shall be ineligible to take office
and the office shall become vacant on the
first day of the next term of office.

(6) Subject to subsection (4) of this sec-
tion, a person who is ineligible to be a Sen-
ator or Representative under subsection (3)
of this section may:

(a) Be a Senator or Representative after
the expiration of the term of office during
which the person is ineligible; and

(b) Be a candidate for the office of Sen-
ator or Representative prior to the expiration
of the term of office during which the person
is ineligible.

CONST-20
(7) No person shall be a Senator or Representative who at all times during the term of office of the person as a Senator or Representative is not an inhabitant of the district from which the Senator or Representative may be chosen or has been appointed to represent. A person shall not lose status as an inhabitant of a district if the person is absent from the district for purposes of business of the Legislative Assembly. Following the operative date of an apportionment under section 6 of this Article, until the expiration of the term of office of the person, a person may be an inhabitant of any district. [Constitution of 1859; Amendment proposed by H.J.R. 6, 1985, and adopted by the people Nov. 4, 1986; Amendment proposed by S.J.R. 33, 1993, and adopted by the people Nov. 8, 1994; Amendment proposed by S.J.R. 14, 1995, and adopted by the people May 16, 1995]

Section 8a. Applicability of qualification for legislative office. [Created by S.J.R. 14, 1995, and adopted by the people May 16, 1995; Repealed Dec. 31, 1999, as specified in text of section adopted by the people May 16, 1995]

Section 9. Legislators free from arrest and not subject to civil process in certain cases; words uttered in debate. Senators and Representatives in all cases, except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member for words uttered in debate in either house, be questioned in any other place. —

Section 10. Regular sessions of the Legislative Assembly. The sessions of the Legislative Assembly shall be held biennially at the Capitol of the State commencing on the second Monday of September, in the year eighteen hundred and fifty eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law. —

Section 10a. Emergency sessions of the Legislative Assembly. In the event of an emergency the Legislative Assembly shall be convened by the presiding officers of both Houses at the Capitol of the State at times other than required by section 10 of this Article upon the written request of the majority of the members of each House to commence within five days after receipt of the minimum requisite number of requests. [Created through H.J.R. 28, 1975, and adopted by the people Nov. 2, 1976]

Section 11. Legislative officers; rules of proceedings; adjournments. Each house when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members; determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting. —

Section 12. Quorum; failure to effect organization. Two thirds of each house shall constitute a quorum to do business, but a smaller number may meet; adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected. —

Section 13. Journal; when yeas and nays to be entered. Each house shall keep a journal of its proceedings.—The yeas and nays on any question, shall at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided that on a motion to adjourn it shall require one tenth of the members present to order the yeas, and nays.

Section 14. Deliberations to be open; rules to implement requirement. The deliberations of each house, of committees of each house or joint committees and of committees of the whole, shall be open. Each house shall adopt rules to implement the requirement of this section and the houses jointly shall adopt rules to implement the requirements of this section in any joint activity that the two houses may undertake. [Constitution of 1859; Amendment proposed by S.J.R. 36, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by H.J.R. 29, 1977, and adopted by the people May 23, 1978]

Section 15. Punishment and expulsion of members. Either house may punish its members for disorderly behavior, and may with the concurrence of two thirds, expel a member; but not a second time for the same cause. —

Section 16. Punishment of nonmembers. Either house, during its session, may punish by imprisonment, any person, not a member, who shall have been guilty of disrespect to the house by disorderly or contumacious [sic] behavior in its presence, but such imprisonment shall not at any time, exceed twenty [sic] twenty four hours. —

Section 17. General powers of Legislative Assembly. Each house shall have all powers necessary for a branch of the Legislative Department, of a free, and independant [sic] State. —
Section 18. Where bills to originate. Bills may originate in either house, but may be amended, or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.

Section 19. Reading of bills; vote on final passage. Every bill shall be read by title only on three several days, in each house, unless in case of emergency two-thirds of the house where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; provided, however, on its final passage such bill shall be read section by section unless such requirement be suspended by a vote of two-thirds of the house where such bill may be pending, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays. [Constitution of 1859; Amendment proposed by S.J.R. 15, 1945, and adopted by the people Nov. 5, 1946]

Section 20. Subject and title of Act. Every Act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be expressed in the title.

This section shall not be construed to prevent the inclusion in an amendatory Act, under a proper title, of matters otherwise germane to the same general subject, although the title or titles of the original Act or Acts may not have been sufficiently broad to have permitted such matter to have been so included in such original Act or Acts, or any of them. [Constitution of 1859; Amendment proposed by S.J.R. 41, 1951, and adopted by the people Nov. 4, 1952]

Section 21. Acts to be plainly worded. Every act, and joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

Section 22. Mode of revision and amendment. No act shall ever be revised, or amended by mere reference to its title, but the act revised, or section amended shall be set forth, and published at full length. However, if, at any session of the Legislative Assembly, there are enacted two or more acts amending the same section, each of the acts shall be given effect to the extent that the amendments do not conflict in purpose. If the amendments conflict in purpose, the act last signed by the Governor shall control. [Constitution of 1859; Amendment proposed by S.J.R. 28, 1975, and adopted by the people Nov. 2, 1976]

Section 23. Certain local and special laws prohibited. The Legislative Assembly, shall not pass special or local laws, in any of the following enumerated cases, that is to say:

- Regulating the jurisdiction, and duties of justices of the peace, and of constables;
- For the punishment of Crimes, and Misdemeanors;
- Regulating the practice in Courts of Justice;
- Providing for changing the venue in civil, and Criminal cases;
- Granting divorces;
- Changing the names of persons;
- For laying, opening, and working on highways, and for the election, or appointment of supervisors;
- Vacating roads, Town plats, Streets, Alleys, and Public squares;
- Summoning and empaneling [sic] grand, and petit jurors;
- For the assessment and collection of Taxes, for State, County, Township, or road purposes;
- Providing for supporting Common schools, and for the preservation of school funds;
- In relation to interest on money;
- Providing for opening, and conducting the elections of State, County, and Township officers, and designating the places of voting;
- Providing for the sale of real estate, belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

Section 24. Suit against state. Provision may be made by general law, for bringing suit against the State, as to all liabilities originating after, or existing at the time of the adoption of this Constitution; but no special act authorizing [sic] such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Section 25. Majority necessary to pass bills and resolutions; special requirements for bills raising revenue; signatures of presiding officers required. (1) Except as otherwise provided in subsection (2) of this section, a majority of all the members elected to each House shall be necessary to pass every bill or Joint resolution.

(2) Three-fifths of all members elected to each House shall be necessary to pass bills for raising revenue.
(3) All bills, and Joint resolutions passed, shall be signed by the presiding officers of the respective houses. [Constitution of 1859; Amendment proposed by H.J.R. 14, 1995, and adopted by the people May 21, 1996]

Section 26. Protest by member. Any member of either house, shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal. —

Section 27. All statutes public laws; exceptions. Every Statute shall be a public law, unless otherwise declared in the Statute itself. —

Section 28. When Act takes effect. No act shall take effect, until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

Section 29. Compensation of members. The members of the Legislative Assembly shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employes. [Constitution of 1859; Amendment proposed by S.J.R. 3, 1941, and adopted by the people Nov. 3, 1942; Amendment proposed by H.J.R. 5, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 8, 1961, and adopted by the people May 18, 1962]

Section 30. Members not eligible to other offices. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term; but this latter provision shall not be construed to apply to any officer elective by the people. —

Section 31. Oath of members. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation;—I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor (sic), Secretary of State, or a judge of the Supreme Court. —

Section 32. Income tax defined by federal law; review of tax laws required. Notwithstanding any other provision of this Constitution, the Legislative Assembly, in any law imposing a tax or taxes on, in respect to or measured by income, may define the income on, in respect to or by which such tax or taxes are imposed or measured, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provisions. At each regular session the Legislative Assembly shall, and at any special session may, provide for a review of the Oregon laws imposing a tax upon or measured by income, but no such laws shall be amended or repealed except by a legislative Act. [Created through H.J.R. 3, 1969, and adopted by the people Nov. 3, 1970]

Section 33. Reduction of criminal sentences approved by initiative or referendum process. Notwithstanding the provisions of section 25 of this Article, a two-thirds vote of all the members elected to each house shall be necessary to pass a bill that reduces a criminal sentence approved by the people under section 1 of this Article. [Created through initiative petition filed Nov. 16, 1993, and adopted by the people Nov. 8, 1994]
Section 3. Who not eligible. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the Office of Governor, except as may be otherwise provided in this Constitution.

Section 4. Election of Governor. The Governor shall be elected by the qualified Electors of the State at the times, and places of choosing members of the Legislative Assembly; and the returns of every Election for Governor, shall be sealed up, and transmitted to the Secretary of State; directed to the Speaker of the House of Representatives, who shall open, and publish them in the presence of both houses of the Legislative Assembly.

Section 5. Greatest number of votes decisive; election by legislature in case of tie. The person having the highest number of votes for Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for Governor, the two houses of the Legislative Assembly at the next regular session thereof, shall forthwith by joint vote, proceed to elect one of the said persons Governor.

Section 6. Contested elections. Contested Elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law.

Section 7. Term of office. The official term of the Governor shall be four years; and shall commence at such times as may be prescribed by this constitution, or prescribed by law.

Section 8. Vacancy in office of Governor. [Constitution of 1859; Amendment proposed by S.J.R. 10, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 8, 1945, and adopted by the people Nov. 5, 1946; Repeal proposed by initiative petition filed July 7, 1972, and adopted by the people Nov. 7, 1972 (this section adopted in lieu of former section 8 of this Article)]

Section 8a. Vacancy in office of Governor. In case of the removal from office of the Governor, or of his death, resignation, or disability to discharge the duties of his office as prescribed by law, the Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the Speaker of the House of Representatives, shall become Governor until the disability be removed, or a Governor be elected at the next general biennial election. The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing Governor. The Secretary of State or the State Treasurer shall appoint a person to fill his office until the election of a Governor, at which time the office so filled by appointment shall be filled by election; or, in the event of a disability of the Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment. [Created through initiative petition filed July 7, 1972, and adopted by the people Nov. 7, 1972 (this section adopted in lieu of former section 8 of this Article)]

Section 9. Governor as commander in chief of state military forces. The Governor shall be commander in chief [sic] of the military, and naval forces of this State, and may call out such forces to execute the laws, to suppress insurrection [sic], or to repel invasion.

Section 10. Governor to see laws executed. He shall take care that the Laws be faithfully executed.

Section 11. Recommendations to legislature. He shall from time to time give to the Legislative Assembly information touching the condition of the State, and recommend [sic] such measures as he shall judge to be expedient[.]

Section 12. Governor may convene legislature. He may on extraordinary occasions convene the Legislative Assembly by proclamation, and shall state to both houses when assembled, the purpose for which they shall have been convened.

Section 13. Transaction of governmental business. He shall transact all necessary business with the officers of government, and may require information in writing from the offices of the Administrative, and Military Departments upon any subject relating to the duties of their respective offices.
Section 14. Reprieves, commutations and pardons; remission of fines and forfeitures. He shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly, at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a farther [sic] reprieve. —

He shall have power to remit fines, and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines, and forfeitures shall have been made, and the several amounts remitted.]

Section 15. [This section of the Constitution of 1859 was redesignated as section 15b by the amendment proposed by S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916]

Section 15a. Single item and emergency clause veto. The Governor shall have power to veto single items in appropriation bills, and any provision in new bills declaring an emergency, without thereby affecting any other provision of such bill. [Created through S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916; Amendment proposed by S.J.R. 13, 1921, and adopted by the people June 7, 1921]

Section 15b. Legislative enactments; approval by Governor; notice of intention to disapprove; disapproval and reconsideration by legislature; failure of Governor to return bill. (1) Every bill which shall have passed the Legislative Assembly shall, before it becomes a law, be presented to the Governor; if the Governor approve, the Governor shall sign it; but if not, the Governor shall return it with written objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider it.

(2) If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively.

(3) If any bill shall not be returned by the Governor within five days (Saturdays and Sundays excepted) after it shall have been presented to the Governor, it shall be a law without signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within thirty days next after the adjournment (Saturdays and Sundays excepted) shall file such bill, with written objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislative Assembly at its next session in like manner as if it had been returned by the Governor.

(4) Before filing a bill after adjournment with written objections, the Governor must announce publicly the possible intention to do so at least five days before filing the bill with written objections. However, nothing in this subsection requires the Governor to file any bill with objections because of the announcement. [Created through S.J.R. 12, 1915, and adopted by the people Nov. 7, 1916; Amendment proposed by H.J.R. 9, 1937, and adopted by the people Nov. 8, 1938; Amendment proposed by S.J.R. 4, 1987, and adopted by the people Nov. 8, 1988]

Note: See note at section 15, Article V.

Section 16. Governor to Fill Vacancies by Appointment. When during a recess of the legislative assembly a vacancy occurs in any office, the appointment to which is vested in the legislative assembly, or when at any time a vacancy occurs in any other state office, or in the office of judge of any court, the governor shall fill such vacancy by appointment, which shall expire when a successor has been elected and qualified. When any vacancy occurs in any elective office of the state or of any district or county thereof, the vacancy shall be filled at the next general election, provided such vacancy occurs more than sixty-one (61) days prior to such general election. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 30, 1985, and adopted by the people May 20, 1986; Amendment proposed by S.J.R. 4, 1993, and adopted by the people Nov. 3, 1994]

Note: The leadline to section 16 was a part of the measure submitted to the people by H.J.R. 5, 1925.

Section 17. Governor to issue writs of election to fill vacancies in legislature. He shall issue writs of Election to fill such vacancies as may have occurred [sic] in the Legislative Assembly.

Section 18. Commissions. All commissions shall issue in the name of the State; shall be signed by the Governor [sic], sealed with the seal of the State, and attested by the Secretary of State. —
ARTICLE VI
ADMINISTRATIVE DEPARTMENT

Sec. 1. Election of Secretary and Treasurer of state; terms of office; period of eligibility. There shall be elected by the qualified electors of the State, at the times and places of choosing Members of the Legislative Assembly, a Secretary, and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than Eight in any period of Twelve years.

Section 2. Duties of Secretary of State. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Department of the State; and shall when required lay the same, and all matters relative thereto before either branch of the Legislative Assembly. He shall be by virtue of his office, Auditor of public Accounts, and shall perform such other duties as shall be assigned him by law.

Section 3. Seal of state. There shall be a seal of State, kept by the Secretary of State for official purposes, which shall be called “The seal of the State of Oregon”. —

Section 4. Powers and duties of Treasurer. The powers, and duties of the Treasurer of State shall be such as may be prescribed by law.

Section 5. Offices and records of executive officers. The Governor, Secretary of State, and Treasurer of State shall severally keep the public records, books and papers at the seat of government in any manner relating to their respective offices. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1985, and adopted by the people Nov. 4, 1986]

Section 6. County Officers: There shall be elected in each county by the qualified electors thereof at the time of holding general elections, a county clerk, treasurer and sheriff who shall severally hold their offices for the term of four years. [Constitution of 1859; Amendment proposed by initiative petition filed June 9, 1920, and adopted by the people Nov. 2, 1920; Amendment proposed by H.J.R. 7, 1955, and adopted by the people Nov. 6, 1956]
and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal voters of every county relative to the adoption, amendment, revision or repeal of a county charter and to legislation passed by counties which have adopted such a charter; and no county shall require that referendum petitions be filed less than 90 days after the provisions of the charter or the legislation proposed for referral is adopted by the county governing body. To be circulated, referendum or initiative petitions shall set forth in full the charter or legislative provisions proposed for adoption or referral. Referendum petitions shall not be required to include a ballot title to be circulated. In a county a number of signatures of qualified voters equal to but not greater than four percent of the total number of all votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to order a referendum. Referendum petitions shall not be filed less than 90 days after the provisions of the charter or the legislation proposed for referral is adopted by the county governing body. To be circulated, referendum or initiative petitions shall set forth in full the charter or legislative provisions proposed for adoption or referral. Referendum petitions shall not be required to include a ballot title to be circulated. In a county a number of signatures of qualified voters equal to but not greater than four percent of the total number of all votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to order a referendum on county legislation or a part thereof. A number of signatures equal to but not greater than six percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose an initiative ordinance. A number of signatures equal to but not greater than eight percent of the total number of votes cast in the county for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition shall be required for a petition to propose a charter amendment. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 1a. Retirement of judges; recall to temporary active service. Notwithstanding the provisions of section 1, Article VII (Amended) of this Constitution, a judge of any court shall retire from judicial office at the end of the calendar year in which he attains the age of 75 years. The Legislative Assembly or the people may by law:

1. Fix a lesser age for mandatory retirement not earlier than the end of the calendar year in which the judge attains the age of 70 years;

2. Provide for recalling retired judges to temporary active service on the court from which they are retired; and

3. Authorize or require the retirement of judges for physical or mental disability or any other cause rendering judges incapable of performing their judicial duties.

This section shall not affect the term to which any judge shall have been elected or appointed prior to or at the time of approval and ratification of this section. [Created through S.J.R. 3, 1959, and adopted by the people Nov. 8, 1960]

Section 2. Amendment’s effect on courts, jurisdiction and judicial system; Supreme Court’s original jurisdiction. The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall remain as at present constituted until otherwise provided by law. But the supreme court may, in its own discretion, take original jurisdiction in mandamus, quo warranto and habeas corpus proceedings. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 2a. Temporary appointment and assignment of judges. The Legislative Assembly or the people may by law empower the Supreme Court to:

CONSTITUTION OF OREGON  Am. Art. VII§2a

ARTICLE VII (Amended) JUDICIAL DEPARTMENT

Sec. 1. Courts; election of judges; term of office; compensation

1a. Retirement of judges; recall to temporary active service

2. Amendment’s effect on courts, jurisdiction and judicial system; Supreme Court’s original jurisdiction

2a. Temporary appointment and assignment of judges

2b. Inferior courts may be affected in certain respects by special or local laws

3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmance notwithstanding error; determination of case by Supreme Court

4. Supreme Court; terms; statements of decisions of court

5. Juries; indictment; information; verdict in civil cases

6. Incompetency or malfeasance of public officer

7. Oath of office of Judges of Supreme Court

8. Removal, suspension or censure of judges

9. Juries of less than 12 jurors

CONST-27
Section 2b. Inferior courts may be affected in certain respects by special or local laws. Notwithstanding the provisions of section 23, Article IV of this Constitution, laws creating courts inferior to the Supreme Court or prescribing and defining the jurisdiction of such courts or the manner in which such jurisdiction may be exercised, may be made applicable:

1. To all judicial districts or other subdivisions of this state; or

2. To designated classes of judicial districts or other subdivisions; or

3. To particular judicial districts or other subdivisions. [Created through S.J.R. 34, 1961, and adopted by the people Nov. 6, 1962]

Section 3. Jury trial; re-examination of issues by appellate court; record on appeal to Supreme Court; affirmation notwithstanding error; determination of case by Supreme Court. In actions at law, where the value in controversy shall exceed $750, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of this state, unless the court can affirmatively say there is no evidence to support the verdict. Until otherwise provided by law, upon appeal of any case to the supreme court, either party may have attached to the bill of exceptions the whole testimony, the instructions of the court to the jury, and any other matter material to the decision of the appeal. If the supreme court shall be of opinion, after consideration of all the matters thus submitted, that the judgment of the court appealed from was such as should have been rendered in the case, such judgment shall be affirmed, notwithstanding any error committed during the trial; or if, in any respect, the judgment appealed from should be changed, and the supreme court shall be of opinion that it can determine what judgment should have been entered in the court below, it shall direct such judgment to be entered in the same manner and with like effect as decrees are now entered in equity cases on appeal to the supreme court. Provided, that nothing in this section shall be construed to authorize the supreme court to find the defendant in a criminal case guilty of an offense for which a greater penalty is provided than that of which the accused was convicted in the lower court. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by H.J.R. 71, 1973, and adopted by the people Nov. 5, 1974; Amendment proposed by H.J.R. 47, 1995, and adopted by the people May 21, 1996]

Section 4. Supreme Court; terms; statements of decisions of court. The terms of the supreme court shall be appointed by law; but there shall be one term at the seat of government annually. At the close of each term the judges shall file with the secretary of state concise written statements of the decisions made at that term. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 5. Juries; indictment; information; verdict in civil cases. (1) The Legislative Assembly shall provide by law for:

(a) Selecting juries and qualifications of jurors;

(b) Drawing and summoning grand jurors from the regular jury list at any time, separate from the panel of petit jurors;

(c) Empaneling more than one grand jury in a county; and

(d) The sitting of a grand jury during vacation as well as session of the court.

(2) A grand jury shall consist of seven jurors chosen by lot from the whole number of jurors in attendance at the court, five of whom must concur to find an indictment.

(3) Except as provided in subsections (4) and (5) of this section, a person shall be charged in a circuit court with the commission of any crime punishable as a felony only on indictment by a grand jury.

(4) The district attorney may charge a person on an information filed in circuit court of a crime punishable as a felony if the person appears before the judge of the circuit court and knowingly waives indictment.

(5) The district attorney may charge a person on an information filed in circuit court if, after a preliminary hearing before a magistrate, the person has been held to answer upon a showing of probable cause that
 Section 6. Incompetency or malfeasance of public officer. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law. [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 7. Oath of office of Judges of Supreme Court. Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe, and transmit to the secretary of state, the following oath: 

"I, __________________, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the supreme court of this state, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected." [Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 8. Removal, suspension or censure of judges. (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge of any court may be removed or suspended from his judicial office by the Supreme Court, or censured by the Supreme Court, for:

   (a) Conviction in a court of this or any other state, or of the United States, of a crime punishable as a felony or a crime involving moral turpitude; or
   
   (b) Wilful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; or
   
   (c) Wilful or persistent failure to perform judicial duties; or
   
   (d) Generally incompetent performance of judicial duties; or
   
   (e) Wilful violation of any rule of judicial conduct as shall be established by the Supreme Court; or
   
   (f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

   (2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a of this Article and in section 18, Article II of this Constitution, are the exclusive methods of the removal, suspension, or censure of a judge. [Created through S.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by S.J.R. 48, 1975, and adopted by the people May 25, 1976]

Section 9. Juries of less than 12 jurors. Provision may be made by law for juries consisting of less than 12 but not less than six jurors. [Created through S.J.R. 17, 1971, and adopted by the people Nov. 7, 1972]
Section 2. Supreme Court. The Supreme Court shall consist of Four Justices to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts: The number of Justices, the Districts may be increased, but shall never exceed seven; and the boundaries of districts may be changed, but no Change of Districts, shall have the effect to remove a Judge from office, or require him to change his residence without his consent.

Section 3. Terms of office of Judges. The Judges first chosen under this Constitution shall allot among themselves, their terms of office, so that the term of one of them shall expire in Two years, one in Four years, and Two in Six years, and thereafter, one or more shall be chosen every Two years to serve for the term of Six years.

Section 4. Vacancy. Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment.

Section 5. Chief Justice. The Judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment shall be the Chief Justice.

Section 6. Jurisdiction. The Supreme Court shall have jurisdiction only to revise the final decisions of the Circuit Courts, and every cause shall be tried, and every decision shall be made by those Judges only, or a majority of them, who did not try the cause, or make the decision in the Circuit Court.

Section 7. Term of Supreme Court; statements of decisions of court. The terms of the Supreme Court shall be appointed by Law; but there shall be one term at the seat of Government annually.

And at the close of each term the Judges shall file with the Secretary of State, Concise written Statements of the decisions made at that term.

Note: Section 7 is in substance the same as section 4 of amended Article VII.

Section 8. Circuit court. The Circuits Courts shall be held twice at least in each year in each County organized for judicial purposes, by one of the Justices of the Supreme Court at times to be appointed by law; and at such other times as may be appointed by the Judges severally in pursuance of law.

Section 9. Jurisdiction of circuit courts. All judicial power, authority, and jurisdiction not vested by this Constitution, or by laws consistent therewith, exclusively in some other Court shall belong to the Circuit Courts, and they shall have appellate jurisdiction, and supervisory control over the County Courts, and all other inferior Courts, Officers, and tribunals.

Section 10. Supreme and circuit judges; election in classes. The Legislative Assembly, may provide for the election of Supreme, and Circuit Judges, in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform Circuit duty, and the other class shall consist of the necessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges.

Section 11. County judges and terms of county courts. There shall be elected in each County for the term of Four years a County Judge, who shall hold the County Court at times to be regulated by law.

Section 12. Jurisdiction of county courts; county commissioners. The County Court shall have the jurisdiction pertaining to Probate Courts, and boards of County Commissioners, and such other powers, and duties, and such civil Jurisdiction, not exceeding the amount or value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary, as may be prescribed by law. But the Legislative Assembly may provide for the election of Two Commissioners to sit with the County Judge whilst transacting County business, in any, or all of the Counties, or may provide a separate board for transacting such business.

Section 13. Writs granted by county judge; habeas corpus proceedings. The County Judge may grant preliminary injunctions, and such other writs as the Legislative Assembly may authorize him to grant, returnable to the Circuit Court, or otherwise as may be provided by law; and may hear, and decide questions arising upon habeas corpus; provided such decision be not against the authority, or proceedings of a
Court, or Judge of equal, or higher jurisdiction. —

Section 14. Expenses of court in certain counties. The Counties having less than ten thousand inhabitants, shall be reimbursed wholly or in part for the salary, and expenses of the County Court by fees, percentage, & other equitable taxation, of the business done in said Court & in the office of the County Clerk. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 15. County clerk; recorder. A County Clerk shall be elected in each County for the term of Two years, who shall keep all the public records, books, and papers of the County; record conveyances, and perform the duties of Clerk of the Circuit, and County Courts, and such other duties as may be prescribed by law:—But whenever the number of voters in any County shall exceed Twelve Hundred, the Legislative Assembly may authorize the election of one person as Clerk of the Circuit Court, one person as Clerk of the County Court, and one person Recorder of conveyances. —

Section 16. Sheriff. A sheriff shall be elected in each County for the term of Two years, who shall be the ministerial officer of the Circuit, and County Courts, and shall perform such other duties as may be prescribed by law. —

Section 17. Prosecuting attorneys. There shall be elected by districts comprised of one, or more counties, a sufficient number of prosecuting Attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of Law, and general police as the Legislative Assembly may direct. —

Section 18. Verdict by Three-fourths Jury in Civil Cases; Jurors; Grand Jurors; Indictment May Be Amended, When. [Constitution of 1859; Amendment proposed by initiative petition filed Jan. 30, 1908, and adopted by the people June 1, 1908; Amendment proposed by H.J.R. 14, 1927, and adopted by the people June 28, 1927; Repeal proposed by S.J.R. 23, 1957, and adopted by the people Nov. 4, 1958]

Section 19. Official delinquencies. Public Officers shall not be impeached, but incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offences [sic], and judgment may be given of dismissal from Office, and such further punishment as may have been prescribed by law. —

Note: Section 19 is the same as section 6 of amended Article VII.

Section 20. Removal of Judges of Supreme Court and prosecuting attorneys from office. The Governor [sic] may remove from Office a Judge of the Supreme Court, or Prosecuting Attorney upon the Joint resolution of the Legislative Assembly, in which Two Thirds of the members elected to each house shall concur, for incompetency, Corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. —

Section 21. Oath of office of Supreme Court Judges. Every judge of the Supreme Court before entering upon the duties of his office shall take, subscribe, and transmit to the Secretary of State the following oath.—I __________ do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully, and impartially discharge the duties of a Judge of the Supreme, and Circuits [sic] Courts of said State according to the best of my ability, and that I will not accept any other office, except Judicial offices during the term for which I have been elected. —

ARTICLE VIII
EDUCATION AND SCHOOL LANDS

Sec. 1. Superintendent of Public Instruction
2. Common School Fund
3. System of common schools
4. Distribution of school fund income
5. State Land Board; land management
6. Qualifications of electors at school elections
7. Prohibition of sale of state timber processed in Oregon
8. Adequate and Equitable Funding

Section 1. Superintendent of Public Instruction. The Governor shall be superintendent of public instruction, and his powers, and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a superintendent, to provide for his compensation, and prescribe his powers and duties. —

Section 2. Common School Fund. (1) The sources of the Common School Fund are:

(a) The proceeds of all lands granted to this state for educational purposes, except the lands granted to aid in the establishment of institutions of higher education under the Acts of February 14, 1859 (11 Stat. 383) and July 2, 1862 (12 Stat. 503).

(b) All the moneys and clear proceeds of all property which may accrue to the state by escheat.

(c) The proceeds of all gifts, devises and bequests, made by any person to the state for common school purposes.
(d) The proceeds of all property granted to the state, when the purposes of such grant shall not be stated.

(e) The proceeds of the five hundred thousand acres of land to which this state is entitled under the Act of September 4, 1841 (5 Stat. 455).

(f) The five percent of the net proceeds of the sales of public lands to which this state became entitled on her admission into the union.

(g) After providing for the cost of administration and any refunds or credits authorized by law, the proceeds from any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas and the proceeds from any tax or excise levied on the ownership of oil or natural gas. However, the rate of such taxes shall not be greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This paragraph does not include proceeds from any tax or excise as described in section 3, Article IX of this Constitution.

(2) All revenues derived from the sources mentioned in subsection (1) of this section shall become a part of the Common School Fund. The State Land Board may expend moneys in the Common School Fund to carry out its powers and duties under subsection (2) of section 5 of this Article. Unexpended moneys in the Common School Fund shall be invested as the Legislative Assembly shall provide by law and shall not be subject to the limitations of section 6, Article XI of this Constitution. The State Land Board may apply, as it considers appropriate, income derived from the investment of the Common School Fund to the operating expenses of the State Land Board in exercising its powers and duties under subsection (2) of section 5 of this Article. The remainder of the income derived from the investment of the Common School Fund shall be applied to the support of primary and secondary education as prescribed by law. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1967, and adopted by the people May 28, 1968; Amendment proposed by H.J.R. 6, 1979, and adopted by the people Nov. 8, 1988; Amendment to subsection (2) proposed by S.J.R. 1, 1987, and adopted by the people Nov. 8, 1988; Amendment to paragraph (b) of subsection (1) proposed by H.J.R. 3, 1989, and adopted by the people June 27, 1989]

Section 4. Distribution of school fund income. Provision shall be made by law for the distribution of the income of the common school fund among the several Counties of this state in proportion to the number of children resident therein between the ages, four and twenty years. —

Section 5. State Land Board; land management. (1) The Governor, Secretary of State and State Treasurer shall constitute a State Land Board for the disposition and management of lands described in section 2 of this Article, and other lands owned by this state that are placed under their jurisdiction by law. Their powers and duties shall be prescribed by law.

(2) The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management. [Constitution of 1859; Amendment proposed by H.J.R. 7, 1967, and adopted by the people May 28, 1968]

Section 6. Qualifications of electors at school elections. In all school district elections every citizen of the United States of the age of twenty-one years and upward who shall have resided in the school district during the six months immediately preceding such election, and who shall be duly registered prior to such election in the manner provided by law, shall be entitled to vote, provided such citizen is able to read and write the English language. [Created through initiative petition filed June 25, 1948, and adopted by the people Nov. 2, 1948]

Note: The leadline to section 6 was a part of the measure proposed by initiative petition filed June 25, 1948, and adopted by the people Nov. 2, 1948.

Section 7. Prohibition of sale of state timber unless timber processed in Oregon. (1) Notwithstanding subsection (2) of section 5 of this Article or any other provision of this Constitution, the State Land Board shall not authorize the sale or export of timber from lands described in section 2 of this Article unless such timber will be processed in Oregon. The limitation on sale or export in this subsection shall not apply to species, grades or quantities of timber which may be found by the State Land Board to be surplus to domestic needs.

(2) Notwithstanding any prior agreements or other provisions of law or this Constitution, the Legislative Assembly shall not authorize the sale or export of timber from state lands other than those described in section 2 of this Article unless such timber will be processed in Oregon. The limitation on sale or export in this subsection shall not apply to species, grades or quantities of tim-
Section 8. Adequate and Equitable Funding. (1) The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state’s system of public education meets quality goals established by law, and publish a report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state’s system of public education to meet those goals.

(2) Consistent with such legal obligation as it may have to maintain substantial equity in state funding, the Legislative Assembly shall establish a system of Equalization Grants to eligible districts for each year in which the voters of such districts approve local option taxes as described in Article XI, which the voters of such districts approve the ability of the state to exercise such authority or when a court or the Attorney General of this state determines that such authority lawfully may be exercised. [Created through S.J.R. 8, 1989, and adopted by the people June 27, 1989]

Note: Added to Article VIII as an unnumbered section by initiative petition (Measure No. 1, 2000) adopted by the people June 4, 1917

Note: The leadline to section 8 was a part of the measure submitted to the people by Measure No. 1, 2000.

ARTICLE IX
FINANCE

Sec. 1. Assessment and taxation; uniform rules; uniformity of operation of laws.
1a. Poll or head tax; declaration of emergency in tax laws
1b. Ships exempt from taxation until 1935
1c. Financing redevelopment and urban renewal projects
2. Legislature to provide revenue to pay current state expenses and interest
3. Tax imposed only by law; statement of purpose
3a. Use of revenue from taxes on motor vehicle use and fuel; legislative review of allocation of taxes between vehicle classes
3b. Rate of levy on oil or natural gas; exception
4. Appropriation necessary for withdrawal from treasury
5. Publication of accounts
6. Deficiency of funds; tax levy to pay
7. Appropriation laws not to contain provisions on other subjects
8. Stationery for use of state
9. Taxation of certain benefits prohibited
10. Retirement plan contributions by governmental employees
11. Retirement plan rate of return contract guarantee prohibited
12. Retirement not to be increased by unused sick leave
13. Retirement plan restriction severability
14. Revenue estimate; return of excess revenue to taxpayers; legislative increase in estimate

Section 1a. Poll or head tax; declaration of emergency in tax laws. No poll or head tax shall be levied or collected in Oregon. The Legislative Assembly shall not declare an emergency in any act regulating taxation or exemption. [Created through initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by S.J.R. 10, 1911, and adopted by the people Nov. 5, 1912]

Section 1b. Ships exempt from taxation until 1935. All ships and vessels of fifty tons or more capacity engaged in either passenger or freight coasting or foreign trade, whose home ports of registration are in the State of Oregon, shall be and are hereby exempted from all taxes of every kind whatsoever, excepting taxes for State purposes, until the first day of January, 1935. [Created through S.J.R. 18, 1915, and adopted by the people Nov. 7, 1916]

Section 1c. Financing redevelopment and urban renewal projects. The Legislative Assembly may provide that the ad valorem taxes levied by any taxing unit, in which is located all or part of an area included in a redevelopment or urban renewal project, may be divided so that the taxes levied against any increase in the assessed value, as defined by law, of property in such area obtaining after the effective date of the ordinance or resolution approving the redevelopment or urban renewal project for such area, shall be used to pay any indebtedness incurred for the redevelopment or urban renewal project. The legislature may enact such laws as may be necessary to carry out the purposes of this section. [Created through S.J.R. 32, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

Section 2. Legislature to provide revenue to pay current state expenses and interest. The Legislative Assembly shall provide for raising revenue sufficiently to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the interest on the State debt, if there be any.
Section 3. Laws imposing taxes; gasoline and motor vehicle taxes. [Constitution of 1859; Amendment proposed by S.J.R. 11, 1941, and adopted by the people Nov. 3, 1942; Repeal proposed by S.J.R. 7, 1979, and adopted by the people May 20, 1980]

Section 3. Tax imposed only by law; statement of purpose. No tax shall be levied except in accordance with law. Every law imposing a tax shall state distinctly the purpose to which the revenue shall be applied. [Created through S.J.R. 7, 1979, and adopted by the people May 20, 1980 (this section and section 3a adopted in lieu of former section 3 of this Article)]

Section 3a. Use of revenue from taxes on motor vehicle use and fuel; legislative review of allocation of taxes between vehicle classes. (1) Except as provided in subsection (2) of this section, revenue from the following shall be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas in this state:

(a) Any tax levied on, with respect to, or measured by the storage, withdrawal, use, sale, distribution, importation or receipt of motor vehicle fuel or any other product used for the propulsion of motor vehicles; and

(b) Any tax or excise levied on the ownership, operation or use of motor vehicles.

(2) Revenues described in subsection (1) of this section:

(a) May also be used for the cost of administration and any refunds or credits authorized by law.

(b) May also be used for the retirement of bonds for which such revenues have been pledged.

(c) If from levies under paragraph (b) of subsection (1) of this section on campers, motor homes, travel trailers, snowmobiles, or like vehicles, may also be used for the acquisition, development, maintenance or care of parks or recreation areas.

(d) If from levies under paragraph (b) of subsection (1) of this section on vehicles used or held out for use for commercial purposes, may also be used for enforcement of commercial vehicle weight, size, load, conformation and equipment regulation.

(3) Revenues described in subsection (1) of this section that are generated by taxes or excises imposed by the state shall be generated in a manner that ensures that the share of revenues paid for the use of light vehicles, including cars, and the share of revenues paid for the use of heavy vehicles, including trucks, is fair and proportionate to the costs incurred for the highway system because of each class of vehicle. The Legislative Assembly shall provide for a biennial review and, if necessary, adjustment, of revenue sources to ensure fairness and proportionality. [Created through S.J.R. 7, 1979, and adopted by the people May 20, 1980 (this section and section 3a adopted in lieu of former section 3 of this Article); Amendment proposed by S.J.R. 44, 1999, and adopted by the people Nov. 2, 1999; Amendment proposed by S.J.R. 14, 2003, and adopted by the people Nov. 2, 2004]

Section 3b. Rate of levy on oil or natural gas; exception. Any tax or excise levied on, with respect to or measured by the extraction, production, storage, use, sale, distribution or receipt of oil or natural gas, or the ownership thereof, shall not be levied at a rate that is greater than six percent of the market value of all oil and natural gas produced or salvaged from the earth or waters of this state as and when owned or produced. This section does not apply to any tax or excise the proceeds of which are dedicated as described in sections 3 and 3a of this Article. [Created through H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980]

Note: Section 3b was designated as “Section 3a” by H.J.R. 6, 1979, and adopted by the people Nov. 4, 1980.

Section 4. Appropriation necessary for withdrawal from treasury. No money shall be drawn from the treasury, but in pursuance of appropriations made by law. —

Section 5. Publication of accounts. An accurate statement of the receipts, and expenditures of the public money shall be published with the laws of each regular session of the Legislative Assembly. —

Section 6. Deficiency of funds; tax levy to pay. Whenever the expenses, of any fiscal year, shall exceed the income, the Legislative Assembly shall provide for levying a tax, for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year. —

Section 7. Appropriation laws not to contain provisions on other subjects. Laws making appropriations, for the salaries of public officers, and other current expenses of the State, shall contain provisions upon no other subject. —

Section 8. Stationery for use of state. All stationary [sic] required for the use of the State shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law. But no State Officer, or member of the Legislative Assembly shall be interested in any bid, or contract for furnishing such stationery. —

Section 9. Taxation of certain benefits prohibited. Benefits payable under the federal old age and survivors insurance program or benefits under section 3(a), 4(a) or 4(f) of the federal Railroad Retirement Act of 1974,
as amended, or their successors, shall not be considered income for the purposes of any tax levied by the state or by a local government in this state. Such benefits shall not be used in computing the tax liability of any person under any such tax. Nothing in this section is intended to affect any benefits to which the beneficiary would otherwise be entitled. This section applies to tax periods beginning on or after January 1, 1986. [Created through H.J.R. 26, 1985, and adopted by the people May 20, 1986]

Section 10. Retirement plan contributions by governmental employees. (1) Notwithstanding any existing State or Federal laws, an employee of the State of Oregon or any political subdivision of the state who is a member of a retirement system or plan established by law, charter or ordinance, or who will receive a retirement benefit from a system or plan offered by the state or a political subdivision of the state, must contribute to the system or plan an amount equal to six percent of their salary or gross wage.

2. On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to make any payment or contribution to a retirement system or plan that would have the effect of relieving an employee, regardless of when that employee was employed, of the obligation imposed by subsection (1) of this section.

3. On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to increase any salary, benefit or other compensation payable to an employee for the purpose of offsetting or compensating an employee for the obligation imposed by subsection (1) of this section. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 11. Retirement plan rate of return contract guarantee prohibited. (1) Neither the state nor any political subdivision of the state shall contract to guarantee any rate of interest or return on the funds in a retirement system or plan established by law, charter or ordinance for the benefit of an employee of the state or a political subdivision of the state. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]

Section 12. Retirement not to be increased by unused sick leave. (1) Notwithstanding any existing Federal or State law, the retirement benefits of an employee of the state or any political subdivision of the state retiring on or after January 1, 1995, shall not in any way be increased as a result of or due to unused sick leave. [Created through initiative petition filed May 10, 1993, and adopted by the people Nov. 8, 1994]
(d) Permitting a taxpayer’s share of excess revenues to be offset by any liability of the taxpayer for which the state is authorized to undertake collection efforts.

(6)(a) Prior to the close of a biennium for which an estimate described in subsection (1) of this section has been made, the Legislative Assembly, by a two-thirds majority vote of all members elected to each House, may enact legislation declaring an emergency and increasing the amount of the estimate prepared pursuant to subsection (1) of this section.

(b) The prohibition against declaring an emergency in an act regulating taxation or exemption in section 1a, Article IX of this Constitution, does not apply to legislation enacted pursuant to this subsection.

(7) This section does not apply:

(a) If, for a biennium or any portion of a biennium, a state tax is not imposed on or measured by the income of individuals.

(b) To revenues derived from any minimum tax imposed on corporations for the privilege of carrying on or doing business in this state that is imposed as a fixed amount and that is nonapportioned (except for changes of accounting periods).

(c) To biennia beginning before July 1, 2001. [Created through H.J.R. 17, 1999, and adopted by the people Nov. 7, 2000]

ARTICLE X
THE MILITIA

Sec. 1. State militia. The Legislative Assembly shall provide by law for the organization, maintenance and discipline of a state militia for the defense and protection of the State. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 2. Persons exempt. Persons whose religious tenets, or conscientious scruples forbid them to bear arms shall not be compelled to do so. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 3. Officers. The Governor, in his capacity as Commander-in-Chief of the military forces of the State, shall appoint and commission an Adjutant General. All other officers of the militia of the State shall be appointed and commissioned by the Governor upon the recommendation of the Adjutant General. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 4. Staff officers; commissions. [Constitution of 1859; Repeal proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 5. Legislature to make regulations for militia. [Constitution of 1859; Repeal proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

Section 6. Continuity of government in event of enemy attack. [Created through H.J.R. 9, 1959, and adopted by the people Nov. 8, 1960; Repeal proposed by H.J.R. 24, 1975, and adopted by the people Nov. 2, 1976]

ARTICLE XI
CORPORATIONS AND INTERNAL IMPROVEMENTS

Sec. 1. Prohibition of state banks
2. Formation of corporations; municipal charters; intoxicating liquor regulation
3. Merger of adjoining municipalities; county-city consolidation
4. Liability of stockholders
5. Compensation for property taken by corporation
6. Restriction of municipal powers in Acts of incorporation
7. State not to be stockholder in company; exceptions
8. Credit of State Not to Be Loaned; Limitation Upon Power of Contracting Debts
9. State not to assume debts of counties, towns or other corporations
10. Limitations on powers of county or city to assist corporations
11. County debt limitation
12. Property tax limitations on assessed value and rate of tax; exceptions
13. Property tax categories; limitation on categories; exceptions
14. Limits in addition to other tax limits
15. Effect of section 11b on exemptions and assessments
16. Severability of sections 11b, 11c and 11d
17. People’s utility districts
18. Interests of employees when operation of transportation system assumed by public body
19. Metropolitan service district charter
20. Funding of programs imposed upon local governments; exceptions

Section 1. Prohibition of state banks. The Legislative Assembly shall not have the power to establish, or incorporate any bank or banking company, or monied [sic] institution whatever; nor shall any bank company, or institution [sic] exist in the State, with the privilege of making, issuing, or putting in circulation, any bill, check, certificate, promissory [sic] note, or other paper, or the paper of any bank company, or person, to circulate as money. —

Note: The semicolon appearing in the signed Constitution after the word “whatever” in section 1, was not in the original draft reported to, and adopted by the convention and is not part of the Constitution. State v. H.S. & L.A., (1880) 8 Or. 396, 401.

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by
the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality, but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment proposed by initiative petition filed Dec. 13, 1905, and adopted by the people June 4, 1906; Amendment proposed by initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910]

Section 2a. Merger of adjoining municipalities; county-city consolidation. (1) The Legislative Assembly, or the people by the Initiative, may enact a general law providing a method whereby an incorporated city or town or municipal corporation may surrender its charter and be merged into an adjoining city or town, provided a majority of the electors of each of the incorporated cities or towns or municipal corporations affected authorize the surrender or merger, as the case may be.

(2) In all counties having a city therein containing over 300,000 inhabitants, the county and city government thereof may be consolidated in such manner as may be provided by law with one set of officers. The consolidated county and city may be incorporated under general laws providing for incorporation for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [Created through H.J.R. 10, 1913, and adopted by the people Nov. 3, 1914; Amendment proposed by S.J.R. 29, 1967, and adopted by the people Nov. 8, 1968]

Section 3. Liability of stockholders. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid and no more, excepting that the stockholders of corporations or joint stock companies conducting the business of banking shall be individually liable equally and ratably and not one for another, for the benefit of the depositors of said bank equivalent in amount to such double liability of said stockholders. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1911, and adopted by the people Nov. 5, 1912; Amendment proposed by H.J.R. 2, 1943, and adopted by the people Nov. 7, 1944]

Section 4. Compensation for property taken by corporation. No person’s property shall be taken by any corporation under authority of law, without compensation being first made, or secured in such manner as may be prescribed by law.

Section 5. Restriction of municipal powers in Acts of incorporation. Acts of the Legislative Assembly, incorporating towns, and cities, shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. —

Section 6. State not to be stockholder in company; exceptions. (1) The state shall not subscribe to, or be interested in the stock of any company, association or corporation. However, as provided by law the state may hold and dispose of stock, including stock already received, that is donated or bequeathed; and may invest, in the stock of any company, association or corporation, any funds or moneys that:

(a) Are donated or bequeathed for higher education purposes;

(b) Are the proceeds from the disposition of stock that is donated or bequeathed for higher education purposes, including stock already received; or

(c) Are dividends paid with respect to stock that is donated or bequeathed for higher education purposes, including stock already received.

(2) Notwithstanding the limits contained in subsection (1) of this section, the state may hold and dispose of stock:

(a) Received in exchange for technology created in whole or in part by a public institution of post-secondary education; or

(b) Received prior to December 5, 2002, as a state asset invested in the creation or development of technology or resources within Oregon. [Constitution of 1859; Amendment proposed by H.J.R. 11, 1955, and adopted by the people Nov. 6, 1956; Amendment proposed by H.J.R. 27, 1969, and adopted by the people Nov. 3, 1970; Amendment proposed by S.J.R. 17, 2001, and adopted by the people May 21, 2002]

Section 7. Credit of State Not to Be Loaned; Limitation Upon Power of Contracting Debts. The Legislative Assembly shall not lend the credit of the state nor in any manner create any debt or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of fifty thousand dollars, except in case of
war or to repel invasion or suppress insurrection or to build and maintain permanent roads; and the Legislative Assembly shall not lend the credit of the state nor in any manner create any debts or liabilities to build and maintain permanent roads which shall singly or in the aggregate with previous debts or liabilities incurred for that purpose exceed one percent of the true cash value of all the property of the state taxed on an ad valorem basis; and every contract of indebtedness entered into or assumed by or on behalf of the state in violation of the provisions of this section shall be void and of no effect.

This section does not apply to any agreement entered into pursuant to law by the state or any agency thereof for the lease of real property to the state or agency for any period not exceeding 20 years and for a public purpose. [Constitution of 1859; Amendment proposed by initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 1, 1921 (s.s.), and adopted by the people Nov. 7, 1922; Amendment proposed by S.J.R. 4, 1961, and adopted by the people Nov. 6, 1962; Amendment proposed by S.J.R. 19, 1963, and adopted by the people Nov. 3, 1964]

Note: The leadline to section 7 was a part of the measure submitted to the people by H.J.R. 11, 1920 (s.s.).

Section 8. State not to assume debts of counties, towns or other corporations. The State shall never assume the debts of any county, town, or other corporation whatever, unless such debts, shall have been created to repel invasion, suppress insurrection, or defend the State in war. —

Section 9. Limitations on powers of county or city to assist corporations. No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association. Provided, that any municipal corporation designated as a port under any general or special law of the state of Oregon, may be empowered by statute to raise money and expend the same in the form of a bonus to aid in establishing water transportation lines between such port and any other domestic or foreign port or ports, and to aid in establishing water transportation lines on the interior rivers of this state, or on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers; any debts of a municipality to raise money created for the aforesaid purpose shall be incurred only on approval of a majority of those voting on the question, and shall not, either singly or in the aggregate, with previous debts and liabilities incurred for that purpose, exceed one per cent of the assessed valuation of all property in the municipality. [Constitution of 1859; Amendment proposed by S.J.R. 13, 1917, and adopted by the people June 4, 1917]

Section 10. County debt limitation. No county shall create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of $5,000; provided, however, counties may incur bonded indebtedness in excess of such $5,000 limitation to carry out purposes authorized by statute, such bonded indebtedness not to exceed limits fixed by statute. [Constitution of 1859; Amendment proposed by initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910; Amendment proposed by initiative petition filed July 2, 1912, and adopted by the people Nov. 5, 1912; Amendment proposed by S.J.R. 11, 1919, and adopted by the people June 3, 1919; Amendment proposed by H.J.R. 7, 1920 (s.s.), and adopted by the people May 21, 1920; Amendment proposed by S.J.R. 1, 1921 (s.s.), and adopted by the people Nov. 7, 1922; Amendment proposed by S.J.R. 5, 1921 (s.s.), and adopted by the people Nov. 7, 1922; Amendment proposed by H.J.R. 3, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by S.J.R. 18, 1925, and adopted by the people Nov. 7, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 21, 1957, and adopted by the people Nov. 4, 1958]

Section 11. Tax and indebtedness limitation. [Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Amendment proposed by H.J.R. 9, 1931, and adopted by the people Nov. 8, 1932; Amendment proposed by H.J.R. 9, 1951, and adopted by the people Nov. 4, 1952; Repeal proposed by S.J.R. 33, 1961, and adopted by the people Nov. 6, 1962 (second section 11 of this Article adopted in lieu of this section)]

Section 11. Tax base limitation. [Created through S.J.R. 33, 1961, and adopted by the people Nov. 6, 1962 (this section adopted in lieu of first section 11 of this Article); Amendment proposed by H.J.R. 28, 1985, and adopted by the people May 20, 1986; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 of this Article adopted in lieu of this section and sections 11a, 11f, 11g, 11h, 11i and 11j of this Article)]

Section 11. Property tax limitations on assessed value and rate of tax; exceptions. (1)(a) For the tax year beginning July 1, 1997, each unit of property in this state shall have a maximum assessed value for ad valorem property tax purposes that does not exceed the property’s real market value for the tax year beginning July 1, 1995, reduced by 10 percent.

(b) For tax years beginning after July 1, 1997, the property’s maximum assessed value shall not increase by more than three percent from the previous tax year.

(c) Notwithstanding paragraph (a) or (b) of this subsection, property shall be valued at the ratio of average maximum assessed value to average real market value of property located in the area in which the property is located that is within the same property class, if on or after July 1, 1995:

(A) The property is new property or new improvements to property;
(B) The property is partitioned or subdivided;

(C) The property is rezoned and used consistently with the rezoning;

(D) The property is first taken into account as omitted property;

(E) The property becomes disqualified from exemption, partial exemption or special assessment; or

(F) A lot line adjustment is made with respect to the property, except that the total assessed value of all property affected by a lot line adjustment shall not exceed the total maximum assessed value of the affected property under paragraph (a) or (b) of this subsection.

(d) Property shall be valued under paragraph (c) of this subsection only for the first tax year in which the changes described in paragraph (c) of this subsection are taken into account following the effective date of this section. For each tax year thereafter, the limits described in paragraph (b) of this subsection apply:

(e) The Legislative Assembly shall enact laws that establish property classes and areas sufficient to make a determination under paragraph (c) of this subsection.

(f) Each property’s assessed value shall not exceed the property’s real market value.

(g) There shall not be a reappraisal of the real market value used in the tax year beginning July 1, 1995, for purposes of determining the property’s maximum assessed value under paragraph (a) of this subsection.

2 The maximum assessed value of property that is assessed under a partial exemption or special assessment law shall be determined by applying the percentage reduction of paragraph (a) and the limit of paragraph (b) of subsection (1) of this section, or if newly eligible for partial exemption or special assessment, using a ratio developed in a manner consistent with paragraph (c) of subsection (1) of this section to the property’s partially exempt or specially assessed value in the manner provided by law. After disqualification from partial exemption or special assessment, any additional taxes authorized by law may be imposed, but in the aggregate may not exceed the amount that would have been imposed under this section had the property not been partially exempt or specially assessed for the years for which the additional taxes are being collected.

3 (a) (A) The Legislative Assembly shall enact laws to reduce the amount of ad valorem property taxes imposed by local taxing districts in this state so that the total of all ad valorem property taxes imposed in this state for the tax year beginning July 1, 1997, is reduced by 17 percent from the total of all ad valorem property taxes that would have been imposed under repealed sections 11 and 11a of this Article (1995 Edition) and section 11b of this Article but not taking into account Ballot Measure 47 (1996), for the tax year beginning July 1, 1997.

(B) The ad valorem property taxes to be reduced under subparagraph (A) of this paragraph are those taxes that would have been imposed under repealed sections 11 or 11a of this Article (1995 Edition) or section 11b of this Article, as modified by subsection (11) of this section, other than taxes described in subsection (4), (5), (6) or (7) of this section, taxes imposed to pay bonded indebtedness described in section 11b of this Article, as modified by paragraph (d) of subsection (11) of this section, or taxes described in section 11c, Article IX of this Constitution.

(C) It shall be the policy of this state to distribute the reductions caused by this paragraph so as to reflect:

(i) The lesser of ad valorem property taxes imposed for the tax year beginning July 1, 1995, reduced by 10 percent, or ad valorem property taxes imposed for the tax year beginning July 1, 1994;

(ii) Growth in new value under subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section, as added to the assessment and tax rolls for the tax year beginning July 1, 1996, or July 1, 1997 (or, if applicable, for the tax year beginning July 1, 1995); and

(iii) Ad valorem property taxes authorized by voters to be imposed in tax years beginning on or after July 1, 1996, and imposed according to that authority for the tax year beginning July 1, 1997.

(D) It shall be the policy of this state and the local taxing districts of this state to prioritize public safety and public education in responding to the reductions caused by this paragraph while minimizing the loss of decision-making control of local taxing districts.

(E) If the total value for the tax year beginning July 1, 1997, of additions of value described in subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section that are added to the assessment and tax rolls for the tax year beginning July 1, 1996, or July 1, 1997, exceeds four percent of the total assessed value of property statewide for the tax year beginning July 1, 1997 (before taking into account the additions of value described in subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1)
of this section), then any ad valorem property taxes attributable to the excess above four percent shall reduce the dollar amount of the reduction described in subparagraph (A) of this paragraph.

(b) For the tax year beginning July 1, 1997, the ad valorem property taxes that were reduced under paragraph (a) of this subsection shall be imposed on the assessed value of property in a local taxing district as provided by law, and the rate of the ad valorem property taxes imposed under this paragraph shall be the local taxing district’s permanent limit on the rate of ad valorem property taxes imposed by the district for tax years beginning after July 1, 1997, except as provided in subsection (5) of this section.

(c)(A) A local taxing district that has not previously imposed ad valorem property taxes and that seeks to impose ad valorem property taxes shall establish a limit on the rate of ad valorem property tax to be imposed by the district. The rate limit established under this subparagraph shall be approved by a majority of voters voting on the question. The rate limit approved under this subparagraph shall serve as the district’s permanent rate limit under paragraph (b) of this subsection.

(B) The voter participation requirements described in subsection (8) of this section apply to an election under this paragraph.

(d) If two or more local taxing districts seek to consolidate or merge, the limit on the rate of ad valorem property tax to be imposed by the consolidated or merged district shall be the rate that would produce the same tax revenue as the local taxing districts would have cumulatively produced in the year of consolidation or merger, if the consolidation or merger had not occurred.

(e)(A) If a local taxing district divides, the limit on the rate of ad valorem property tax to be imposed by each local taxing district after division shall be the same as the local taxing district’s rate limit under paragraph (b) of this subsection prior to division.

(B) Notwithstanding subparagraph (A) of this paragraph, the limit determined under this paragraph shall not be greater than the rate that would have produced the same amount of ad valorem property tax revenue in the year of division, had the division not occurred.

(f) Rates of ad valorem property tax established under this subsection may be carried to a number of decimal places provided by law and rounded as provided by law.

(g) Urban renewal levies described in this subsection shall be imposed as provided in subsections (15) and (16) of this section and may not be imposed under this subsection.

(h) Ad valorem property taxes described in this subsection shall be subject to the limitations described in section 11b of this Article, as modified by subsection (11) of this section.

(4)(a)(A) A local taxing district other than a school district may impose a local option ad valorem property tax that exceeds the limitations imposed under this section by submitting the question of the levy to voters in the local taxing district and obtaining the approval of a majority of the voters voting on the question.

(B) The Legislative Assembly may enact laws permitting a school district to impose a local option ad valorem property tax as otherwise provided under this subsection.

(b) A levy imposed pursuant to legislation enacted under this subsection may be imposed for no more than five years, except that a levy for a capital project may be imposed for no more than the lesser of the expected useful life of the capital project or 10 years.

(c) The voter participation requirements described in subsection (8) of this section apply to an election held under this subsection.

(5)(a) Any portion of a local taxing district levy shall not be subject to reduction and limitation under paragraphs (a) and (b) of subsection (3) of this section if that portion of the levy is used to repay:

(A) Principal and interest for any bond issued before December 5, 1996, and secured by a pledge or explicit commitment of ad valorem property taxes or a covenant to levy or collect ad valorem property taxes;

(B) Principal and interest for any other formal, written borrowing of moneys executed before December 5, 1996, for which ad valorem property tax revenues have been pledged or explicitly committed, or that are secured by a covenant to levy or collect ad valorem property taxes;

(C) Principal and interest for any bond issued to refund an obligation described in subparagraph (A) or (B) of this paragraph; or

(D) Local government pension and disability plan obligations that commit ad valorem property taxes and to ad valorem property taxes imposed to fulfill those obligations.

(b)(A) A levy described in this subsection shall be imposed on assessed value as otherwise provided by law in an amount sufficient to repay the debt described in this subsection. Ad valorem property taxes may not be imposed under this subsection that repay the debt at an earlier date or on a different
schedule than established in the agreement creating the debt.

(B) A levy described in this subsection shall be subject to the limitations imposed under section 11b of this Article, as modified by subsection (11) of this section.

(c)(A) As used in this subsection, “local government pension and disability plan obligations that commit ad valorem property taxes” is limited to contractual obligations for which the levy of ad valorem property taxes has been committed by a local government charter provision that was in effect on December 5, 1996, and, if in effect on December 5, 1996, as amended thereafter.

(B) The rates of ad valorem property taxes described in this paragraph may be adjusted so that the maximum allowable rate is capable of raising the revenue that the levy would have been authorized to raise if applied to property valued at real market value.

(C) Notwithstanding subparagraph (B) of this paragraph, ad valorem property taxes described in this paragraph shall be taken into account for purposes of the limitations in section 11b of this Article, as modified by subsection (11) of this section.

(D) If any proposed amendment to a charter described in subparagraph (A) of this paragraph permits the ad valorem property tax levy for local government pension and disability plan obligations to be increased, the amendment must be approved by voters in an election. The voter participation requirements described in subsection (8) of this section apply to an election under this subparagraph. No amendment to any charter described in this paragraph may cause ad valorem property taxes to exceed the limitations of section 11b of this Article, as amended by subsection (11) of this section.

(e) If this subsection would apply to a levy described in paragraph (d) of this subsection, the local taxing district imposing the levy may elect out of the provisions of this subsection. The levy of a local taxing district making the election shall be included in the reduction and ad valorem property tax rate determination described in subsection (3) of this section.

(6)(a) The ad valorem property tax of a local taxing district, other than a city, county or school district, that is used to support a hospital facility shall not be subject to the reduction described in paragraph (a) of subsection (3) of this section. The entire ad valorem property tax imposed under this subsection for the tax year beginning July 1, 1997, shall be the local taxing district’s permanent limit on the rate of ad valorem property taxes imposed by the district under paragraph (b) of subsection (3) of this section.

(b) Ad valorem property taxes described in this subsection shall be subject to the limitations imposed under section 11b of this Article, as modified by subsection (11) of this section.

(7) Notwithstanding any other existing or former provision of this Constitution, the following are validated, ratified, approved and confirmed:

(a) Any levy of ad valorem property taxes approved by a majority of voters voting on the question in an election held before December 5, 1996, if the election met the voter participation requirements described in subsection (8) of this section and the ad valorem property taxes were first imposed for the tax year beginning July 1, 1996, or July 1, 1997. A levy described in this paragraph shall not be subject to reduction under paragraph (a) of subsection (3) of this section but shall be taken into account in determining the local taxing district’s permanent rate of ad valorem property tax under paragraph (b) of subsection (3) this section. This paragraph does not apply to levies described in subsection (5) of this section or to levies to pay bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section.

(b) Any serial or one-year levy to replace an existing serial or one-year levy approved by a majority of the voters voting on the question at an election held after December 4, 1996, and to be first imposed for the tax year beginning July 1, 1997, if the rate or the amount of the levy approved is not greater than the rate or the amount of the levy replaced.

(c) Any levy of ad valorem property taxes approved by a majority of voters voting on
the question in an election held on or after December 5, 1996, and before the effective date of this section if the election met the voter participation requirements described in subsection (8) of this section and the ad valorem property taxes were first imposed for the tax year beginning July 1, 1997. A levy described in this paragraph shall be treated as a local option ad valorem property tax under subsection (4) of this section. This paragraph does not apply to levies described in subsection (5) of this section or to levies to pay bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section.

(8) An election described in subsection (3), (4), (5)(c)(D), (7)(a) or (e) or (11) of this section shall authorize the matter upon which the election is being held only if:

(a) At least 50 percent of registered voters eligible to vote in the election cast a ballot; or

(b) The election is a general election in an even-numbered year.

(9) The Legislative Assembly shall replace, from the state’s General Fund, revenue lost by the public school system because of the limitations of this section. The amount of the replacement revenue shall not be less than the total replaced in fiscal year 1997-1998.

(10)(a) As used in this section:

(A) “Improvements” includes new construction, reconstruction, major additions, remodeling, renovation and rehabilitation, including installation, but does not include minor construction or ongoing maintenance and repair.

(B) “Ad valorem property tax” does not include taxes imposed to pay principal and interest on bonded indebtedness described in paragraph (d) of subsection (11) of this section.

(b) In calculating the addition to value for new property and improvements, the amount added shall be net of the value of retired property.

(11) For purposes of this section and for purposes of implementing the limits in section 11b of this Article in tax years beginning on or after July 1, 1997:

(a)(A) The real market value of property shall be the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm’s length transaction occurring as of the assessment date for the tax year, as established by law.

(B) The Legislative Assembly shall enact laws to adjust the real market value of property to reflect a substantial casualty loss of value after the assessment date.

(b) The $5 (public school system) and $10 (other government) limits on property taxes per $1,000 of real market value described in subsection (1) of section 11b of this Article shall be determined on the basis of property taxes imposed in each geographic area taxed by the same local taxing districts.

(c)(A) All property taxes described in this section are subject to the limits described in paragraph (b) of this subsection, except for taxes described in paragraph (d) of this subsection.

(B) If property taxes exceed the limitations imposed under either category of local taxing district under paragraph (b) of this subsection:

(i) Any local option ad valorem property taxes imposed under this subsection shall be proportionally reduced by those local taxing districts within the category that is imposing local option ad valorem property taxes; and

(ii) After local option ad valorem property taxes have been eliminated, all other ad valorem property taxes shall be proportionally reduced by those taxing districts within the category, until the limits are no longer exceeded.

(C) The percentages used to make the proportional reductions under subparagraph (B) of this paragraph shall be calculated separately for each category.

(d) Bonded indebtedness, the taxes of which are not subject to limitation under this section or section 11b of this Article, consists of:

(A) Bonded indebtedness authorized by a provision of this Constitution;

(B) Bonded indebtedness issued on or before November 6, 1990; or

(C) Bonded indebtedness:

(i) Incurred for capital construction or capital improvements; and

(ii)(I) If issued after November 6, 1990, and approved prior to December 5, 1996, the issuance of which has been approved by a majority of voters voting on the question; or

(II) If approved by voters after December 5, 1996, the issuance of which has been approved by a majority of voters voting on the question in an election that is in compliance with the voter participation requirements in subsection (8) of this section.

(12) Bonded indebtedness described in subsection (11) of this section includes bonded indebtedness issued to refund bonded indebtedness described in subsection (11) of this section.

CONST-42
(13) As used in subsection (11) of this section, with respect to bonded indebtedness issued on or after December 5, 1996, “capital construction” and “capital improvements”:

(a) Include public safety and law enforcement vehicles with a projected useful life of five years or more; and

(b) Do not include:

(A) Maintenance and repairs, the need for which could reasonably be anticipated.

(B) Supplies and equipment that are not intrinsic to the structure.

(14) Ad valorem property taxes imposed to pay principal and interest on bonded indebtedness described in section 11b of this Article, as modified by subsection (11) of this section, shall be imposed on the assessed value of the property determined under this section or, in the case of specially assessed property, as otherwise provided by law or as limited by this section, whichever is applicable.

(15) If ad valorem property taxes are divided as provided in section 1c, Article IX of this Constitution, in order to fund a redevelopment or urban renewal project, then notwithstanding subsection (1) of this section, the ad valorem property taxes levied against the increase shall be used exclusively to pay any indebtedness incurred for the redevelopment or urban renewal project.

(16) The Legislative Assembly shall enact laws that allow collection of ad valorem property taxes sufficient to pay, when due, indebtedness incurred to carry out urban renewal plans existing on December 5, 1996. These collections shall cease when the indebtedness is paid. Unless excepted from limitation under section 11b of this Article, as modified by subsection (11) of this section, nothing in this subsection shall be construed to remove ad valorem property taxes levied against the increase from the dollar limits in paragraph (b) of subsection (11) of this section.

(17)(a) If, in an election on November 5, 1996, voters approved a new tax base for a local taxing district under repealed section 11 of this Article (1995 Edition) that was not to go into effect until the tax year beginning July 1, 1998, the local taxing district’s permanent rate limit under subsection (3) of this section shall be recalculated for the tax year beginning on July 1, 1998, to reflect:

(A) Ad valorem property taxes that would have been imposed had repealed section 11 of this Article (1995 Edition) remained in effect; and

(B) Any other permanent continuing levies that would have been imposed under repealed section 11 of this Article (1995 Edition), as reduced by subsection (3) of this section.

(b) The rate limit determined under this subsection shall be the local taxing district’s permanent rate limit for tax years beginning on or after July 1, 1999.

(18) Section 32, Article I, and section 1, Article IX of this Constitution, shall not apply to this section.

(19)(a) The Legislative Assembly shall by statute limit the ability of local taxing districts to impose new or additional fees, taxes, assessments or other charges for the purpose of using the proceeds as alternative sources of funding to make up for ad valorem property tax revenue reductions caused by the initial implementation of this section, unless the new or additional fee, tax, assessment or other charge is approved by voters.

(b) This subsection shall not apply to new or additional fees, taxes, assessments or other charges for a government product or service that a person:

(A) May legally obtain from a source other than government; and

(B) Is reasonably able to obtain from a source other than government.

(c) As used in this subsection, “new or additional fees, taxes, assessments or other charges” does not include moneys received by a local taxing district as:

(A) Rent or lease payments;

(B) Interest, dividends, royalties or other investment earnings;

(C) Fines, penalties and unitary assessments;

(D) Amounts charged to and paid by another unit of government for products, services or property; or

(E) Payments derived from a contract entered into by the local taxing district as a proprietary function of the local taxing district.

(d) This subsection does not apply to a local taxing district that derived less than 10 percent of the local taxing district’s operating revenues from ad valorem property taxes, other than ad valorem property taxes imposed to pay bonded indebtedness, during the fiscal year ending June 30, 1996.

(e) An election under this subsection need not comply with the voter participation requirements described in subsection (8) of this section.

(20) If any provision of this section is determined to be unconstitutional or otherwise invalid, the remaining provisions shall continue in full force and effect. [Created
through H.J.R. 85, 1997, and adopted by the people May 20, 1997 (this section adopted in lieu of former sections 11, 11a, 11f, 11g, 11h, 11i and 11j of this Article)

Note: The effective date of House Joint Resolution 85, 1997, is June 19, 1997.

Section 11a. School district tax levy. [Created through S.J.R. 3, 1987, and adopted by the people May 19, 1987; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11f, 11g, 11h, 11i and 11j of this Article)]

Section 11b. Property tax categories; limitation on categories; exceptions. (1) During and after the fiscal year 1991-92, taxes imposed upon any property shall be separated into two categories: One which dedicates revenues raised specifically to fund the public school system and one which dedicates revenues raised to fund government operations other than the public school system. The taxes in each category shall be limited as set forth in the table which follows and these limits shall apply whether the taxes imposed on property are calculated on the basis of the value of that property or on some other basis:

MAXIMUM ALLOWABLE TAXES
For Each $1000.00 of Property’s Real Market Value

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>School System</th>
<th>Other than Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991-1992</td>
<td>$15.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>1992-1993</td>
<td>$12.50</td>
<td>$10.00</td>
</tr>
<tr>
<td>1993-1994</td>
<td>$10.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>1994-1995</td>
<td>$ 7.50</td>
<td>$10.00</td>
</tr>
<tr>
<td>1995-1996</td>
<td>$ 5.00</td>
<td>$10.00</td>
</tr>
<tr>
<td>and thereafter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Property tax revenues are deemed to be dedicated to funding the public school system if the revenues are to be used exclusively for educational services, including support services, provided by some unit of government, at any level from pre-kindergarten through post-graduate training.

(2) The following definitions shall apply to this section:

(a) “Real market value” is the minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion, from an informed buyer acting without compulsion, in an “arms-length” transaction during the period for which the property is taxed.

(b) A “tax” is any charge imposed by a governmental unit upon property or upon a property owner as a direct consequence of ownership of that property except incurred charges and assessments for local improvements.

(c) “Incurred charges” include and are specifically limited to those charges by government which can be controlled or avoided by the property owner.

(1) because the charges are based on the quantity of the goods or services used and the owner has direct control over the quantity; or

(2) because the goods or services are provided only on the specific request of the property owner; or

(3) because the goods or services are provided by the governmental unit only after the individual property owner has failed to meet routine obligations of ownership and such action is deemed necessary to enforce regulations pertaining to health or safety.

Incurred charges shall not exceed the actual costs of providing the goods or services.

(d) A “local improvement” is a capital construction project undertaken by a governmental unit

(i) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties, and

(ii) the costs of which are assessed against those properties in a single assessment upon the completion of the project, and

(iii) for which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years.

The total of all assessments for a local improvement shall not exceed the actual costs incurred by the governmental unit in designing, constructing and financing the project.

(3) The limitations of subsection (1) of this section apply to all taxes imposed on property or property ownership except:

(a) Taxes imposed to pay the principal and interest on bonded indebtedness authorized by a specific provision of this Constitution.

(b) Taxes imposed to pay the principal and interest on bonded indebtedness incurred or to be incurred for capital construction or improvements, provided the bonds are offered as general obligations of the issuing governmental unit and provided further that either the bonds were issued not later than November 6, 1990, or the question of the issuance of the specific bonds has been approved by the electors of the issuing governmental unit.

(4) In the event that taxes authorized by any provision of this Constitution to be imposed upon any property should exceed the limitation imposed on either category of taxing units defined in subsection (1) of this section, then, notwithstanding any other provision of this Constitution, the taxes im-
posed upon such property by the taxing units in that category shall be reduced evenly by the percentage necessary to meet the limitations for that category. The percentages used to reduce the taxes imposed shall be calculated separately for each category and may vary from property to property within the same taxing unit. The limitation imposed by this section shall not affect the tax base of a taxing unit.

(5) The Legislative Assembly shall replace from the State’s general fund any revenue lost by the public school system because of the limitations of this section. The Legislative Assembly is authorized, however, to adopt laws which would limit the total of such replacement revenue plus the taxes imposed within the limitations of this section in any year to the corresponding total for the previous year plus 6 percent. This subsection applies only during fiscal years 1991-92 through 1995-96, inclusive. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11c. Limits in addition to other tax limits. The limits in section 11b of this Article are in addition to any limits imposed on individual taxing units by this Constitution. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11d. Effect of section 11b on exemptions and assessments. Nothing in sections 11b to 11e of this Article is intended to require or to prohibit the amendment of any current statute which partially or totally exempts certain classes of property or which prescribes special rules for assessing certain classes of property, unless such amendment is required or prohibited by the implementation of the limitations imposed by section 11b of this Article. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11e. Severability of sections 11b, 11c and 11d. If any portion, clause or phrase of sections 11b to 11e of this Article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses and phrases shall not be affected but shall remain in full force and effect. [Created through initiative petition filed May 8, 1990, and adopted by the people Nov. 6, 1990]

Section 11f. School district tax levy following merger. [Created through H.J.R. 14, 1989, and adopted by the people Nov. 6, 1990; Repeal proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997 (present section 11 adopted in lieu of this section and sections 11, 11a, 11f, 11h, 11i and 11j of this Article)]

Note: Section 11f was designated as “Section 11b” by H.J.R. 14, 1989, and adopted by the people Nov. 6, 1990.
be necessary, in addition to existing laws, to carry out the provisions of this section. [Created through initiative petition filed July 3, 1930, and adopted by the people Nov. 4, 1930]

Section 13. Interests of employees when operation of transportation system assumed by public body. Notwithstanding the provisions of section 20, Article I, section 10, Article VI, and sections 2 and 9, Article XI, of this Constitution, when any city, county, political subdivision, public agency or municipal corporation assumes responsibility for the operation of a public transportation system, the city, county, political subdivision, public agency or municipal corporation shall make fair and equitable arrangements to protect the interests of employees and retired employees affected. Such protective arrangements may include, without being limited to, such provisions as may be necessary for the preservation of rights, privileges and benefits (including continuation of pension rights and payment of benefits) under existing collective bargaining agreements, or otherwise. [Created through H.J.R. 13, 1965, and adopted by the people Nov. 8, 1966]

Section 14. Metropolitan service district charter. (1) The Legislative Assembly shall provide by law a method whereby the legal electors of any metropolitan service district organized under the laws of this state, by majority vote of such electors voting thereon at any legally called election, may adopt, amend, revise or repeal a district charter.

(2) A district charter shall prescribe the organization of the district government and shall provide directly, or by its authority, for the number, election or appointment, qualifications, tenure, compensation, powers and duties of such officers as the district considers necessary. Such officers shall among them exercise all the powers and perform all the duties, as granted to, imposed upon or distributed among district officers by the Constitution or laws of this state, by the district charter or by its authority.

(3) A district charter may provide for the exercise by ordinance of powers granted to the district by the Constitution or laws of this state.

(4) A metropolitan service district shall have jurisdiction over matters of metropolitan concern as set forth in the charter of the district.

(5) The initiative and referendum powers reserved to the people by this Constitution hereby are further reserved to the legal electors of a metropolitan service district relative to the adoption, amendment, revision or repeal of a district charter and district legislation enacted thereunder. Such powers shall be exercised in the manner provided for county measures under section 10, Article VI of this Constitution. [Created by S.J.R. 2, 1989, and adopted by the people Nov. 6, 1990]

Section 15. Funding of programs imposed upon local governments; exceptions. (1) Except as provided in subsection (7) of this section, when the Legislative Assembly or any state agency requires any local government to establish a new program or provide an increased level of service for an existing program, the State of Oregon shall appropriate and allocate to the local government moneys sufficient to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(2) As used in this section:

(a) “Enterprise activity” means a program under which a local government sells products or services in competition with a nongovernment entity.

(b) “Local government” means a city, county, municipal corporation or municipal utility operated by a board or commission.

(c) “Program” means a program or project imposed by enactment of the Legislative Assembly or by rule or order of a state agency under which a local government must provide administrative, financial, social, health or other specified services to persons, government agencies or to the public generally.

(d) “Usual and reasonable costs” means those costs incurred by the affected local governments for a specific program using generally accepted methods of service delivery and administrative practice.

(3) A local government is not required to comply with any state law or administrative rule or order enacted or adopted after January 1, 1997, that requires the expenditure of money by the local government for a new program or increased level of service for an existing program until the state appropriates or allocates to the local government the moneys necessary to carry out the law, rule or order and unless the Legislative Assembly provides, by appropriation, reimbursement in each succeeding year for such costs. However, a local government may refuse to comply with a state law or administrative rule or order under this subsection only if the amount appropriated and allocated to the local government by the Legislative Assembly for a program in a fiscal year:

(a) Is less than 95 percent of the usual and reasonable costs incurred by the local government in conducting the program at the same level of service in the preceding fiscal year; or
(b) Requires the local government to spend for the program, in addition to the amount appropriated and allocated by the Legislative Assembly, an amount that exceeds one-hundredth of one percent of the annual budget adopted by the governing body of the local government for that fiscal year.

(4) When a local government determines that a program is a program for which moneys are required to be appropriated and allocated under subsection (1) of this section, if the local government expended moneys to conduct the program and was not reimbursed under this section for the usual and reasonable costs of the program, the local government may submit the issue of reimbursement to nonbinding arbitration by a panel of three arbitrators. The panel shall consist of one representative from the Oregon Department of Administrative Services, the League of Oregon Cities and the Association of Oregon Counties. The panel shall determine whether the costs incurred by the local government are required to be reimbursed under this section and the amount of reimbursement. The decision of the arbitration panel is not binding upon the parties and may not be enforced by any court in this state.

(5) In any legal proceeding or arbitration proceeding under this section, the local government shall bear the burden of proving by a preponderance of the evidence that moneys appropriated by the Legislative Assembly are not sufficient to reimburse the local government for the usual and reasonable costs of a program.

(6) Except upon approval by three-fifths of the membership of each house of the Legislative Assembly, the Legislative Assembly shall not enact, amend or repeal any law if the anticipated effect of the action is to reduce the amount of state revenues derived from a specific state tax and distributed to local governments as an aggregate during the distribution period for such revenues immediately preceding January 1, 1997.

(7) This section shall not apply to:
   (a) Any law that is approved by three-fifths of the membership of each house of the Legislative Assembly.
   (b) Any costs resulting from a law creating or changing the definition of a crime or a law establishing sentences for conviction of a crime.
   (c) An existing program as enacted by legislation prior to January 1, 1997, except for legislation withdrawing state funds for programs required prior to January 1, 1997, unless the program is made optional.
   (d) A new program or an increased level of program services established pursuant to action of the Federal Government so long as the program or increased level of program services imposes costs on local governments that are no greater than the usual and reasonable costs to local governments resulting from compliance with the minimum program standards required under federal law or regulations.
   (e) Any requirement imposed by the judicial branch of government.
   (f) Legislation enacted or approved by electors in this state under the initiative and referendum powers reserved to the people under section 1, Article IV of this Constitution.
   (g) Programs that are intended to inform citizens about the activities of local governments.

(8) When a local government is not required under subsection (3) of this section to comply with a state law or administrative rule or order relating to an enterprise activity, if a nongovernment entity competes with the local government by selling products or services that are similar to the products and services sold under the enterprise activity, the nongovernment entity is not required to comply with the state law or administrative rule or order relating to that enterprise activity.

(9) Nothing in this section shall give rise to a claim by a private person against the State of Oregon based on the establishment of a new program or an increased level of service for an existing program without sufficient appropriation and allocation of funds to pay the ongoing, usual and reasonable costs of performing the mandated service or activity.

(10) Subsection (4) of this section does not apply to a local government when the local government is voluntarily providing a program four years after the effective date of the enactment, rule or order that imposed the program.

(11) In lieu of appropriating and allocating funds under this section, the Legislative Assembly may identify and direct the imposition of a fee or charge to be used by a local government to recover the actual cost of the program. [Created through H.J.R. 2, 1995, and adopted by the people Nov. 5, 1996]

ARTICLE XI-A
RURAL CREDITS

[Created through initiative petition filed July 6, 1916, and adopted by the people Nov. 7, 1916; Repeal proposed by S.J.R. 1, 1941, and adopted by the people Nov. 3, 1942]

ARTICLE XI-A
FARM AND HOME LOANS TO VETERANS

Sec. 1. State empowered to make farm and home loans to veterans; standards and priorities for loans

2. Bonds

3. Eligibility to receive loans

4. Tax levy

5. Repeal of conflicting constitutional provisions

6. Refunding bonds

Section 1. State empowered to make farm and home loans to veterans; standards and priorities for loans. (1) Notwithstanding the limits contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed eight percent of the true cash value of all the property in the state, for the purpose of creating a fund, to be known as the “Oregon War Veterans’ Fund,” to be advanced for the acquisition of farms and homes for the benefit of male and female residents of the State of Oregon who served in the Armed Forces of the United States. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund, except that moneys in the Oregon War Veterans’ Fund may also be appropriated to the Director of Veterans Affairs to be expended, without security, for the following purposes:

(a) Aiding war veterans’ organizations in connection with their programs of service to war veterans;

(b) Training service officers appointed by the counties to give aid as provided by law to veterans and their dependents;

(c) Aiding the counties in connection with programs of service to war veterans;

(d) The duties of the Director of Veterans’ Affairs as conservator of the estates of beneficiaries of the United States Veterans’ Administration; and

(e) The duties of the Director of Veterans’ Affairs in providing services to war veterans, their dependents and survivors.

(2) The Director of Veterans’ Affairs may establish standards and priorities with respect to the granting of loans from the Oregon War Veterans’ Fund that, as determined by the director, best accomplish the purposes and promote the financial sustainability of the Oregon War Veterans’ Fund, including, but not limited to, standards and priorities necessary to maintain the tax-exempt status of earnings from bonds issued under authority of this section and section 2 of this Article. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 14, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 14, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by H.J.R. 33, 1969, and adopted by the people Nov. 3, 1970; Amendment proposed by H.J.R. 12, 1973, and adopted by the people May 28, 1974; Amendment proposed by H.J.R. 10, 1977, and adopted by the people May 17, 1977; Amendment proposed by S.J.R. 53, 1977, and adopted by the people May 17, 1977; Amendment proposed by S.J.R. 2, 1999, and adopted by the people Nov. 7, 2000]

Section 2. Bonds. Bonds of the state of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 hereof for the purpose of creating said “Oregon War Veterans’ Fund.” Said bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950]

Section 3. Eligibility to receive loans. No person shall receive money from the Oregon War Veterans’ Fund except the following:

(1) A person who:

(a) Resides in the State of Oregon at the time of applying for a loan from the fund;

(b) Served honorably in active duty, other than active duty for training, in the Armed Forces of the United States:

(A) For a period of not less than 210 days or who was, prior to completion of such period of service, discharged or released from active duty on account of service-connected injury or illness; or

(B) In a theater of operations for which a campaign or expeditionary ribbon or medal is authorized by the United States;

(c) Has been honorably separated or discharged from the Armed Forces of the United States or has been furloughed to a reserve; and

(d) Makes application for a loan within the 30-year period immediately following the date on which the person was released from active duty in the Armed Forces of the United States.
Section 4. Tax levy. There shall be levied each year, at the same time and in the same manner that other taxes are levied, a tax upon all property in the state of Oregon not exempt from taxation, not to exceed two (2) mills on each dollar valuation, to provide for the payment of principal and interest of the bonds authorized to be issued by this article. The two (2) mills additional tax herein provided for hereby is specifically authorized and said tax levy hereby authorized shall be in addition to all other taxes which may be levied according to law. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 1, 1949, and adopted by the people Nov. 7, 1950; Amendment proposed by H.J.R. 14, 1951, and adopted by the people Nov. 4, 1952; Amendment proposed by S.J.R. 14, 1959, and adopted by the people Nov. 8, 1960; Amendment proposed by H.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by S.J.R. 23, 1971, and adopted by the people Nov. 7, 1972; Amendment proposed by H.J.R. 23, 1975, and adopted by the people May 25, 1976; Amendment proposed by H.J.R. 23, 1979, and adopted by the people May 20, 1980; Amendment proposed by S.J.R. 3, 1985, and adopted by the people Nov. 5, 1996; Amendment proposed by S.J.R. 2, 1999, and adopted by the people Nov. 7, 2000]

Section 5. Repeal of conflicting constitutional provisions. The provisions of the constitution in conflict with this amendment hereby are repealed so far as they conflict herewith. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

Section 6. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this article. There may be issued and outstanding at any one time bonds aggregating the amount authorized by section 1 hereof, but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through H.J.R. 7, 1943, and adopted by the people Nov. 7, 1944]

ARTICLE XI-B
STATE PAYMENT OF IRRIGATION AND DRAINAGE DISTRICT INTEREST
[Created through H.J.R. 32, 1919, and adopted by the people June 3, 1919; Repeal proposed by H.J.R. 1, 1929, and adopted by the people Nov. 4, 1930]

ARTICLE XI-C
WORLD WAR VETERANS’ STATE AID SINKING FUND
[Created through H.J.R. 12, 1921, and adopted by the people June 7, 1921; Amendment proposed by H.J.R. 7, 1923, and adopted by the people Nov. 4, 1924; Repeal proposed by S.J.R. 1, 1949, and adopted by the people Nov. 7, 1944]

ARTICLE XI-D
STATE POWER DEVELOPMENT
Sec. 1. State’s rights, title and interest to water and water-power sites to be held in perpetuity. The rights, title and interest in and to all water for the development of water power and to water power sites, which the state of Oregon now owns or may hereafter acquire, shall be held by it in perpetuity. [Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932]

Section 2. State’s powers enumerated. The state of Oregon is authorized and empowered:
1. To control and/or develop the water power within the state;
2. To lease water and water power sites for the development of water power;
3. To control, use, transmit, distribute, sell and/or dispose of electric energy;
4. To develop, separately or in conjunction with the United States, or in conjunction with the political subdivisions of this state, any water power within the state, and to acquire, construct, maintain and/or oper-
ate hydroelectric power plants, transmission and distribution lines;

5. To develop, separately or in conjunction with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, any water power in any interstate stream and to acquire, construct, maintain and/or operate hydroelectric power plants, transmission and distribution lines;

6. To contract with the United States, with any state or states, or political subdivisions thereof, or with any political subdivision of this state, for the purchase or acquisition of water, water power and/or electric energy for use, transmission, distribution, sale and/or disposal thereof;

7. To fix rates and charges for the use of water in the development of water power and for the sale and/or disposal of water power and/or electric energy;

8. To loan the credit of the state, and to incur indebtedness to an amount not exceeding one and one-half percent of the true cash value of all the property in the state taxed on an ad valorem basis, for the purpose of providing funds with which to carry out the provisions of this article, notwithstanding any limitations elsewhere contained in this constitution;

9. To do any and all things necessary or convenient to carry out the provisions of this article. [Created through initiative petition filed July 7, 1932, and adopted by the people Nov. 8, 1932; Amendment proposed by S.J.R. 6, 1961, and adopted by the people Nov. 6, 1962]

ARTICLE XI-E
STATE REFORESTATION

Section 1. State empowered to lend credit for forest rehabilitation and reforestation; bonds; taxation. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time 3/16 of 1 percent of the true cash value of all the property in the state taxed on an ad valorem basis, to provide funds for forest rehabilitation and reforestation and for the acquisition, management, and development of lands for such purposes. So long as any such indebtedness shall remain outstanding, the funds derived from the sale, exchange, or use of said lands, and from the disposal of products therefrom, shall be applied only in the liquidation of such indebtedness. Bonds or other obligations issued pursuant hereto may be renewed or refunded. An ad valorem tax shall be levied annually upon all the property in the state of Oregon taxed on an ad valorem basis, in sufficient amount to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace the said tax levies. The legislature shall enact legislation to carry out the provisions hereof. This amendment shall supersede all constitutional provisions in conflict herewith. [Created through H.J.R. 24, 1947, and adopted by the people Nov. 2, 1948; Amendment proposed by S.J.R. 7, 1961, and adopted by the people Nov. 6, 1962; Amendment proposed by H.J.R. 85, 1997, and adopted by the people May 20, 1997]

ARTICLE XI-F(1)
HIGHER EDUCATION BUILDING PROJECTS

Sec. 1. State empowered to lend credit for higher education building projects
2. Only self-liquidating projects authorized
3. Sources of revenue
4. Bonds
5. Legislation to effectuate Article

Section 1. State empowered to lend credit for higher education building projects. The credit of the state may be loaned and indebtedness incurred in an amount which shall not exceed at any one time three-fourths of one percent of the true cash value of all the taxable property in the state, as determined by law to provide funds with which to redeem and refund outstanding revenue bonds issued to finance the cost of buildings and other projects for higher education, and to construct, improve, repair, equip, and furnish buildings and other structures for such purpose, and to purchase or improve sites therefor. [Created through H.J.R.
Section 2. Only self-liquidating projects authorized. The buildings and structures hereafter constructed for higher education pursuant to this amendment shall be such only as conservatively shall appear to the constructing authority to be wholly self-liquidating and self-supporting from revenues, gifts, grants, or building fees. All unpledged net revenues of buildings and other projects may be pooled with the net revenues of new buildings or projects in order to render the new buildings or projects self-liquidating and self-supporting. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the state of Oregon in sufficient amount, with the aforesaid revenues, gifts, grants, or building fees, to provide for the payment of such indebtedness and the interest thereon. The legislative assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]

Section 4. Bonds. Bonds issued pursuant to this article shall be the direct general obligations of the state, and be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by statute. Such bonds may be refunded with bonds of like obligation. Unless provided by statute, no bonds shall be issued pursuant to this article for the construction of buildings or other structures for higher education until after all of the aforesaid outstanding revenue bonds shall have been redeemed or refunded. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]

Section 5. Legislation to effectuate Article. The legislative assembly shall enact legislation to carry out the provisions hereof. This article shall supersede all conflicting constitutional provisions. [Created through H.J.R. 26, 1949, and adopted by the people Nov. 7, 1950]
4. “Child or Children” means child or children of issue, child or children by adoption or child or children to whom the deceased person has stood in loco parentis for one year or more immediately preceding his death.

5. “Parent or Parents” means natural parent or parents; parent or parents by adoption; or, person or persons, including stepparent or stepparents, who have stood in loco parentis to the deceased person for a period of one year or more immediately prior to entrance into the armed service of the United States.

6. “Veterans” means any person who shall have served in active duty in the armed forces of the United States at any time between September 16, 1940, and June 30, 1946, both dates inclusive, and who, at the time of commencing such service, was and had been a bona fide resident of the State of Oregon for at least one year immediately preceding the commencement of such service, and who shall have been separated from such service under honorable conditions, or who is still in such service, or who has been retired. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 3. Amount of bonus. Every veteran who was in such service for a period of at least 90 days shall be entitled to receive compensation at the rate of Ten Dollars ($10.00) for each full month during which such veteran was in active domestic service and Fifteen Dollars ($15.00) for each full month during which such veteran was in active foreign service within said period of time. Any veteran who was serving on active duty in the armed forces between September 16, 1940, and June 30, 1946, whose services were terminated by reason of service-connected disabilities, and who, upon filing a claim for disabilities with the United States Veterans’ Administration within three months after separation from the armed service, was rated not less than 50% disabled as a result of such claim, shall be deemed to have served sufficient time to entitle him or her to the maximum payment under this act [sic] and shall be so entitled. The maximum amount of compensation payable under this act [sic] shall be six hundred dollars ($600.00) and no such compensation shall be paid to any veteran who shall have received from another state a bonus or compensation because of such military service. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 4. Survivors of certain deceased veterans entitled to maximum amount. The survivor or survivors, of the deceased veteran whose death was caused or contributed to by a service-connected disease or disability incurred in service under conditions other than dishonorable, shall be entitled, in the order of survivorship provided in this act [sic], to receive the maximum amount of said compensation irrespective of the amount such deceased would have been entitled to receive if living. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 5. Certain persons not eligible. No compensation shall be paid under this act [sic] to any veteran who, during the period of service refused on conscientious, political or other grounds to subject himself to full military discipline and unqualified service, or to any veteran for any periods of time spent under penal confinement during the period of active duty, or for service in the merchant marine: Provided, however, that for the purposes of this act [sic], active service in the chaplain corps, or medical corps shall be deemed unqualified service under full military discipline. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 6. Order of distribution among survivors. The survivor or survivors of any deceased veteran who would have been entitled to compensation under this act [sic], other than those mentioned in Section 4 of this act [sic], shall be entitled to receive the same amount of compensation as said deceased veteran would have received, if living, which shall be distributed as follows:

1. To the husband or wife, as the case may be, the whole amount.

2. If there be no husband or wife, to the child or children, equally; and

3. If there be no husband or wife or child or children, to the parent or parents, equally. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 7. Bonus not saleable or assignable; bonus free from creditors’ claims and state taxes. No sale or assignment of any right or claim to compensation under this act [sic] shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of such compensation, and such compensation shall be exempt from all taxes imposed by the laws of this state. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 8. Administration of article; rules and regulations. The director of Veterans’ Affairs, State of Oregon, referred to herein as the “director” hereby is authorized and empowered, and it shall be his duty, to administer the provisions of this act [sic], and with the approval of the veterans advisory committee may make such rules and regulations as are deemed necessary to ac-
Section 9. Applications. All applications for certificates under this act [sic] shall be made within two years from the effective date hereof and upon forms to be supplied by the director. Said applications shall be duly verified by the claimant before a notary public or other person authorized to take acknowledgments, and shall set forth applicant’s name, residence at the time of entry into the service, date and place of enlistment, induction or entry upon active federal service, beginning and ending dates of foreign service, date of discharge, retirement or release from active federal service, statement of time lost by reason of penal confinement during the period of active duty; together with the applicant’s original discharge, or certificate in lieu of lost discharge, or certificate of service, or if the applicant has not been released at the time of application, a statement by competent military authority that the applicant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that the applicant has not been separated from service under circumstances other than honorable. The director may require such further information to be included in such application as deemed necessary to enable him to determine the eligibility of the applicant. Such applications, together with satisfactory evidence of honorable service, shall be filed with the director. The director shall make such reasonable requirements for applicants as may be necessary to prevent fraud or the payment of compensation to persons not entitled thereto. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]

Section 10. Furnishing forms; printing, office supplies and equipment; employees; payment of expenses. The director shall furnish free of charge, upon request, the necessary forms upon which applications may be made and may authorize the county clerks, Veterans organizations and other organizations, and notaries public willing to assist veterans without charge, to act for him in receiving application under this act [sic], and shall furnish such clerks, organizations and notaries public, with the proper forms for such purpose. The director hereby is authorized and directed with the approval of the veterans’ advisory committee, to procure such printing, office supplies and equipment and to employ such persons as may be necessary in order to properly carry out the provisions of this act [sic], and all expense incurred by him in the administration thereof shall be paid out of the World War II Veterans’ Compensation Fund, in the manner provided by law for payment of claims from other state funds. [Created through initiative petition filed June 30, 1950, and adopted by the people Nov. 7, 1950]
Section 2. Bonds. Bonds issued pursuant to this Article shall be the direct general obligations of the State and shall be in such form, run for such periods of time, and bear such rates of interest as the Legislative Assembly provides. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. 8, 1963 (s.s.), and adopted by the people May 15, 1964]

Section 3. Sources of revenue. Ad valorem taxes shall be levied annually upon the taxable property within the State of Oregon in sufficient amount to provide for the prompt payment of bonds issued pursuant to this Article and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through H.J.R. 8, 1963 (s.s.), and adopted by the people May 15, 1964]

ARTICLE XI-H
POLLUTION CONTROL

Sec. 1. State empowered to lend credit for financing pollution control facilities or related activities. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI, of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one percent of the true cash value of all taxable property in the state:

1. To provide funds to be advanced, by contract, grant, loan or otherwise, to any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, for the purpose of planning, acquisition, construction, alteration or improvement of facilities for or activities related to, the collection, treatment, dilution and disposal of all forms of waste in or upon the air, water and lands of this state; and

2. To provide funds for the acquisition, by purchase, loan or otherwise, of bonds, notes or other obligations of any municipal corporation, city, county or agency of the State of Oregon, or combinations thereof, issued or made for the purposes of subsection (1) of this section. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970; Amendment proposed by S.J.R. 41, 1989, and adopted by the people May 22, 1990]

Section 2. Only facilities seventy percent self-supporting and self-liquidating authorized; exceptions. The facilities for which funds are advanced and for which bonds, notes or other obligations are issued or made and acquired pursuant to this Article shall be only such facilities as conservatively appear to the agency designated by law to make the determination to be not less than 70 percent self-supporting and self-liquidating from revenues, gifts, grants from the Federal Government, user charges, assessments and other fees. This section shall not apply to activities for which funds are advanced and shall not apply to facilities for the collection, treatment, dilution, removal and disposal of hazardous substances. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970; Amendment proposed by S.J.R. 41, 1989, and adopted by the people May 22, 1990]

Section 3. Authority of public bodies to receive funds. Notwithstanding the limitations contained in section 10, Article XI of this Constitution, municipal corporations, cities, counties, and agencies of the State of Oregon, or combinations thereof, may receive funds referred to in section 1 of this Article, by contract, grant, loan or otherwise and may also receive such funds through disposition to the state, by sale, loan or otherwise, of bonds, notes or other obligations issued or made for the purposes set forth in section 1 of this Article. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all taxable property within the State of Oregon in sufficient amount to provide, together with the revenues, gifts, grants from the Federal Government, user charges, assessments and other fees referred to in section 2 of this Article for the payment of indebtedness incurred by the state and the interest thereon. The Legislative Assembly may provide other revenues to supplement or replace such tax levies. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 5. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time, and bear such rates of interest, as shall be provided by law. Such bonds may be refunded with bonds of like obligation. [Created through H.J.R. 14, 1969, and adopted by the people May 26, 1970]

Section 6. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of a county or city charter or act of incorpor-
CONSTITUTION OF OREGON

ARTICLE XI-I(1)
WATER DEVELOPMENT PROJECTS

Sec. 1. State empowered to lend credit to establish Water Development Fund; eligibility; use
Sec. 2. Bonds
Sec. 3. Refunding bonds
Sec. 4. Sources of revenue
Sec. 5. Legislation to effectuate Article

Section 1. State empowered to lend credit to establish Water Development Fund; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one and one-half percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Water Development Fund. The fund shall be used to provide financing for loans for residents of this state for construction of water development projects for Irrigation, drainage, fish protection, watershed restoration and municipal uses and for the acquisition of easements and rights of way for water development projects authorized by law. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. As used in this section, “resident” includes both natural persons and any corporation or cooperative, either for profit or nonprofit, whose principal income is from farming in Oregon or municipal or quasi-municipal or other body subject to the laws of the State of Oregon. Not less than 50 percent of the potential amount available from the fund will be reserved for irrigation and drainage projects. For municipal use, only municipalities and communities with populations less than 30,000 are eligible for loans from the fund. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding, including refunding bonds, exceed the amount so authorized. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. 1, 1977, and adopted by the people Nov. 8, 1977]

ARTICLE XI-I(2)
MULTIFAMILY HOUSING FOR ELDERLY AND DISABLED

Sec. 1. State empowered to lend credit for multifamily housing for elderly and disabled persons
Sec. 2. Sources of revenue
Sec. 3. Bonds
Sec. 4. Legislation to effectuate Article

Section 1. State empowered to lend credit for multifamily housing for elderly and disabled persons. In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed, at any one time, one-half of one percent of the true cash value of all taxable property in the state to provide funds to be advanced, by contract, grant, loan or otherwise, for the purpose of providing additional financing for multifamily housing for the elderly and for disabled persons. Multifamily housing means a structure or facility designed to contain more than one living unit. Additional financing may be provided to the elderly to purchase ownership interest in the structure or facility. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978; Amendment proposed by S.J.R. 34, 1979, and adopted by the people May 20, 1980; Amendment proposed by H.J.R. 1, 1981, and adopted by the people May 18, 1982]
Section 2. Sources of revenue. The bonds shall be payable from contract or loan proceeds; bond reserves; other funds available for these purposes; and, if necessary, state ad valorem taxes. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

Section 3. Bonds. Bonds issued pursuant to section 1 of this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time and bear such rates of interest as shall be provided by law. The bonds may be refunded with bonds of like obligation. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

Section 4. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article shall supersede all conflicting constitutional provisions. [Created through H.J.R. 61, 1977, and adopted by the people May 23, 1978]

ARTICLE XI-J
SMALL SCALE LOCAL ENERGY LOANS

Sec. 1. State empowered to loan credit for small scale local energy loans; eligibility; use
2. Bonds
3. Refunding bonds
4. Sources of revenue
5. Legislation to effectuate Article

Section 1. State empowered to loan credit for small scale local energy loans; eligibility; use. Notwithstanding the limits contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred in an amount not to exceed one-half of one percent of the true cash value of all the property in the state for the purpose of creating a fund to be known as the Small Scale Local Energy Project Loan Fund. The fund shall be used to provide financing for the development of small scale local energy projects. Secured repayment thereof shall be and is a prerequisite to the advancement of money from such fund. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 2. Bonds. Bonds of the State of Oregon containing a direct promise on behalf of the state to pay the face value thereof, with the interest therein provided for, may be issued to an amount authorized by section 1 of this Article for the purpose of creating such fund. The bonds shall be a direct obligation of the state and shall be in such form and shall run for such periods of time and bear such rates of interest as provided by statute. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 3. Refunding bonds. Refunding bonds may be issued and sold to refund any bonds issued under authority of sections 1 and 2 of this Article. There may be issued and outstanding at any time bonds aggregating the amount authorized by section 1 of this Article but at no time shall the total of all bonds outstanding including refunding bonds, exceed the amount so authorized. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 4. Sources of revenue. Ad valorem taxes shall be levied annually upon all the taxable property in the State of Oregon in sufficient amount to provide for the payment of principal and interest of the bonds issued pursuant to this Article. The Legislative Assembly may provide other revenues to supplement or replace, in whole or in part, such tax levies. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

Section 5. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article. This Article supersedes any conflicting provision of a county or city charter or act of incorporation. [Created through S.J.R. 24, 1979, and adopted by the people May 20, 1980]

ARTICLE XI-K
GUARANTEE OF BONDED INDEBTEDNESS OF EDUCATION DISTRICTS

Sec. 1. State empowered to guarantee bonded indebtedness of education districts
2. State empowered to lend credit for state guarantee of bonded indebtedness of education districts
3. Repayment by education districts
4. Sources of revenue
5. Bonds
6. Legislation to effectuate Article

Section 1. State empowered to guarantee bonded indebtedness of education districts. To secure lower interest costs on the general obligation bonds of school districts, education service districts and community college districts, the State of Oregon may guarantee the general obligation bonded indebtedness of those districts as provided in sections 2 to 6 of this Article and laws enacted pursuant to this Article. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 2. State empowered to lend credit for state guarantee of bonded indebtedness of education districts. In the manner provided by law and notwithstanding the limitations contained in sections 7 and 8, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an amount not to
Section 3. Repayment by education districts. The Legislative Assembly may provide that reimbursement to the state shall be obtained from, but shall not be limited to, moneys that otherwise would be used for the support of the educational programs of the school district, the education service district or the community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 4. Sources of revenue. The State of Oregon may issue bonds if and as necessary to provide funding to satisfy the state's guaranty obligations undertaken pursuant to this Article. In addition, notwithstanding anything to the contrary in Article VIII of this Constitution, the state may borrow available moneys from the Common School Fund if such borrowing is reasonably necessary to satisfy the state's guaranty obligations undertaken pursuant to this Article. The State of Oregon also may issue bonds if and as necessary to provide funding to repay the borrowed moneys, and any interest thereon, to the Common School Fund. The bonds shall be payable from any moneys reimbursed to the state under section 3 of this Article, from any moneys recoverable from the school district, the education service district or the community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made, any other funds available for these purposes and, if necessary, from state ad valorem taxes. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 5. Bonds. Bonds of the state issued pursuant to this Article shall be the direct obligations of the state and shall be in such form, run for such periods of time and bear such rates of interest as shall be provided by law. The bonds may be refunded with bonds of like obligation. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]

Section 6. Legislation to effectuate Article. The Legislative Assembly shall enact legislation to carry out the provisions of this Article, including provisions that authorize the state's recovery, from any school district, education service district or community college district that incurred the bonded indebtedness with respect to which any payment under the state's guaranty is made, any amounts necessary to make the state whole. This Article shall supersede all conflicting constitutional provisions and shall supersede any conflicting provision of any law, ordinance or charter pertaining to any school district, education service district or community college district. [Created through H.J.R. 71, 1997, and adopted by the people Nov. 3, 1998]
the State of Oregon shall be pledged to the payment of the principal, premium, if any, and interest on such bonds provided, however, that the ad valorem taxing power of the State of Oregon may not be pledged to the payment of such bonds.

(3) The proceeds from bonds issued under this section shall be used to finance capital costs of Oregon Health and Science University and costs of issuing bonds pursuant to this Article. Bonds issued under this section to finance capital costs of Oregon Health and Science University shall be issued in an aggregate principal amount that produces net proceeds for the university in an amount that does not exceed $200 million.

(4) The proceeds from bonds issued under this section may not be used to finance operating costs of Oregon Health and Science University.

(5) As used in this Article, “bonds” means bonds, notes or other financial obligations of the State of Oregon issued under this section. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 2. Sources of repayment. The principal, premium, if any, interest and any other amounts payable with respect to bonds issued under section 1 of this Article shall be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for such purpose by the Legislative Assembly from the General Fund, including any taxes levied to pay the bonds other than ad valorem property taxes;

(2) Amounts allocated for such purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for such purpose by the Legislative Assembly from other sources of revenue. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 3. Refunding bonds. Bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

Section 5. Relationship to conflicting provision of Constitution. This Article shall supersede all conflicting provisions of this constitution. [Created through H.J.R. 19, 2001, and adopted by the people May 21, 2002]

ARTICLE XI-M
SEISMIC REHABILITATION OF PUBLIC EDUCATION BUILDINGS
Sec. 1. State empowered to lend credit for seismic rehabilitation of public education buildings; bonds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time, one-fifth of one percent of the real market value of all property in the state, to provide funds for the planning and implementation of seismic rehabilitation of public education buildings, including surveying and conducting engineering evaluations of the need for seismic rehabilitation.

(2) Any indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, interest and other amounts payable with respect to the bonds, in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in a form, run for a period of time, have terms and bear rates of interest as may be provided by statute. The full faith and credit and taxing power of the State of Oregon must be pledged to the payment of the principal, premium, if any, and interest on the general obligation bonds; however, the ad valorem taxing power of the State of Oregon may not be pledged to the payment of the bonds issued under this section.

(3) As used in this section, “public education building” means a building owned by the State Board of Higher Education, a school district, an education service district, a community college district or a community college service district. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]
Section 2. Sources of repayment. The principal, premium, if any, interest and other amounts payable with respect to the general obligation bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for the purpose by the Legislative Assembly from the General Fund, including taxes, other than ad valorem property taxes, levied to pay the bonds;

(2) Amounts allocated for the purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for the purpose by the Legislative Assembly from other sources of revenue. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Refunding bonds. General obligation bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

Section 5. Relationship to conflicting provisions of Constitution. This Article supersedes conflicting provisions of this Constitution. [Created through S.J.R. 21, 2001, and adopted by the people Nov. 5, 2002]

ARTICLE XI-N
SEISMIC REHABILITATION OF EMERGENCY SERVICES BUILDINGS
Sec. 1. State empowered to lend credit for seismic rehabilitation of emergency services buildings; bonds. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred, in an aggregate outstanding principal amount not to exceed, at any one time, one-fifth of one percent of the real market value of all property in the state, to provide funds for the planning and implementation of seismic rehabilitation of emergency services buildings, including surveying and conducting engineering evaluations of the need for seismic rehabilitation.

(2) Any indebtedness incurred under this section must be in the form of general obligation bonds of the State of Oregon containing a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, interest and other amounts payable with respect to the bonds, in an aggregate outstanding principal amount not to exceed the amount authorized in subsection (1) of this section. The bonds are the direct obligation of the State of Oregon and must be in a form, run for a period of time, have terms and bear rates of interest as may be provided by statute. The full faith and credit and taxing power of the State of Oregon must be pledged to the payment of the principal, premium, if any, and interest on the general obligation bonds; however, the ad valorem taxing power of the State of Oregon may not be pledged to the payment of the bonds issued under this section.

(3) As used in this section:

(a) “Acute inpatient care facility” means a licensed hospital with an organized medical staff, with permanent facilities that include inpatient beds, and with comprehensive medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for but not limited to acutely ill patients and accident victims. “Acute inpatient care facility” includes the Oregon Health and Science University.

(b) “Emergency services building” means a public building used for fire protection services, a hospital building that contains an acute inpatient care facility, a police station, a sheriff’s office or a similar facility used by a state, county, district or municipal law enforcement agency. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 2. Sources of repayment. The principal, premium, if any, interest and other amounts payable with respect to the general obligation bonds issued under section 1 of this Article must be repaid as determined by the Legislative Assembly from the following sources:

(1) Amounts appropriated for the purpose by the Legislative Assembly from the General Fund, including taxes, other than ad valorem property taxes, levied to pay the bonds;
(2) Amounts allocated for the purpose by the Legislative Assembly from the proceeds of the State Lottery or from the Master Settlement Agreement entered into on November 23, 1998, by the State of Oregon and leading United States tobacco product manufacturers; and

(3) Amounts appropriated or allocated for the purpose by the Legislative Assembly from other sources of revenue. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Refunding bonds. General obligation bonds issued under section 1 of this Article may be refunded with bonds of like obligation. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 4. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

Section 5. Relationship to conflicting provisions of Constitution. This Article supersedes conflicting provisions of this Constitution. [Created through S.J.R. 22, 2001, and adopted by the people Nov. 5, 2002]

ARTICLE XI-O
PENSION LIABILITIES

Sec. 1. State empowered to lend credit for pension liabilities
2. Refunding obligations
3. Legislation to effectuate Article
4. Relationship to conflicting provisions of Constitution

Section 1. State empowered to lend credit for pension liabilities. (1) In the manner provided by law and notwithstanding the limitations contained in section 7, Article XI of this Constitution, the credit of the State of Oregon may be loaned and indebtedness incurred to finance the State of Oregon’s pension liabilities. Indebtedness authorized by this section also may be used to pay costs of issuing or incurring indebtedness under this section.

(2) Indebtedness incurred under this section is a general obligation of the State of Oregon and must contain a direct promise on behalf of the State of Oregon to pay the principal, premium, if any, and interest on that indebtedness. The State of Oregon shall pledge its full faith and credit and taxing power to pay that indebtedness; however, the ad valorem taxing power of the State of Oregon may not be pledged to pay that indebtedness. The amount of indebtedness authorized by this section and outstanding at any time may not exceed one percent of the real market value of all property in the state. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 2. Refunding obligation. Indebtedness incurred under section 1 of this Article may be refunded with like obligations. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 3. Legislation to effectuate Article. The Legislative Assembly may enact legislation to carry out the provisions of this Article. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

Section 4. Relationship to conflicting provisions of Constitution. This Article supersedes all conflicting provisions of this Constitution. [Created through H.J.R. 18, 2003, and adopted by the people Sept. 16, 2003]

ARTICLE XII
STATE PRINTING

Section 1. State printing; State Printer. Laws may be enacted providing for the state printing and binding, and for the election or appointment of a state printer, who shall have had not less than ten years’ experience in the art of printing. The state printer shall receive such compensation as may from time to time be provided by law. Until such laws shall be enacted the state printer shall be elected, and the printing done as heretofore provided by this constitution and the general laws. [Constitution of 1859; Amendment proposed by S.J.R. 1, 1901, and adopted by the people June 6, 1904; Amendment proposed by initiative petition filed Feb. 3, 1906, and adopted by the people June 4, 1906]

ARTICLE XIII
SALARIES

Section 1. Salaries or other compensation of state officers. [Constitution of 1859; Repeal proposed by S.J.R. 12, 1955, and adopted by the people Nov. 6, 1956]

ARTICLE XIV
SEAT OF GOVERNMENT

Sec. 1. Seat of government
2. Erection of state house prior to 1865

Section 1. Seat of government. The permanent seat of government for the state shall be Marion County. [Created through S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (this section and former 1958 section 3 of this Article adopted in lieu of former original section 3 of this Article)]
Section 2. Erection of state house prior to 1865. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State House prior to the year eighteen hundred and sixty five. —

Section 3. Limitation on removal of seat of government; location of state institutions. [Constitution of 1859; Amendment proposed by S.J.R. 1, 1907, and adopted by the people June 1, 1908; Repeal proposed by S.J.R. 41, 1957, and adopted by the people Nov. 4, 1958 (present section 1 and former 1958 section 3 of this Article adopted in lieu of this section and former section 1 of this Article)]

Section 4. Regulation of lotteries; state lottery; use of net proceeds from state lottery. (1) Except as provided in subsections (2), (3), (4), (10) and (11) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon’s parks, beaches, watersheds and critical fish and wildlife habitats.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners shall serve only until the contest and any appeal is finally determined notwithstanding any other provision of this constitution. [Constitution of 1859; Amendment proposed by H.J.R. 51, 1969, and adopted by the people Nov. 3, 1970]

Section 2. Tenure of office; how fixed; maximum tenure. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the Legislative Assembly shall not create any office, the tenure of which shall be longer than four years.

Section 3. Oaths of office. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office. —

Section 4. Regulation of lotteries; state lottery; use of net proceeds from state lottery. (1) Except as provided in subsections (2), (3), (4), (10) and (11) of this section, lotteries and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

(2) The Legislative Assembly may provide for the establishment, operation, and regulation of raffles and the lottery commonly known as bingo or lotto by charitable, fraternal, or religious organizations. As used in this section, charitable, fraternal or religious organization means such organizations or foundations as defined by law because of their charitable, fraternal, or religious purposes. The regulations shall define eligible organizations or foundations, and may prescribe the frequency of raffles, bingo or lotto, set a maximum monetary limit for prizes and require a statement of the odds on winning a prize. The Legislative Assembly shall vest the regulatory authority in any appropriate state agency.

(3) There is hereby created the State Lottery Commission which shall establish and operate a State Lottery. All proceeds from the State Lottery, including interest, but excluding costs of administration and payment of prizes, shall be used for any of the following purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon’s parks, beaches, watersheds and critical fish and wildlife habitats.

(4)(a) The State Lottery Commission shall be comprised of five members appointed by the Governor and confirmed by the Senate who shall serve at the pleasure of the Governor. At least one of the Commissioners...
shall have a minimum of five years experience in law enforcement and at least one of the Commissioners shall be a certified public accountant. The Commission is empowered to promulgate rules related to the procedures of the Commission and the operation of the State Lottery. Such rules and any statutes enacted to further implement this article shall insure the integrity, security, honesty, and fairness of the Lottery. The Commission shall have such additional powers and duties as may be provided by law.

(b) The Governor shall appoint a Director subject to confirmation by the Senate who shall serve at the pleasure of the Governor. The Director shall be qualified by training and experience to direct the operations of a state-operated lottery. The Director shall be responsible for managing the affairs of the Commission. The Director may appoint and prescribe the duties of no more than four Assistant Directors as the Director deems necessary. One of the Assistant Directors shall be responsible for a security division to assure security, integrity, honesty, and fairness in the operations and administration of the State Lottery. To fulfill these responsibilities, the Assistant Director for security shall be qualified by training and experience, including at least five years of law enforcement experience, and knowledge and experience in computer security.

(c) The Director shall implement and operate a State Lottery pursuant to the rules, and under the guidance, of the Commission. The State Lottery may operate any game procedure authorized by the commission, except parimutuel racing, social games, and the games commonly known in Oregon as bingo or lotto, whereby prizes are distributed using any existing or future methods among adult persons who have paid for tickets or shares in that game; provided that, in lottery games utilizing computer terminals or other devices, no coins or currency shall ever be dispensed directly to players from such computer terminals or devices.

(d) There is hereby created within the General Fund the Oregon State Lottery Fund which is continuously appropriated for the purpose of administering and operating the Commission and the State Lottery. The State Lottery shall operate as a self-supporting revenue-raising agency of state government and no appropriations, loans, or other transfers of state funds shall be made to it. The State Lottery shall pay all prizes and all of its expenses out of the revenues it receives from the sale of tickets or shares to the public and turnover the net proceeds therefrom to a fund to be established by the Legislative Assembly from which the Legislative Assembly shall make appropriations for the benefit of any of the following public purposes: creating jobs, furthering economic development, financing public education in Oregon or restoring and protecting Oregon’s parks, beaches, watersheds and critical fish and wildlife habitats. Effective July 1, 1997, 15% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Effective July 1, 2003, 18% of the net proceeds from the State Lottery shall be deposited, from the fund created by the Legislative Assembly under this paragraph, in an education stability fund. Earnings on moneys in the education stability fund shall be retained in the fund or expended for the public purpose of financing public education in Oregon as provided by law. Except as provided in subsections (6) and (8) of this section, moneys in the education stability fund shall be invested and, if not needed, refunded to the Oregon State Lottery. The Legislative Assembly may appropriate other moneys or revenue to the education stability fund. The Legislative Assembly shall appropriate amounts sufficient to pay lottery bonds before appropriating the net proceeds from the State Lottery fund for any other purpose. At least 84% of the total annual revenues from the sale of all lottery tickets or shares shall be returned to the public in the form of prizes and net revenues benefiting the public purpose.

(5) Notwithstanding paragraph (d) of subsection (4) of this section, the amount in the education stability fund created under paragraph (d) of subsection (4) of this section may not exceed an amount that is equal to five percent of the amount that was accrued as revenues in the state’s General Fund during the prior biennium. If the amount in the education stability fund exceeds five percent of the amount that was accrued as revenues in the state’s General Fund during the prior biennium:

(a) Additional net proceeds from the State Lottery may not be deposited in the education stability fund until the amount in the education stability fund is reduced to less than five percent of the amount that was accrued as revenues in the state’s General Fund during the prior biennium; and

(b) Fifteen percent of the net proceeds from the State Lottery shall be deposited into the school capital matching subaccount created under subsection (8) of this section.

(6) The Legislative Assembly may by law appropriate, allocate or transfer any portion of the principal of the education stability fund created under paragraph (d) of subsec-
tion (4) of this section for expenditure on public education if:

(a) The proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Legislative Assembly finds one of the following:

(A) That the last quarterly economic and revenue forecast for a biennium indicates that moneys available to the state’s General Fund in the current biennium will be at least three percent less than appropriations from the state’s General Fund for the current biennium;

(B) That there has been a decline for two or more consecutive quarters in the last 12 months in seasonally adjusted nonfarm payroll employment; or

(C) That a quarterly economic and revenue forecast projects that revenues in the state’s General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based; or

(b) If the proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Governor declares an emergency.

(7) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts described in subsection (6) of this section.

(8)(a) There is created a school capital matching subaccount within the education stability fund created under paragraph (d) of subsection (4) of this section.

(b) The Legislative Assembly may by law appropriate, allocate or transfer moneys or revenue to the school capital matching subaccount.

(C) That a quarterly economic and revenue forecast projects that revenues in the state’s General Fund in the current biennium will be at least three percent less than appropriations from the state’s General Fund for the current biennium;

(B) That there has been a decline for two or more consecutive quarters in the last 12 months in seasonally adjusted nonfarm payroll employment; or

(C) That a quarterly economic and revenue forecast projects that revenues in the state’s General Fund in the current biennium will be at least two percent below what the revenues were projected to be in the revenue forecast on which the legislatively adopted budget for the current biennium was based; or

(b) If the proposed appropriation, allocation or transfer is approved by three-fifths of the members serving in each house of the Legislative Assembly and the Governor declares an emergency.

(7) The Legislative Assembly may by law prescribe the procedures to be used and identify the persons required to make the forecasts described in subsection (6) of this section.

(8)(a) There is created a school capital matching subaccount within the education stability fund created under paragraph (d) of subsection (4) of this section.

(b) The Legislative Assembly may by law appropriate, allocate or transfer moneys or revenue to the school capital matching subaccount.

(c) To the extent funds are available, the Legislative Assembly may appropriate, allocate or transfer moneys in the school capital matching subaccount and earnings on moneys in the subaccount for the purpose of providing state matching funds to school districts for capital costs incurred by the school districts.

(9) Notwithstanding paragraph (d) of subsection (4) of this section, on May 1, 2003, the State Treasurer shall transfer $150 million from the education stability fund created under paragraph (d) of subsection (4) of this section to a fund created by law and known as the State School Fund. Moneys transferred under this subsection may be used in the manner provided by law for moneys in the State School Fund.

(10) Effective July 1, 1999, 15% of the net proceeds from the State Lottery shall be deposited in a parks and natural resources fund created by the Legislative Assembly. Of the moneys in the parks and natural resources fund, 50% shall be distributed for the public purpose of financing the protection, repair, operation, and creation of state parks, ocean shore and public beach access areas, historic sites and recreation areas, and 50% shall be distributed for the public purpose of financing the restoration and protection of native salmonid populations, watersheds, fish and wildlife habitats and water quality in Oregon. The Legislative Assembly shall not limit expenditures from the parks and natural resources fund. The Legislative Assembly may appropriate other moneys or revenue to the parks and natural resources fund.

(11) Only one State Lottery operation shall be permitted in the State.

(12) The Legislative Assembly has no power to authorize, and shall prohibit, casinos from operation in the State of Oregon. [Constitution of 1859; Amendment proposed by H.J.R. 14, 1975, and adopted by the people Nov. 2, 1976; Amendment proposed by initiative petition filed April 3, 1984, and adopted by the people Nov. 6, 1984 (paragraph designations in subsection (4) were not included in the petition); Amendment proposed by H.J.R. 20, 1985, and adopted by the people Nov. 4, 1986; Amendment proposed by H.J.R. 15, 1995, and adopted by the people May 16, 1995; Amendment proposed by initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998; Amendment proposed by H.J.R. 80, 2002 (3rd s.s.), and adopted by the people Sept. 17, 2002]

Note: The amendments to section 4, as adopted by the people in Measure No. 66, 1998, incorrectly set forth the text of section 4 as it existed at the time the measure was submitted to the people. The text of the measure, as approved by the voters, was printed here.

Section 4a. Use of net proceeds from state lottery for parks and recreation areas. Any state agency that receives moneys from the parks and natural resources fund established under section 4 of this Article for the public purpose of financing the protection, repair, operation, creation and development of state parks, ocean shore and public beach access areas, historic sites and recreation areas shall have the authority to use the moneys for the following purposes:

(1) Maintain, construct, improve, develop, manage and operate state park and recreation facilities, programs and areas.

(2) Acquire real property, or interest therein, deemed necessary for the creation and operation of state parks, ocean shores public beach access areas, recreation and historic sites or because of natural, scenic, cultural, historic and recreational values.
(3) Operate grant programs for local government entities deemed necessary to accomplish the public purposes of the parks and natural resources fund established under section 4 of this Article. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998]

Section 4b. Use of net proceeds from state lottery for salmon restoration and watershed and wildlife habitat protection. Moneys disbursed for the public purpose of financing the restoration and protection of wild salmonid populations, watersheds, fish and wildlife habitats and water quality from the fund established under Section 4 of this Article shall be administrated by one state agency. At least 65% of the moneys will be used for capital expenditures. These moneys, including grants, shall be used for all of the following purposes:

(1) Watershed, fish and wildlife, and riparian and other native species, habitat conservation activities, including but not limited to planning, coordination, assessment, implementation, restoration, inventory, information management and monitoring activities.

(2) Watershed and riparian education efforts.

(3) The development and implementation of watershed and water quality enhancement plans.

(4) Entering into agreements to obtain from willing owners determinate interests in lands and waters that protect watershed resources, including but not limited to fee simple interests in land, leases of land or conservation easements.

(5) Enforcement of fish and wildlife and habitat protection laws and regulations. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998]

Section 4c. Audit of agency receiving certain net proceeds from state lottery. Any state agency that receives moneys from the parks and natural resources fund established under section 4 of this Article shall secure an independent audit, pursuant to section 2, Article VI of this Constitution, to measure the financial integrity, effectiveness and performance of the agency receiving such moneys. Each agency shall submit the audit to the Legislative Assembly as part of a biennial report to the Legislative Assembly. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998]

Note: Added as section 4c to the Constitution but not to any Article therein by initiative petition (Measure No. 66, 1998) adopted by the people Nov. 3, 1998.

Section 4d. Subsequent vote for reaffirmation of sections 4a, 4b and 4c and amendment to section 4. The Legislative Assembly shall submit to a vote of the people at the November 2014 general elections the question of continuation of this amendment. This Section is repealed on January 1, 2015. [Created through initiative petition filed March 11, 1998, and adopted by the people Nov. 3, 1998]

Note: Added to the Constitution but not to any Article therein by initiative petition (Measure No. 66, 1998) adopted by the people Nov. 3, 1998. Section 4d was designated as “Section 5a” by Measure No. 66, 1998.

Note: “This amendment” in section 4d refers to the amendment to section 4 of this Article and the creation of sections 4a, 4b, 4c and 4d of this Article by Measure No. 66, 1998.

Section 5. Property of married women not subject to debts of husband; registration of separate property. The property and pecuniary rights of every married woman, at the time of marriage or afterwards, acquired by gift, devise, or inheritance shall not be subject to the debts, or contracts of the husband; and laws shall be passed providing for the registration of the wife’s separate property.

Section 5a. Policy regarding marriage. It is the policy of Oregon, and its political subdivisions, that only a marriage between one man and one woman shall be valid or legally recognized as a marriage. [Created through initiative petition filed March 2, 2004, and adopted by the people Nov. 2, 2004]

Note: Added as unnumbered section to the Constitution but not to any Article therein by initiative petition (Measure No. 36, 2004) adopted by the people Nov. 2, 2004.

Section 6. Minimum area and population of counties. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

Section 7. Officers not to receive fees from or represent claimants against state. No State officers, or members of the Legislative Assembly, shall directly or indirectly receive a fee, or be engaged as counsel, agent, or Attorney in the prosecution of any claim against this State. —

Section 8. Certain persons not to hold real estate or mining claims; working mining claims. [Constitution of 1859; Repeal proposed by S.J.R. 14, 1945, and adopted by the people Nov. 5, 1946]

Section 8. Persons eligible to serve in legislature. Notwithstanding the provisions of section 1 article III and section 10 article II of the Constitution of the State of Oregon, a person employed by the State Board of Higher Education, a member of any school
Section 9. When elective office becomes vacant. The Legislative Assembly may provide that any elective public office becomes vacant, under such conditions or circumstances as the Legislative Assembly may specify, whenever a person holding the office is elected to another public office more than 90 days prior to the expiration of the term of the office he is holding. For the purposes of this section, a person elected is considered to be elected as of the date the election is held. [Created through S.J.R. 41, 1959, and adopted by the people Nov. 8, 1960]

Section 10. The Oregon Property Protection Act of 2000. (1) This section may be known and shall be cited as the “Oregon Property Protection Act of 2000.”

(2) Statement of principles. The People, in the exercise of the power reserved to them under the Constitution of the State of Oregon, declare that:

(a) A basic tenet of a democratic society is that a person is presumed innocent and should not be punished until proven guilty;

(b) The property of a person should not be forfeited in a forfeiture proceeding by government unless and until that person is convicted of a crime involving the property;

(c) The value of property forfeited should be proportional to the specific conduct for which the owner of the property has been convicted; and

(d) Proceeds from forfeited property should be used for treatment of drug abuse unless otherwise specified by law for another purpose.

(3) Forfeitures prohibited without conviction. No judgment of forfeiture of property in a civil forfeiture proceeding by the State or any of its political subdivisions shall be allowed or entered until and unless the owner of the property is convicted of a crime in Oregon or another jurisdiction and the property is found by clear and convincing evidence to have been instrumental in committing or facilitating the crime or to be proceeds of that crime. The value of the property forfeited under the provisions of this subsection shall not be excessive and shall be substantially proportional to the specific conduct for which the owner of the property has been convicted. For purposes of this section, “property” means any interest in anything of value, including the whole of any lot or tract of land and tangible and intangible personal property, including currency, instruments or securities or any other kind of privilege, interest, claim or right whether due or to become due. Nothing in this section shall prohibit a person from voluntarily giving a judgment of forfeiture.

(4) Protection of innocent property owners. In a civil forfeiture proceeding if a financial institution claiming an interest in the property demonstrates that it holds an interest, its interest shall not be subject to forfeiture.

In a civil forfeiture proceeding if a person claiming an interest in the property, other than a financial institution or a defendant who has been charged with or convicted of a crime involving that property, demonstrates that the person has an interest in the property, that person’s interest shall not be subject to forfeiture unless:

(a) The forfeiting agency proves by clear and convincing evidence that the person took the property or the interest with the intent to defeat the forfeiture; or

(b) A conviction under subsection (3) is later obtained against the person.

(5) Exception for unclaimed property and contraband. Notwithstanding the provisions of subsection (3) of this section, if, following notice to all persons known to have an interest or who may have an interest, no person claims an interest in the seized property or if the property is contraband, a judgment of forfeiture may be allowed and entered without a criminal conviction. For purposes of this subsection, “contraband” means personal property, articles or things, including but not limited to controlled substances or drug paraphernalia, that a person is prohibited by Oregon statute or local ordinance from producing, obtaining or possessing.

(6) Law enforcement seizures unaffected. Nothing in this section shall be construed to affect the temporary seizure of property for evidentiary, forfeiture, or protective purposes, or to alter the power of the Governor to remit fines or forfeitures under Article V, Section 14, of this Constitution.

(7) Disposition of property and proceeds to drug treatment. Any sale of forfeited property shall be conducted in a commercially reasonable manner. Property or proceeds forfeited under subsections (3), (5), or (8) of this section shall not be used for law enforcement purposes but shall be distributed or applied in the following order:
(a) To the satisfaction of any foreclosed liens, security interests and contracts in the order of their priority;

(b) To the State or any of its political subdivisions for actual and reasonable expenses related to the costs of the forfeiture proceeding, including attorney fees, storage, maintenance, management, and disposition of the property incurred in connection with the sale of any forfeited property in an amount not to exceed twenty-five percent of the total proceeds in any single forfeiture;

(c) To the State or any of its political subdivisions to be used exclusively for drug treatment, unless another disposition is specially provided by law.

(8) State and federal sharing. The State of Oregon or any of its political subdivisions shall take all necessary steps to obtain shared property or proceeds from the United States Department of Justice resulting from a forfeiture. Any property or proceeds received from the United States Department of Justice by the State of Oregon or any of its political subdivisions shall be applied as provided in subsection (7) of this section.

(9) Restrictions on State transfers. Neither the State of Oregon, its political subdivisions, nor any forfeiting agency shall transfer forfeiture proceedings to the federal government unless a state court has affirmatively found that:

(a) The activity giving rise to the forfeiture is interstate in nature and sufficiently complex to justify the transfer;

(b) The seized property may only be forfeited under federal law; or

(c) Pursuing forfeiture under state law would unduly burden the state forfeiting agencies.

(10) Penalty for violations. Any person acting under color of law, official title or position who takes any action intending to conceal, transfer, withhold, retain, divert or otherwise prevent any proceeds, conveyances, real property, or any things of value forfeited under the law of this State or the United States from being applied, deposited or used in accordance with subsections (7), (8) or (9) of this section shall be subject to a civil penalty in an amount treble the value of the forfeited property concealed, transferred, withheld, retained or diverted. Nothing in this subsection shall be construed to impair judicial immunity if otherwise applicable.

(11) Reporting requirement. All forfeiting agencies shall report the nature and disposition of all property and proceeds seized for forfeiture or forfeited to a State asset forfeiture oversight committee that is independent of any forfeiting agency. The asset forfeiture oversight committee shall generate and make available to the public an annual report of the information collected. The asset forfeiture oversight committee shall also make recommendations to ensure that asset forfeiture proceedings are handled in a manner that is fair to innocent property owners and interest holders.

(12) Severability. If any part of this section or its application to any person or circumstance is held to be invalid for any reason, then the remaining parts or applications to any persons or circumstances shall not be affected but shall remain in full force and effect. [Created through initiative petition filed Jan. 5, 2000, and adopted by the people Nov. 7, 2000]

Note: The leadlines to section 10 and subsections (2) to (12) of section 10 were a part of the measure submitted by initiative petition (Measure No. 3, 2000) adopted by the people Nov. 7, 2000.

Note: The text of section 11 (sections 1 to 3, Measure No. 99, 2000) as submitted to the people was preceded by a preamble that reads as follows:

WHEREAS, thousands of Oregon seniors and persons with disabilities live independently in their own homes, which they prefer and is less costly than institutional care (i.e. nursing homes), because over 10,000 home care workers, (also known as client employed providers), paid by the State of Oregon provide in-home support services;

WHEREAS, home care workers provide services that range from housekeeping, shopping, meal preparation, money management and personal care to medical care and treatment, but receive little, if any, training in those areas resulting in a detrimental impact on quality of care;

WHEREAS, the quality of care provided to seniors and people with disabilities is diminished when there is a lack of stability in the workforce which is the result of home care workers receiving low wages, minimal training and benefits;

WHEREAS, both home care workers and clients receiving home care services would benefit from creating an entity which has the authority to provide, and is held accountable for the quality of services provided in Oregon’s in-home system of long-term care.

Section 11. Home Care Commission.

(1) Ensuring High Quality Home Care Services: Creation and Duties of the Quality Home Care Commission. (a) The Home Care Commission is created as an independent public commission consisting of nine members appointed by the Governor.

(b) The duties and functions of the Home Care Commission include, but are not limited to:

(A) Ensuring that high quality, comprehensive home care services are provided to the elderly and people with disabilities who receive personal care services in their homes by home care workers hired directly by the client and financed by payments from the State or by payments from a county or other public agency which receives money for that purpose from the State;
(B) Providing routine, emergency and re-
spite referrals of qualified home care provid-
ers to the elderly and people with disabilities
who receive personal care services by home
workforce hired directly by the client and
financed in whole or in part by the State, or
by payment from a county or other public
agency which receives money for that pur-
pose from the State;

(C) Provide training opportunities for
home care workers, seniors and people with
disabilities as consumers of personal care
services;

(D) Establish qualifications for home care
workers;

(E) Establish and maintain a registry of
qualified home care workers;

(F) Cooperate with area agencies on ag-
ing and disability services and other local
agencies to provide the services described
and set forth in this section.

(2) Home Care Commission Operation/Selection. (a) The Home Care
Commission shall be comprised of nine mem-
bers. Five members of the Commission shall
be current or former consumers of home care
services for the elderly or people with dis-
abilities. One member shall be a represen-
tative of the Oregon Disabilities Commission,
(or a successor entity, for as long as a com-
parable entity exists). One member shall be
a representative of the Governor’s Com-
mission on Senior Services, (or a successor en-
tity, for as long as a comparable entity exists).
One member shall be a representative of the Oregon Association of Area Agencies
on Aging and Disabilities, (or a successor entity
exists). One member shall be a representa-
tive of the Senior and Disabled Services Division,
(or a successor entity, for as long as a com-
parable entity exists).

(b) The term of office of each member is
three years, subject to confirmation by the
Senate. If there is a vacancy for any cause,
the Governor shall make an appointment to
become immediately effective for the unex-
pired term. A member is eligible for reap-
pointment and may serve no more than three
consecutive terms. In making appointments
to the Commission, the Governor may take
into consideration any nominations or rec-
ommendations made by the representative
groups or agencies.

(3) Other Provisions — Legal Duties and
Responsibilities of the Commission. (a) The
Home Care Commission shall, in its own
name, for the purpose of carrying into effect
and promoting its functions, have authority
to contract, lease, acquire, hold, own, en-
cumber, insure, sell, replace, deal in and
with and dispose of real and personal prop-
erty.

(b) When conducting any activities in
this Section or in subsection (1) of this sec-
tion, and in making decisions relating to
those activities, the Home Care Commission
shall first consider the effect of its activities
and its decisions on improving the quality of
service delivery and ensuring adequate hours
of service are provided to clients who are
served by home care workers.

(c) Clients of home care services retain
their right to select the providers of their
choice, including family members.

(d) Employees of the Commission are not
employees of the State of Oregon for any
purpose.

(e) Notwithstanding the provisions in
paragraph (d) of this subsection, the State of
Oregon shall be held responsible for unem-
ployment insurance payments for home care
workers.

(f) For purposes of collective bargaining,
the Commission shall be the employer of re-
cord of home care workers hired directly by
the client and paid by the State, or by a
county or other public agency which receives
money for that purpose from the State. Home
care workers have the right to form, join and
participate in the activities of labor organ-
izations of their own choosing for the pur-
pose of representation and collective
bargaining with the Commission on matters
concerning employment relations. These
rights shall be exercised in accordance with
the rights granted to public employees with
mediation and interest arbitration as the
method of concluding the collective bargain-
ing process. Home care workers shall not
have the right to strike.

(g) The Commission may adopt rules to
carry out its functions. [Created through ini-
tiative petition filed Nov. 10, 1999, and adopted by the
people Nov. 7, 2000]

Note: The leadlines to subsections (1), (2) and (3)
of section 11, except the periods in subsections (2) and
(3), were a part of the measure submitted to the people
by initiative petition (Measure No. 99, 2000) and adopted
by the people Nov. 7, 2000.

Note: Section 11 was submitted to the voters as
sections 1, 2 and 3 and added to the Constitution but
not to any Article therein by Measure No. 99, 2000.

Note: In Measure No. 99, 2000, subsection (1)(a)
and (b)(A) to (F) were designated as section 1 (A) and
(B)(1) to (6); subsection (2)(a) and (b) as section 2 (A)
and (B); and subsection (3)(a) to (g) as section 3 (A) to
(G). The reference to subsection (1) of this section
was a reference to Section 1 above, and the reference to
paragraph (d) of this subsection was a reference to
subsection (D) of this section.

Note: In Measure No. 99, 2000, the period in sub-
section (1)(b)(F) appeared as a semicolon, and there was
no period in subsection (3)(e).
ARTICLE XVI
BOUNDARIES

Section 1. State boundaries. The State of Oregon shall be bounded as provided by section 1 of the Act of Congress of February 1859, admitting the State of Oregon into the Union of the United States, until:

(1) Such boundaries are modified by appropriate interstate compact or compacts heretofore or hereafter approved by the Congress of the United States;

(2) The Legislative Assembly by law extends the boundaries or jurisdiction of this state an additional distance seaward under authority of a law heretofore or hereafter enacted by the Congress of the United States. [Constitution of 1859; Amendment proposed by S.J.R. 4, 1957, and adopted by the people Nov. 4, 1958; Amendment proposed by H.J.R. 24, 1967, and adopted by the people Nov. 5, 1968]

ARTICLE XVII
AMENDMENTS AND REVISIONS

Sec. 1. Method of amending Constitution
2. Method of revising Constitution

Section 1. Method of amending Constitution. Any amendment or amendments to this Constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the secretary of state to the people for their approval or rejection, at the next regular state-wide primary election, except when the legislative assembly shall order a special election for that purpose. A proposed revision may deal with more than one subject and shall be voted upon as one question. The votes for and against the proposed revision shall be canvassed by the Secretary of State in the presence of the Governor and, if it appears to the Governor that the majority of the votes cast in the election on the proposed revision are in favor of the proposed revision, he shall, promptly following the canvass, declare, by his proclamation, that the proposed revision has received a majority of votes and has been adopted by the people as the Constitution of the State of Oregon or as a part of the Constitution of the State of Oregon, as the case may be. The revision shall be in effect as the Constitution or as a part of this Constitution from the date of such proclamation.

(2) Subject to subsection (3) of this section, an amendment proposed to the Constitution under section 1, Article IV, or under section 1 of this Article may be submitted to the people in the form of alternative provisions so that one provision will become a part of the Constitution if a proposed revision is adopted by the people and the other provision will become a part of the Constitution if a proposed revision is rejected by the people. A proposed amendment submitted in the form of alternative provisions as author-
ized by this subsection shall be voted upon as one question.

(3) Subsection (2) of this section applies only when:

(a) The Legislative Assembly proposes and refers to the people a revision under subsection (1) of this section; and

(b) An amendment is proposed under section 1, Article IV, or under section 1 of this Article; and

(c) The proposed amendment will be submitted to the people at an election held during the period between the adjournment of the legislative session at which the proposed revision is referred to the people and the next regular legislative session. [Created through H.J.R. 5, 1959, and adopted by the people Nov. 8, 1960]

ARTICLE XVIII
SCHEDULE

Sec. 1. Election to accept or reject Constitution
Sec. 2. Questions submitted to voters
Sec. 3. Majority of votes required to accept or reject Constitution
Sec. 4. Vote on certain sections of Constitution
Sec. 5. Apportionment of Senators and Representatives
Sec. 6. Election under Constitution; organization of state
Sec. 7. Former laws continued in force
Sec. 8. Officers to continue in office
Sec. 9. Crimes against territory
Sec. 10. Saving existing rights and liabilities
Sec. 11. Judicial districts

Section 1. Election to accept or reject Constitution. For the purpose of taking the vote of the electors of the State, for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegates in Congress, so far as applicable, except as herein otherwise provided.

Section 2. Questions submitted to voters. Each elector who offers to vote upon this Constitution, shall be asked by the judges of election this question:

Do you vote for the Constitution? Yes, or No.

And also this question:

Do you vote for Slavery in Oregon? Yes, or No.

And in the poll books shall be columns headed respectively.

“Constitution, Yes.” “Constitution, No”
“Slavery, Yes.” “Slavery, No”.

And the names of the electors shall be entered in the poll books, together with their answers to the said questions, under their appropriate heads. The abstracts of the votes transmitted to the Secretary of the Territory, shall be publicly opened, and canvassed by the Governor and Secretary, or by either of them in the absence of the other; and the Governor, or in his absence the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions. [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Section 3. Majority of votes required to accept or reject Constitution. If a majority of all the votes given for, and against the Constitution, shall be given for the Constitution, then this Constitution shall be deemed to be approved, and accepted by the electors of the State, and shall take effect accordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void. —

Section 4. Vote on certain sections of Constitution. If this Constitution shall be accepted by the electors, and a majority of all the votes given for, and against slavery, shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be a part of this Constitution:

“Sec. ___ “Persons lawfully held as slaves in any State, Territory, or District of the United States, under the laws thereof, may be brought into this State, and such Slaves, and their descendants may be held as slaves within this State, and shall not be emancipated without the consent of their owners.”

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following sections shall be added to the Bill of Rights, and shall be a part of this Constitution.

“Sec. ___ There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.” [Constitution of 1859; Amendment proposed by S.J.R. 7, 2001, and adopted by the people Nov. 5, 2002]

Note: See sections 34 and 35 of Article I, Oregon Constitution.

Section 5. Apportionment of Senators and Representatives. Until an enumeration of the inhabitants of the State shall be made, and the senators and representatives apportioned as directed in the Constitution, the
County of Marion shall have two senators, and four representatives.
Linn two senators, and four representatives.
Lane two senators, and three representatives.
Clackamas and Wasco, one senator jointly, and Clackamas three representatives, and Wasco one representative.
Yamhill one senator, and two representatives.
Polk one senator, and two representatives.
Benton one senator, and two representatives.
Multnomah, one senator, and two representatives.
Washington, Columbia, Clatsop, and Tillamook one senator jointly, and Washington one representative, and Washington and Columbia one representative jointly, and Clatsop and Tillamook one representative jointly.
Douglas, one senator, and two representatives.
Jackson one senator, and three representatives.
Josephine one senator, and one representative.
Umpqua, Coos and Curry, one senator jointly, and Umpqua one representative, and Coos and Curry one representative jointly.

Section 6. Election under Constitution; organization of state. If this Constitution shall be ratified, an election shall be held on the first Monday of June 1858, for the election of members of the Legislative Assembly, a Representative in Congress, and State and County officers, and the Legislative Assembly shall convene at the Capital on the first Monday of July 1858, and proceed to elect two senators in Congress, and make such further provision as may be necessary to the complete organization of a State government. —

Section 7. Former laws continued in force. All laws in force in the Territory of Oregon when this Constitution takes effect, and consistent therewith, shall continue in force until altered, or repealed. —

Section 8. Officers to continue in office. All officers of the Territory of Oregon, or under its laws, when this Constitution takes effect, shall continue in office, until superseded by the State authorities. —

Section 9. Crimes against territory. Crimes and misdemeanors committed against the Territory of Oregon shall be punished by the State, as they might have been punished by the Territory, if the change of government had not been made. —

Section 10. Saving existing rights and liabilities. All property and rights of the Territory, and of the several counties, subdivisions, and political bodies corporate, of, or in the Territory, including fines, penalties, forfeitures, debts and claims, of whatsoever nature, and recognizances, obligations, and undertakings to, or for the use of the Territory, or any county, political corporation, office, or otherwise, to or for the public, shall inure to the State, or remain to the county, local division, corporation, officer, or public, as if the change of government had not been made. And private rights shall not be affected by such change. —

Section 11. Judicial districts. Until otherwise provided by law, the judicial districts of the State, shall be constituted as follows: The counties of Jackson, Josephine, and Douglas, shall constitute the first district. The counties of Umpqua, Coos, Curry, Lane, and Benton, shall constitute the second district. — The counties of Linn, Marion, Polk, Yamhill and Washington, shall constitute the third district. — The counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop, and Tillamook, shall constitute the fourth district — and the County of Tillamook shall be attached to the county of Clatsop for judicial purposes. —
### INDEX

**TO**

**CONSTITUTION OF OREGON**

**2005 EDITION**

<table>
<thead>
<tr>
<th>ADJOURNMENT</th>
<th>Legislature, Art. IV §§11 to 13</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADMINISTRATIVE DEPARTMENTS</td>
<td>Reports to the Governor, Art. V §13</td>
</tr>
<tr>
<td>AFFIRMATIONS</td>
<td>Administration, method, Art. I §7</td>
</tr>
<tr>
<td>ALCOHOLIC BEVERAGES</td>
<td>See Intoxicating Liquors</td>
</tr>
<tr>
<td>AMENDMENTS</td>
<td>Bills, Art. IV §18</td>
</tr>
<tr>
<td></td>
<td>Charters, Art. XI §2</td>
</tr>
<tr>
<td></td>
<td>Constitution of Oregon, Art. IV §1; Art. XVII §§1, 2</td>
</tr>
<tr>
<td></td>
<td>Indictments, Art. VII (Am) §5</td>
</tr>
<tr>
<td></td>
<td>Statutes, Art. IV §§20, 22</td>
</tr>
<tr>
<td>APPEALS</td>
<td>(Generally), Art. VII (Am) §3</td>
</tr>
<tr>
<td></td>
<td>Bill of exceptions, attaching testimony, instructions, Art. VII (Am) §3</td>
</tr>
<tr>
<td></td>
<td>Circuit courts, to, Art. VII (Orig) §9</td>
</tr>
<tr>
<td></td>
<td>Decision, Art. VII (Am) §§3, 4</td>
</tr>
<tr>
<td></td>
<td>Report of decisions to Secretary of State, Art. VII (Am) §4</td>
</tr>
<tr>
<td></td>
<td>Supreme Court, to, Art. VII (Am) §3; Art. VII (Orig) §6</td>
</tr>
<tr>
<td>APPOINTMENTS</td>
<td>Governor, state public office, Senate confirmation, Art. III §4</td>
</tr>
<tr>
<td>APPROPRIATIONS</td>
<td>Higher education buildings, bonds, matching, Art. XI-G §1</td>
</tr>
<tr>
<td></td>
<td>Mandated activities, local governments, funding, Art. XI §15</td>
</tr>
<tr>
<td></td>
<td>Necessity, Art. IX §4</td>
</tr>
<tr>
<td></td>
<td>Public education, Art. VIII §8</td>
</tr>
<tr>
<td></td>
<td>Religious purpose, limitations, Art. I §5</td>
</tr>
<tr>
<td></td>
<td>Salaries and expenses, public officers, Art. IX §7</td>
</tr>
<tr>
<td></td>
<td>Subject of appropriation measures limited, Art. IX §7</td>
</tr>
<tr>
<td></td>
<td>Veto, partial, Art. V §15a</td>
</tr>
<tr>
<td>ARREST</td>
<td>Immunity of voter, Art. II §13</td>
</tr>
<tr>
<td></td>
<td>Restrictions, Art. I §9</td>
</tr>
<tr>
<td></td>
<td>Treatment of prisoners, Art. I §13</td>
</tr>
<tr>
<td>ASSEMBLY</td>
<td>Right of, Art. I §26</td>
</tr>
<tr>
<td>ATTORNEYS</td>
<td>Judges pro tem, as, Art. VII (Am) §2a</td>
</tr>
<tr>
<td>AUDITOR OF PUBLIC ACCOUNTS</td>
<td>Secretary of State as, Art. VI §2</td>
</tr>
<tr>
<td>BAIL</td>
<td>Excessive prohibited, Art. I §16</td>
</tr>
<tr>
<td></td>
<td>Nonbailable offenses, Art. I §43</td>
</tr>
<tr>
<td></td>
<td>Right to, Art. I §14</td>
</tr>
</tbody>
</table>

| BANKS AND BANKING            | Federal deposit insurance, effect, Art. XI §3 |
|                              | Formation, Art. XI §§1, 2 |
|                              | Stockholders’ liability, Art. XI §3 |
| BILL OF RIGHTS               | (Generally), Art. I |
| BILLS                        | Legislative, see Legislature; Statutes |
| BINGO                        | Charitable, etc., organizations, Art. XV §4 |
| BONDS                        | Counties, Art. XI §10 |
|                              | Education districts, bonded indebtedness, state empowered to guarantee, lend credit, Art. XI-K |
|                              | Highways and roads, for, Art. XI §7 |
|                              | Housing, Art. XI-I §2 |
|                              | Small scale local energy loans, see Loans |
|                              | State, see State Finance |
|                              | Taxes, motor vehicle fuel and excise, proceeds use, retirement, Art. IX §5a |
|                              | Voting on issues, Art. II §2 |
| BONUS, VETERANS              | See Veterans |
| BOUNDARIES                   | Counties, limitations, Art. XV §6 |
|                              | State, Art. XVI §1 |
| BUDGETING                    | State, Art. III §§2, 3 |
| CAPITAL (CAPITOL)           | Location, Art. I §21; Art. XIV §1 |
|                              | Public records, keeping at, Art. VI §5 |
|                              | Secretary of State to reside at, Art. VI §5 |
|                              | State house, money for, Art. XIV §2 |
| CIRCUIT COURTS              | (Generally), Art. VII (Orig) §§9, 10 |
|                              | See also Courts and Judges |
|                              | Appeals, Art. VII (Orig) §6 |
|                              | Courts of record, Art. VII (Orig) §1 |
|                              | Election of judges, Art. VII (Orig) §10 |
|                              | Jurisdiction, generally, Art. VII (Orig) §§1, 9 |
|                              | Ministerial officer, sheriff as, Art. VII (Orig) §16 |
|                              | Oath of judges, Art. VII (Orig) §10 |
|                              | Terms, Art. VII (Orig) §§8, 10 |
| CITIES                       | See Municipalities |
| CIVIL RIGHTS                 | (Generally), Art. I |
|                              | Arms, bearing, Art. I §27 |
|                              | Arrest, imprisonment, Art. I §§8, 13, 19 |
|                              | Assembly, Art. I §26 |
|                              | Bail, Art. I §§14, 16 |
|                              | Compulsory services, prohibited, Art. I §18 |
|                              | Due process of law, Art. I §10 |

CONST-71
Elections, free and equal, Art. II §1
Electors, Art. II §§13, 16
Enumerated rights not exclusive, Art. I §33
Ex post facto laws, Art. I §21
Fines, Art. I §16
Habeas corpus, Art. I §23
Involuntary servitude, Art. I §§18, 34
Jeopardy, double, Art. I §12
Jury trial, Art. I §§11, 17
Petition, right to, Art. I §26
Preservation of, generally, Art. I §§1, 20
Press, freedom, Art. I §8
Privileges and immunities, Art. I §20
Religious freedom, Art. I §§2 to 6
Searches and seizures, Art. I §9
Slavery, Art. I §34
Speech, freedom, Art. I §8
Suspension of laws, Art. I §22

CLASS LEGISLATION
Prohibited, Art. I §20

CLERKS OF COURTS
Circuit courts, Art. VII (Orig) §15
County courts, Art. VII (Orig) §15

COLLEGES AND UNIVERSITIES
See Education

COMMON SCHOOL FUND
(Generally), Art. VIII §2
Bond guaranty obligations, state borrowing, Art. XI-K §4
Income distribution, Art. VIII §4

CONDEMNATION
(Generally), Art. I §18
Compensation, Art. XI §4
People’s utility districts, Art. XI §12
Public uses, declared, Art. I §18

CONFRONTATION
Criminal cases, Art. I §11

CONSTABLES
Special, local acts, prohibition, Art. IV §23

CONSTITUTION OF OREGON
Adoption, Art. XVIII §§1, 2, 3
Amendment, revision, Art. IV §1; Art. XVII §§1, 2
Revision, election to authorize, Art. XVII §1

CONTRACTS
Obligation, impairing, Art. I §21
Pollution control facilities, financing, Art. XI-H §3

CONVICTS
See Prisoners

CORONERS
Duties and powers, Art. VI §8
Offices, qualifications, Art. VI §8
Vacancies, filling, Art. V §16; Art. VI §9

CORPORATIONS
Aid to, by municipalities, prohibited, Art. XI §9
Condemnation, Art. XI §4
Debt, state assuming, Art. XI §8
Formation, Art. XI §§1, 2
Municipal, see Municipalities
Stock
Counties, municipalities, not to acquire, Art. XI §9
State ownership, Art. XI §6
Stockholders’ liability, Art. XI §3

CORRECTIONAL INSTITUTIONS
See Prisoners

CORRUPTION OF BLOOD
Prohibited, Art. I §25

COUNSEL
Criminal cases, right to have, Art. I §11

COUNTRIES
Aid to corporations prohibited, Art. XI §9
Area, minimum, Art. XV §6
Assessments, local improvements, Art. VI §10
Bonds, Art. XI §10
Boundaries, changing, minimum area, population, Art. XV §6
Charters, Art. VI §10
Consolidation with city government, Art. XI §2a
Debt
Assumption by state, Art. XI §8
Limitation, Art. XI §10
Pollution control facilities, Art. XI-H §§1, 3
Education, Common School Fund share, Art. VIII §4
Finances
(Generally), Art. XI §§10, 11
Expenses of court, reimbursement by fees, Art. VII (Orig) §14
Local improvements, home rule, Art. VI §10
Home rule, Art. VI §10
Improvements, local, financing, Art. VI §10; Art. XI §11b
Liabilities, limitation, Art. XI §10
Mandated activities, funding, Art. XI §15
Marion, state capitol, Art. XIV §1
Municipal corporations, as, Art. XI §9
New counties, minimum area and population, Art. XV §6
Officers
Charter provisions, Art. VI §10
Consolidated county governments, Art. XI §2a
Defeated incumbents, terms, Art. XV §1
Duties and powers, Art. VI §8
Election, Art. IV §23; Art. VI §§6, 7, 9; Art. VII (Orig) §15
Qualifications, Art. VI §8
Terms, Art. VI §6; Art. VII (Orig) §15; Art. XV §1
Vacancies in office, Art. VI §16; Art. VI §9; Art. XV §9
Offices, location, Art. VI §8
Pollution control facility financing, Art. XI-H §§1, 3
Population, minimum, Art. XV §6
Road supervisors, special Acts forbidden, Art. IV §23
Stock in corporations, prohibition, Art. XI §9
Taxation, Art. VI §10; Art. XI §11
Transportation system employees, Art. XI §13
Veterans, state aid, Art. XI-A §1

COUNTY ASSESSORS
Duties, Art. VI §8
Qualification, Art. VI §8

COUNTY CLERKS
Duties and powers, Art. VI §8; Art. VII (Orig) §15
Election of, Art. VI §6; Art. VII (Orig) §15
Fees, Art. VII (Orig) §14
Offices, qualifications, Art. VI §8
Term, Art. VI §6; Art. VII (Orig) §15
Vacancies, filling, Art. V §16; Art. VI §9

COUNTY COMMISSIONERS
(Generally), Art. VII (Orig) §12

COUNTY COURTS (ADMINISTRATIVE)
(Generally), Art. VII (Orig) §12
Commissioners, Art. VII (Orig) §12
Election
Commissioners, Art. VII (Orig) §12
Judges, Art. VII (Orig) §11
Fees, Art. VII (Orig) §14
Ministerial officer, sheriff as, Art. VII (Orig) §16
Salary and compensation, Art. VII (Orig) §14
Term, Art. VII (Orig) §11
INDEX TO CONSTITUTION OF OREGON

COUNTY COURTS (JUDICIAL)
(Generally), Art. VII (Orig) §12
See also Courts and Judges
Courts of record, Art. VII (Orig) §1
Election of judges, Art. VII (Orig) §11
Fees, Art. VII (Orig) §14
Jurisdiction, generally, Art. VII (Orig) §§1, 12, 13
Ministerial officer, sheriff as, Art. VII (Orig) §16
Salary and compensation, Art. VII (Orig) §14
Term, Art. VII (Orig) §11

COUNTY SEATS
Location, Art. I §21; Art. X §6

COUNTY SURVEYORS
Duties and powers, Art. VI §8
Offices, qualifications, Art. VI §8
Vacancies, filling, Art. V §16; Art. VI §9

COUNTY TREASURERS
Duties and powers, Art. VI §8
Election, Art. VI §6
Offices, qualifications, Art. VI §8
Term, Art. VI §6
Vacancies, filling, Art. V §16; Art. VI §9

COURTS AND JUDGES
See also Circuit Courts; County Courts (Judicial); Judicial Department; Justices of Peace; Municipal Courts; Supreme Court
Censure, removal and suspension of judges, Art. VII (Am) §8
County home rule, effect, Art. VI §10
Districts, original, Art. XVIII §11
Due process, Art. I §10
Election of judges, Art. VII (Am) §1; Art. VII (Orig) §§2, 10, 11
Inferior courts, creation, Art. VII (Am) §§1, 2b
Judicial department established, separate from legislative and executive, Art. III
Practice, special, local Acts regulating, Art. IV §23; Art. VII (Am) §2b
Pro tem judges, Art. VII (Am) §§1a, 2a
Record, courts of, Art. VII (Orig) §1
Removal of judges, Art. VII (Am) §8
Retirement of judges, Art. VII (Am) §1a
Salary and compensation, Art. VII (Am) §1
Suspension, removal and censure of judges, Art. VII (Am) §8
Temporary judges, Art. VII (Am) §§1a, 2a
Term of office, Art. VII (Am) §§1, 1a
Vacancies in office, Art. V §16; Art. XV §9

CRIME
Accused, rights, Art. I §11; Art. VII (Am) §5
Aggravated murder, penalty, Art. I §40
Commutations, Art. V §14
Convictions
Legislators, office, eligibility and vacation, Art. IV §8
Voting restrictions, Art. II §3
Cruel and unusual punishment, Art. I §16
Death penalty, Art. I §40
Elector privilege, conviction, effect, Art. II §3
Forfeiture
Estate, prohibited, Art. I §25
Property, conviction required, Art. XV §10
Forfeiture of estate prohibited, Art. I §2
Indictment, Art. I §11; Art. VII (Am) §5
Informations, Art. VII (Am) §5
Involuntary servitude permitted, Art. I §34
Juries, Art. I §11
Pardons, remissions and reprieves, Art. V §14
Principles of law, Art. I §15
Punishment, generally, Art. I §§15, 16, 25, 34; Art. IV §23
Rights of accused, Art. I §11; Art. VII (Am) §5
Sentences, initiative or referendum measures, reduction by legislature, Art. IV §33
Territory, against, punishment, Art. XVIII §9
Victim’s rights, Art. I §§42, 43
Voting, conviction, effect, Art. II §3

CROSS EXAMINATION
Criminal cases, Art. I §11

CRUEL, UNUSUAL PUNISHMENT
Prohibited, Art. I §16

DEATH
Candidate, elective office, prior to election, Art. II §24

DEATH PENALTY
Aggravated murder, Art. I §40

DEBT
Counties, limitation, Art. XI §10
Education districts, bonded indebtedness, state guarantee, Art. XI-K
Imprisonment for, Art. I §19
Municipal
Assumption by state, Art. XI §8
Limitation, Art. XI §5
Ports, Art. XI §9
Redevelopment projects, tax to pay, Art. IX §1c
State, see State Finance
Urban renewal projects, tax to pay, Art. IX §1c
Wife’s liability, Art. XV §5

DECEDENTS’ ESTATES
Realty sales, special, local legislation, Art. IV §23

DISABLED PERSONS
Home Care Commission, Art. XV §11
Mentally handicapped, voting rights, Art. II §3

DISTRICT ATTORNEYS
(Generally), Art. VII (Orig) §17
County home rule, effect, Art. VI §10
Duties and powers
(Generally), Art. VII (Orig) §17
Indictments, Art. VII (Am) §5
Informations, Art. VII (Am) §5
Removal, Art. VII (Orig) §20

DISTRICTS
Metropolitan service, Art. XI §14
Officers, filling vacancies, Art. V §16
Taxation by, limitation, Art. XI §11

DIVORCE
Special or local statutes forbidden, Art. IV §23

DUAL OFFICE HOLDING
Legislative Assembly, membership, Art. IV §30; Art. XV §8
Public officers and employees, generally, Art. II §10

DUE PROCESS OF LAW
(Generally), Art. I §10
Criminal cases, Art. I §11

DUELING
Public office disqualification, Art. II §9

DUTIES
See Taxation

EDUCATION
Appropriations, Art. VIII §8
Bonded indebtedness, districts, state guarantee, Art. XI-K
Common School Fund, Art. VIII §§2, 4
Community colleges, buildings, financing, Art. XI-G
Equitable funding, Art. VIII §8

CONST-73
INDEX TO CONSTITUTION OF OREGON

Higher education
  Buildings, financing, Art. XI-F(1); Art. XI-G
  Legislators, higher education employees as, Art. XV §8
  Oregon Health and Science University, see Oregon Health and Science University
  Stocks, state ownership restriction, higher education exceptions, Art. XI §6

Lottery, State, financing public education, Art. XV §4
  School board members, employees, as legislators, Art. XV §8
  School district elections, Art. VIII §6
  School lands management, disposition and proceeds, Art. VIII §§2, 4, 5
  Seismic rehabilitation, public education buildings, Art. XI-M
  Stability fund, Art. XV §4
  Superintendent of Public Instruction, Art. VIII §1

System, general and uniform, Art. VIII §3

Taxation
  Limits
    (Generally), Art. XI §11b
  Lost revenue, replacement obligation, state (9), Art. XI §11

EDUCATION STABILITY FUND
  State Lottery proceeds, financing public education, Art. XV §4

ELECTIONS
  Age of voters, Art. II §2
  Bribery to procure election, effect, Art. II §7
  Candidates holding elective public office, Art. XV §9
  Citizenship of voters, Art. II §2
  Conduct and regulation, Art. II §8
  Congressmen, original, Art. XVIII §6
  Constitution, adoption, Art. XVIII §§1, 2, 3
  Contributions, political, limitations, Art. II §22
  Convicts, excluded, Art. II §9
  County clerk, Art. VI §6; Art. VII (Orig) §15
  County commissioners, Art. VII (Orig) §12
  County home rule, Art. VI §10
  County officers, generally, Art. IV §23; Art. VI §§7, 9
  County tax limit, Art. XI §11
  County treasurer, Art. VI §6
  Crime, conviction, voting rights effect, Art. II §3
  Death of candidate prior to election, Art. II §24
  District attorneys, Art. VII (Orig) §17
  Free and equal, Art. II §1
  Governor, Art. V §§4 to 6, 8a
  Incompetency, adjudication, voting rights effect, Art. II §3
  Initiative and referendum, see Initiative and Referendum
  Insanity (incompetency adjudication), voting rights effect, Art. II §3
  Judges, Art. VII (Am) §1; Art. VII (Orig) §§2, 4, 10, 11
  Legislators
    Election under Constitution, Art. XVIII §6
    Electors, choosing, Art. IV §3
    Inhabitants of district, Art. IV §§3, 8
    Judge of election, houses, Art. IV §11
    Term of office, Art. IV §4
    Vacancies, filling, law, Art. IV §3
    Literacy tests, voters, Art. VIII §6
    Majority vote, necessity, Art. II §16
    Mental handicap, elector rights, Art. II §3
    Method of voting, Art. II §15
    Metropolitan service districts, Art. XI §14
    Militia duty on election day, Art. II §13
    Municipal, Art. I §38; Art. II §14a; Art. VI §7; Art. XI §2a
    Nominations and primaries, Art. II §§14, 16
    Original organization of government, Art. XVII §6
    People’s utility districts, Art. XI §12
    Place of voting, Art. II §17
    Plurality vote, sufficiency, Art. II §16
    Political campaign contributions, Art. II §22

Precincts
  (Generally), Art. II §17
  Officers, Art. VI §§7, 9
  Preferential voting, Art. II §16
  Presidential, voter residence, Art. II §2
  Proportional representation, authorized, Art. II §16
  Qualifications of voters, generally, Art. II §2
  Recall, Art. II §18
  Referendum measures, Art. IV §1
  Registration of voters, Art. II §§2, 16; Art. VIII §6
  Regulating and conducting, Art. II §8
  Residence, legislature, members, Art. IV §§3, 8
  Residence of voters
    (Generally), Art. II §2
    Gain or loss, Art. II §§4, 5
    Institution inmates, Art. II §4
    Place of voting, Art. II §17
    Presidential voting, Art. II §2
    Proportional representation voting, Art. II §16
    School district elections, Art. VIII §6
    Servicemen, Art. II §§4, 5
    Students, Art. II §4
    Road supervisors, special Acts forbidden, Art. IV §23
  School districts, Art. VIII §6
  Secretary of State, Art. V §§8a; Art. VI §1
  Servicemen’s residence, Art. II §§4, 5
  Sheriffs, Art. VI §6; Art. VII (Orig) §16
  Slavery, Art. XVIII §§2, 4
  Special, Art. II §14a; Art. IV §23
  State Treasurer, Art. V §§8a; Art. VI §1
  Superintendent of Public Instruction, Art. VIII §1
  Supermajority vote, measures stipulating, supermajority required to adopt, Art. II §23
  Taxation, property
    (Generally), Art. XI §11
  Majorities (sec. 11 (8)), Art. XI §11
  Taxpayers, bond issues, special taxes, voting rights, Art. II §2
  Threat to procure election, effect, Art. II §7
  Time held, Art. II §§14, 14a
  Vacancies, filling, Art. V §§16, 17
  Voters’ immunity from arrest, Art. II §13
  Voting methods, Art. II §15

ELECTRIC POWER
  Administration, Art. XI-D §3
  Development, generally, Art. XI-D §2
  Legislation to effectuate, Art. XI-D §3
  Right, title and interest of state, Art. XI-D §1

EMERGENCIES
  Emergency Committee (Board), duties and powers, Art. III §3
  Legislative session, Art. IV §10a
  Legislature, emergency measures, see Legislature
  Seismic rehabilitation, emergency services buildings, Art. XI-N

EMIGRATION
  Right, Art. I §30

EMINENT DOMAIN
  See Condemnation

ENERGY
  Small scale local energy loans, see Loans

EQUALITY
  Rights of persons, Art. I §§1, 20

ERRORS
  Disregard on appeal, Art. VII (Am) §3

ESCHEATS
  Disposition, Art. VIII §2

EX POST FACTO LAWS
  Prohibited, Art. I §21
INDEX TO CONSTITUTION OF OREGON

EXECUTIVE DEPARTMENT
Established, Art. III §1
Records, official acts, kept by Secretary of State, Art. VI §2
Separation from other departments, Art. III §1

FEDERAL DEPOSIT INSURANCE CORPORATION
Stockholders' liability to banks, Art. XI §3

FINES
Excessive prohibited, Art. I §16
Remission, Art. V §14

FISH AND WILDLIFE
Habitat restoration and protection, use of lottery proceeds, Art. XV §§4, 4b

FORFEITURES
Estate, crime conviction, prohibited, Art. I §25
Property, crime conviction, Art. XV §10
Remission, Art. V §14

FREEDOM OF RELIGION
(Generally), Art. I §§2, 3
Appropriations, limitations, Art. I §5
Jurors, Art. I §6
Public office, religious test prohibited, Art. I §4
Witnesses, Art. I §6

FREEDOM OF SPEECH AND PRESS
(Generally), Art. I §8

FUEL TAXES
Use of revenue, Art. IX §3a

GAMBLING
Bingo or lotto, charitable, etc., organizations, Art. XV §4
Casinos, prohibited, Art. XV §4
Lotteries, see Lotteries
Prohibited, Art. XV §4

GAS
Taxation
Common School Fund, proceeds source, Art. VIII §2
Rate, Art. IX §3b

GASOLINE TAXES
Use of revenue, Art. IX §3a

GIFTS
Oregon, to, Art. VIII §2; Art. XI §6
Pollution control facilities, Art. XI-H §§2 to 4

GOVERNMENT
(Generally), Art. I §1
Legislative powers, generally, Art. IV §§1, 17
Military, subject to civil, Art. I §27
Organization, original, Art. XVIII §5
Separation of powers, Art. III §1

GOVERNOR
Appointments
State public office, Senate confirmation, Art. III §4
Vacancies in office, certain, Art. V §16
Bills, signing, Art. IV §22; Art. V §15b
Disability, succession, Art. V §8a
Duties and powers
(Generally), Art. V §1
Appointments, Art. V §16
Commissions, Art. V §18
Commutations, Art. V §14
Constitutional amendment, revision, Art. XVII §§1, 2
District attorneys, removal, Art. VII (Orig) §20
Fines and forfeitures, Art. V §14
Insurrection, invasion, Art. V §9
Law enforcement, Art. V §§9, 10
Legislation, Art. V §15b
Legislature, Art. V §§11, 12, 14, 17
Military, Art. V §§9, 13; Art. X §3
Pardons and reprieves, Art. V §14
Records, Art. VI §5
Separation from legislative and judicial, Art. III §1
State business, Art. V §13
State lands, Art. VIII §5
Supreme Court, Art. VII (Orig) §§4, 20
Treason, Art. V §14
Veto, Art. IV §1; Art. V §§15a, 15b
Election
Contest, judging, Art. V §6
Plurality, necessity, Art. V §5
Returns, publication of, Art. V §4
Tie vote, selection of, Art. V §5
Time, place, Art. V §4
Vacancy, filling, Art. V §8a
Eligibility and qualifications
Age, citizenship and residence, Art. V §2
Public officials, Art. V §3
Successor, age, Art. V §2
Terms in office, Art. V §1
Message to legislature, Art. V §§11, 12
Removal, resignation, Art. V §8a
Special legislative sessions, calling, Art. V §12
Succession to office, Art. V §8a
Term of office, Art. V §§1, 7, 8a
Vacancies in legislature, calling elections, Art. V §17
Vacancy in governorship, filling, Art. V §8a

GRAND JURY
(Generally), Art. VII (Am) §§1
Special, local Acts forbidden, Art. IV §23

GUARDIAN AND WARD
Realty sales, special, local legislation, Art. IV §28

HABEAS CORPUS
Jurisdiction, Art. VII (Am) §2; Art. VII (Orig) §13
Suspension, validity, Art. I §23

HANDICAPPED PERSONS
Home Care Commission, Art. XV §11
Mentally handicapped, voting rights, Art. II §3

HEAD TAX
Prohibited, Art. IX §1a

HEREDITARY DISTINCTIONS
Prohibited, Art. I §29

HIGHWAYS AND ROADS
Bonds, state, limitation on total, Art. XI §7
Debt limitation, state, Art. XI §7
Special or local Acts forbidden, Art. IV §23
Taxes, fuel and vehicle excise, use for construction, maintenance, etc., Art. IX §3a

HOME CARE
Senior citizens and disabled persons, Art. XV §11

HOME RULE
Cities, Art. IV §1; Art. XI §2
Counties, Art. VI §10
Districts, Art. IV §1

HOUSING
Multifamily, elderly, disabled
Bonds, Art. XI-I(2) §3
Legislation to effectuate, Art. XI-I(2) §4
Revenue sources, Art. XI-I(2) §2
State credit, lending, Art. XI-I(2) §1

HUSBAND AND WIFE
Property of wife, Art. XV §5
Veterans loans, Art. XI-A §3

CONST-75
IDAHO, STATE OF
Rivers bordering Oregon, aid to transportation on, Art. XI §9

IMMIGRATION
Right to leave state, Art. I §30

IMMUNITIES
Equality of, Art. I §20
Legislators, arrest, civil process, libel, slander, Art. IV §9

IMPEACHMENT
District attorney, Art. VII (Orig) §20
Proceeding replaced, Art. VII (Am) §6; Art. VII (Orig) §19
Supreme Court Judge, Art. VII (Orig) §20

IMPRISONMENT
Debt, fraud or flight, Art. I §19

INDICTMENT
(Generally), Art. VII (Am) §5
Defendant’s right to copy, Art. I §11

INFORMATION
(Generally), Art. VII (Am) §5

INITIATIVE AND REFERENDUM
(Generally), Art. IV §1
Bond election suffrage restrictions, Art. II §2
Constitutional amendments, revisions, Art. IV §1; Art. XVII §§1, 2
County home rule, Art. VI §10
District legislation, Art. IV §1
Effective date of measure, Art. IV §1
Local and municipal legislation, Art. IV §1
Metropolitan service districts, Art. XI §14
Municipal mergers, Art. XI §2a
Part of Act, referendum, Art. IV §1
Petitions
(Generally), Art. IV §1
County home rule referendum, Art. VI §10
Signature gatherers, payment, Art. IV §1b
Recall section, effect, Art. II §18
Sentences, initiative or referendum measures, reduction by legislature, Art. IV §33
Special legislation, Art. IV §1
Supermajority vote, measures stipulating, supermajority required to adopt, Art. II §23
Taxation, Art. II §2; Art. IX §§1, 1a
Veto excluded, Art. IV §1

INJUNCTIONS
Preliminary, county judges may issue, Art. VII (Orig) §13

INMATES
See Prisoners

INSANE PERSONS
Realty sales, special, local legislation, Art. IV §23
Voting rights, incompetency adjudication, effect, Art. II §3

INSURRECTION
State debt for suppressing, Art. XI §§7, 8

INTEREST
Common School Fund investment, Art. VIII §2
Special or local statutes forbidden, Art. IV §23

INTERSTATE COMPACTS
Boundaries, state, modifying, Art. XVI §1

INTOXICATING LIQUORS
Liquor by the drink, Art. I §39
Municipal control, Art. I §39; Art. XI §2

INVASION
State debt for repelling, Art. XI §§7, 8

INVESTMENTS
Common School Fund, unexpended moneys, Art. VIII §2

INVOLONTARY SERVITUDE
(Generally), Art. I §§18, 34

JEOPARDY, DOUBLE
Prohibited, Art. I §12

JOINT STOCK COMPANIES
Municipalities not to aid, Art. XI §9
Stockholders’ liability, Art. XI §3

JUDGES
See Courts and Judges; Judicial Department

JUDGMENTS
Appeal, on, Art. VII (Am) §3

JUDICIAL DEPARTMENT
See also Courts and Judges
Amendment of Constitution 1910, effect, Art. VII (Am) §2
Established, Art. III §1
Judicial power vested, Art. VII (Am) §1; Art. VII (Orig) §1
Separation from other departments, Art. III §1

JURIES AND JURORS
Aggravated murder, death penalty, Art. I §40
Amount (value) in controversy, jury trial right, Art. VII (Am) §3
Convicts, certain, ineligibility, Art. I §45
Criminal proceedings, Art. I §11
Functions, criminal cases, Art. I §16
Grand jury, Art. IV §23; Art. VII (Am) §5
Number of jurors, Art. VII (Am) §9
Number to concurred
Civil cases, Art. VII (Am) §5
Criminal cases, Art. I §11
Death penalty, Art. I §40
Murder, Art. I §11
Religious beliefs, Art. I §6
Right to trial by
Civil cases, Art. I §17; Art. VII (Am) §3
Criminal cases, Art. I §11
Service, ineligibility, Art. I §45
Size of jury, Art. VII (Am) §9
Special, local Acts forbidden, Art. IV §23
Trial by, Art. I §§11, 16, 17; Art. VII (Am) §3
Verdicts, Art. I §11; Art. VII (Am) §5
Waiver, criminal cases, Art. I §11

JURISDICTION
(Generally), Art. VII (Am) §§2, 2b; Art. VII (Orig) §1
Circuit courts, generally, Art. VII (Orig) §9
County courts, generally, Art. VII (Orig) §§1, 12, 13
Habeas corpus, Art. VII (Am) §2; Art. VII (Orig) §13
Injunctions, Art. VII (Orig) §13
Legislative reapportionment, Art. IV §6
Mandamus, Art. VII (Am) §2
Probate, Art. VII (Orig) §12
Quo warranto, Art. VII (Am) §2
Supreme Court, appellate, Art. VII (Orig) §6
Writs, Art. VII (Orig) §13

JUSTICE
Administration, generally, Art. I §10
Seismic rehabilitation
   Emergency services buildings, legislation to effectuate, Art. XI-N §4
   Public education buildings, legislation to effectuate, Art. XI-M §4

Senate
   Classification of members, Art. IV §4
   Districts, Art. IV §§6, 7
   Governor, appointments, state public office, confirmation, Art. III §4

Sentences, initiative measures, reduction, Art. IV §33

Separation from other departments, Art. III §1

Sessions
   Emergency, Art. IV §10a
   Gubernatorial election returns, publication, Art. V §4
   Open, Art. IV §14
   Salary and compensation, Art. IV §§12, 29
   Speaker of House, choosing, Art. V §11
   Special, convening, Art. V §12
   Succession to governorship, Art. V §8a
   Time and place, Art. IV §10

Special Acts, see Statutes

State boundaries, jurisdiction, extension, seaward, Art. XVI

Statutes, see Statutes

Subdistricts, members from, Art. IV §§3, 7

Superintendent of Public Instruction, Art. VIII §1

Taxation, see Taxation

Terms of members, Art. IV §§4, 6; Art. XV §1

Vacancies in membership, Art. IV §3; Art. V §17

Veto of legislation, Art. IV §1; Art. V §§15a, 15b

Voting, Art. II §15; Art. IV §§13, 19

Water development projects, legislation, enactment, Art. XI-I(1) §5

LIBEL AND SLANDER
Legislator’s immunity, Art. IV §9

LITERACY TESTS
Elections, Art. II §2; Art. VIII §6

LOANS
Municipalities by, Art. XI §§5, 9
Small Scale local energy
   Bonds (Generally), Art. XI-J §2
   Legislation effectuating, Art. XI-J §5
   Refunding, Art. XI-J A3
   Taxation, valorem, payment of principal and interest, Art. XI-J §4
   State credit, use for financing, Art. XI-J §1
   State, see State Finance
   Veterans, Art. XI-A §§1 to 5

LOCAL GOVERNMENTS
See also Counties; Districts; Municipalities

Mandated activities, funding, Art. XI §15

LOCAL OPTION
(Generally), Art. I §21
Municipalities, Art. XI §2

LOCAL OPTION TAX
Imposition, local taxing district (4)(a), Art. XI §11

LOTTERIES
Bingo or lotto, charitable, etc., organizations, Art. XV §4
Prohibited, Art. XV §4
State Lottery, establishment and proceeds uses, Art. XV §4

MANDAMUS
Jurisdiction, original Supreme Court, Art. VII (Am) §2

MANDATES
Local governments, funding, Art. XI §15

MARRIAGE
Divorce, special or local statutes forbidden, Art. IV §23
State policy, one man and one woman, Art. XV §5a

MENTALLY ILL OR DEFICIENT PERSONS
Voting rights, Art. II §3

MILITARY
Power subject to civil, Art. I §27

MILITIA
Commander, Governor as, Art. V §9
Commissions, Governor to issue, Art. V §18
Conscientious objectors, Art. X §2
Officers, Art. II §10; Art. X §3
Organization, Art. X §1
Personnel, Art. X §2
Reports to Governor, Art. V §13
Service on election day, Art. II §13

MINORS
Realty sales, special, local legislation, Art. IV §23

MONEY
Banks issuing prohibited, Art. XI §1

MOTOR VEHICLES
Taxes, fuel and excise, use, Art. IX §3a

MUNICIPAL COURTS
See also Courts and Judges
Authorization for, Art. VII (Orig) §1

MUNICIPALITIES
Charters
   (Generally), Art. XI §2
   Metropolitan service districts, Art. XI §14
   Restrictions, Art. XI §5
   Surrender, merger, Art. XI §2a
   Condemnation, Art. XI §4
   Consolidation with county government, Art. XI §2a
   Contracts, charter restrictions, Art. XI §5
   County as, Art. XI §9
   Debt
      Assumption by state, Art. XI §8
      Limitations, Art. XI §§5, 9
      Pollution control facilities, Art. XI-H §§1, 3
      Elections, Art. I §39; Art. II §14a; Art. VI §7; Art. XI §2a
      Home rule, Art. IV §1; Art. XI §2
      Intoxicating liquors, Art. I §39; Art. XI §2
      Loaning credit, Art. XI §5, 9
      Local option, Art. I §39; Art. XI §2
      Mandated activities, funding, Art. XI §15
      Merger authorized, Art. XI §2a
      Officers
         Consolidated city, county governments, Art. XI §2a
         Deated incumbents, term, Art. XV §1
         Election, appointment, Art. VI §7
         Vacancies in office, Art. V §16; Art. VI §9; Art. XV §9
         Pollution control facility financing, Art. XI-H §§1, 3
         Ports, as, Art. XI §9
         Stock in corporations, prohibition, Art. XI §9
         Taxation, Art. IX §1c; Art. XI §§5, 11
         Transportation system employees, Art. XI §13

MURDER
Aggravated, penalty, Art. I §40
Bail, right to, Art. I §14
Verdict, jurors, number to concur, Art. I §11

NATIONAL GUARD
Commander, Governor as, Art. V §9
Reports to Governor, Art. V §13
INDEX TO CONSTITUTION OF OREGON

NATURAL GAS
Taxation
Common School Fund, proceeds source, Art. VIII §2
Rate, Art. IX §3b

NOBILITY
Titles, prohibited, Art. I §29

OATHS
Administration, method, Art. I §7
Legislators, Art. IV §31
Public officers, Art. XV §3
Supreme Court Judges, Art. VII (Am) §7; Art. VII (Orig) §21

OIL AND GAS
Taxation
Common School Fund, proceeds source, Art. VIII §2
Rate, Art. IX §3b

OREGON HEALTH AND SCIENCE UNIVERSITY
Financing capital costs
Bonds, Art. XI-L §§1, 3
Legislation to effectuate, Art. XI-L §4
Sources of repayment, Art. XI-L §2
State credit, lending, Art. XI-L §1

OREGON, STATE OF
See State of Oregon

PARDONS, COMMUTATIONS AND REPRIEVES
Governor’s power, Art. V §14

PARKS AND RECREATIONAL AREAS
Lottery proceeds, use, Art. XV §4, 4a
Taxes, vehicle excise, use for maintenance or care, Art. IX §3a

PENALTIES
Pensions, certain, tax exempt, Art. IX §9
Proportionment to offense, Art. I §16

PENSIONS AND RETIREMENT
Certain, tax exempt, Art. IX §9
Liabilities of state, financing
Conflicting provisions, superseding, Art. XI-O §4
Legislation to effectuate, Art. XI-O §3
Refunding obligations, Art. XI-O §2
State credit, lending, Art. XI-O §1
Public employees
Contributions, Art. IX §10
Judges, Art. VII (Am) §1a
Plan rate of return, contract guarantee prohibited, Art. IX §11
Severability, retirement plan restrictions, Art. IX §13
Sick leave, increasing benefits, Art. IX §12
Transportation systems, protecting interests, Art. XI §13

PEOPLE
Equal rights of, Art. I §1
Inherent power in, Art. I §1

PEOPLE’S UTILITY DISTRICTS
(Generally), Art. XI §12

PETITIONS
County home rule referendum, Art. VI §10
Initiative and referendum, see Initiative and Referendum

POLITICAL CONTRIBUTIONS AND EXPENDITURES
Limitations, Art. II §22

POLL TAX
Prohibited, Art. IX §1a

POLLUTION CONTROL
Facilities, financing, Art. XI-H

PORTS
(Generally), Art. XI §9

POWER
Inherent power in people, Art. I §1

PRIMARY ELECTIONS
Authorized, Art. II §16

PRISONERS
Treatment, Art. I §13
Voting restrictions, Art. II §3
Work and on-job training, Art. I §41

PRIVILEGED COMMUNICATIONS
Legislators, Art. IV §9

PRIVILEGES
Equality of, Art. I §20

PROCESS
Criminal cases, Art. I §11

PROPERTY
Condemnation, rights, Art. I §18
Tax limits, Art. XI §11b

PROPORTIONAL REPRESENTATION
Authorized, Art. II §16

PUBLIC CORPORATIONS
See Municipalities

PUBLIC OFFICERS AND EMPLOYEES
See also Counties, officers; Municipalities, officers
Appointments, Governor, Senate confirmation, Art. III §4
Claims against state, not to act in, Art. XV §7
Commissions, Governor to issue, Art. V §18
Dismissal trial authorized, Art. VII (Am) §6; Art. VII (Orig) §19
Disqualification
Dueling, Art. II §9
Election offenses, Art. II §7
Lucrative office, holding two, Art. II §10; Art. IV §30
Public money, failure to account for, Art. II §11
Dual office holding, Art. II §10; Art. IV §30; Art. XV §8
Election, Art. IV §23
Legislators, see Legislature, members
Oath, Art. XV §3
Pensions and retirement, see Pensions and Retirement
Recall, Art. II §12
Resignation, Art. II §18
Stationery for state, interest in supplying, forbidden, Art. IX §8

TERM and tenure
(Generally), Art. II §14; Art. XV §§1, 2
Appointive officers, Art. XV §2
Defeated incumbents, Art. XV §1
Duration, Art. XV §2
Maximum, Art. XV §2
Pro tem not part of term, Art. II §12
Recall, effect, Art. II §18
Vacancies in office, Art. II §18; Art. V §§8a, 16; Art. VI §9; Art. XV §9

TERRITORIAL, retained in office, Art. XVIII §8
Transportation system employees, protecting interests, Art. XI §13
Vacancies in office, Art. II §18; Art. V §§8a, 16; Art. VI §9; Art. XV §9

PUBLIC RECORDS
County, keeping books, etc., Art. VII (Orig) §15
State, place of keeping, Art. VI §5
INDEX TO CONSTITUTION OF OREGON

QUO WARRANTO
Jurisdiction, Art. VII (Am) §2

QUORUM
Legislature, Art. IV §12

REAL PROPERTY
Leasing by state, authorized, Art. XI §7
Special, local Acts forbidden, Art. IV §23
Tax limits, Art. XI §11b

RECALL
Authorized, application, Art. II §18

RECORDERS OF CONVEYANCES
(Generally), Art. VII (Orig) §15

RECREATIONAL AREAS
Lottery proceeds, use, Art. XV §§4, 4a
Taxes, vehicle excise, use for maintenance or care, Art. IX §3a

REFERENDUM
See Initiative and Referendum

RELIGION
Freedom, generally, Art. I §§2 to 6
Juror’s beliefs, Art. I §6
Opinion, freedom of, Art. I §3
Public office, religious test barred, Art. I §4
Witness’s beliefs, Art. I §6
Worship, freedom, Art. I §2

RELIGIOUS SOCIETIES
Appropriations for, barred, Art. I §5

REMEDIES
(Generally), Art. I §10

RESIDENCE
Legislators, districts, Art. IV §§3, 8
Veterans, loans, Art. XI-A §3

RESOLUTIONS
Legislative, requirements, Art. IV §§19, 21, 25

RETIREMENT
See Pensions and Retirement

REVENUE
See also Taxation
Bills, origination, Art. IV §18
Water development projects, sources, Art. XI-I(1) §4

RIGHTS
Enumerated rights not exclusive, Art. I §33

ROADS
See Highways and Roads

SCHOOLS
See Education

SEAL OF THE STATE
(Generally), Art. VI §3

SEARCHES AND SEIZURES
Restrictions, Art. I §9

SEAT OF GOVERNMENT
See Capital (Capitol)

SECRETARY OF STATE
Duties and powers
(Generally), Art. VI §2
Audits of public accounts, Art. VI §2
Constitutional amendment, revision, Art. XVII §§1, 2
Initiative, referendum petitions, Art. IV §1
Legislative reapportionment, Art. IV §6
Records, Art. VI §§2, 5
Seal of state, Art. VI §3
State lands, Art. VIII §5
Election, Art. V §8a; Art. VI §1
Governorship, succession to, Art. V §8a
Records
Executive and legislative, Art. VI §2
Place of keeping, Art. VI §5
Residence at Capital, Art. VI §5
Supreme Court decisions filed with, Art. VII (Am) §4;
Art. VII (Orig) §7
Term, Art. V §8a; Art. VI §1
Vacancies, filling, Art. V §§8a, 16

SEISMIC REHABILITATION
Emergency services buildings
Bonds, Art. XI-N §§1, 3
Legislation to effectuate, Art. XI-N §4
Sources of repayment, Art. XI-N §2
State credit, lending, Art. XI-N §1
Public education buildings
Bonds, Art. XI-M §§1, 3
Legislation to effectuate, Art. XI-M §4
Sources of repayment, Art. XI-M §2
State credit, lending, Art. XI-M §1

SELF-INCrimINATION
Privilege, against, Art. I §12

SENATORS
State, see Legislature
United States
Election, original, Art. XVIII §6
Vacancy, filling, Art. V §16

SENIOR CITIZENS
Home Care Commission, Art. XV §11
Multifamily housing for elderly, see Housing

SENTENCES
Court authority, Art. I §44
Legislature, initiative or referendum measure sentences,
reduction, Art. IV §33
Setting aside, prohibitions, Art. I §44

SEPARATION OF POWERS
(Generally), Art. III §1

SHERIFFS
Duties and powers, Art. VI §8; Art. VII (Orig) §16
Election, Art. VI §6; Art. VII (Orig) §16
Offices, qualifications, Art. VI §8
Terms, Art. VI §6; Art. VII (Orig) §16
Vacancies, filling, Art. V §16; Art. VI §9

SHIPS
Tax exemption until 1935, Art. IX §1b

SICK LEAVE
Public officers and employees, see Pensions and Retirement

SLANDER
Legislator immunity, Art. IV §9

SLAVERY
Election, Art. XVIII §§2, 4
Prohibited, Art. I §34
Service without compensation, demand prohibited, Art.
I §§15

SMALL SCALE LOCAL ENERGY LOANS
See Loans

SOLDIERS AND SAILORS
Quartering, Art. I §28
Voting residence, Art. II §§4, 5

CONST-80
## INDEX TO CONSTITUTION OF OREGON

### SPEECH
- Freedom of, Art. I §8

### STATE AGENCIES
- Budgetary control, Art. III §§2, 3
- Emergency expenditures, Art. III §3
- Leasing real property, authorized, Art. XI §7

### STATE CONTRACTS
- Stationery, Art. IX §8

### STATE FINANCE
- Appropriations, Art. I §5; Art. V §15a; Art. IX §§4, 7
- Bonds
  - Education, Art. XI-F(1) §§1, 4; Art. XI-G
  - State guarantee of bonded indebtedness, Art. XI-K
  - Multifamily housing for elderly and disabled, Art. XI-I(2) §3
  - Oregon Health and Science University, Art. XI-L §§1, 3
- Pension liabilities, financing, Art. XI-O §1
- Pollution control facilities, Art. XI-H §§1 to 5
- Reforestation, Art. XI-E
- Seismic rehabilitation
  - Emergency services buildings, Art. XI-N §§1, 3
  - Public education buildings, Art. XI-M §§1, 3
  - Oregon Health and Science University, Art. XI-L §1
- Veterans, Art. XI-A §§2, 6; Art. XI-F(2) §1
- Water development projects, Art. XI-I(1) §§2, 3
- Budget
  - Control, Art. III §§2, 3
  - Emergency expenditures, Art. III
- Common School Fund, Art. VIII §§2, 4

### RECEIPTS AND EXPENDITURES
- Deficiency of prior year in budget, Art. IX §6
- Economic development, lottery proceeds, Art. XV §4
- Education, see Education
- Emergency expenditures, Art. III §3
- Higher education buildings and projects
  - Not self-liquidating, Art. XI-G
  - Self-liquidating, Art. XI-F(1)
- Interest, veterans loans, Art. XI-A §1
- Loans
  - Generally, Art. XI §7
  - Education buildings, Art. XI-F(1) §1; Art. XI-G §1
  - Leasing real property, Art. XI §7
  - Oregon Health and Science University, Art. XI-L §1
  - Oregon Health and Science University, Art. XI-M §1
  - Veterans' loans and bonuses, Art. XI-A §1; Art. XI-F(2) §1
  - Water development projects, Art. XI-I(1) §1
- Receipts and expenditures to be published with session laws, Art. IX §5
- Revenue estimates, tax collections exceeding, refund, Art. IX §14
- Revenue to be raised annually to pay expenses and interest, Art. IX §2
- Schools, revenue replacement, Art. XI §11b
- State lands, Art. VIII §5
- War veterans' funds, see Veterans

### STATE HOUSE
- See Capital (Capitol)

### STATE LAND BOARD
- Members, functions, Art. VIII §§2, 5
- Timber sales, when prohibited, Art. VIII §7

### STATE LANDS
- Management by Land Board, Art. VIII §5
- Sale, exchange, proceeds, disposition, Art. XI-E
- School lands, Art. VIII §§2, 4, 5
- Timber sales, when prohibited, Art. VIII §7

### STATE LOTTERY COMMISSION
- Members, Art. XV §4

### STATE OFFICERS AND EMPLOYEES
- See Public Officers and Employees, generally

### STATE OF OREGON
- Actions against, officers, legislators, not to act in, Art. XV §7
- Assumption of corporate debt, Art. XI §8
- Boundaries, Art. XVI §1
- Capital, see Capital (Capitol)
- Claims against, legislation to be general, Art. IV §24
- Continuity of government, enemy attack, Art. X §6
- Gifts and bequests to, Art. VIII §2; Art. XI §6
- Leasing real property, authorized, Art. XI §7
- Loans, see State Finance
- Pollution control facilities, agencies, financing, Art. XI-H §§1, 3
- Seal, Art. VI §3
- Stock of corporations, ownership, Art. XI §6
- Water power, Art. XI-D

### STATE PRINTER AND PRINTING
- (Generally), Art. XII §1

### STATE PURCHASING
- Stationery, Art. IX §8

### STATE TIMBER
- When sale prohibited, Art. VIII §7

### STATE TREASURER
- Appropriation, necessity, Art. IX §4
- Duties and powers, Art. VI §§4, 5
- Election, Art. V §8a; Art. VI §3
- Governorship, succession to, Art. V §8a
- Payments, only by appropriations, Art. IX §4
- Records, place of keeping, Art. VI §5
- State lands, functions, Art. VIII §5
- Term, Art. V §8a; Art. VI §1
- Vacancies, filling, Art. V §§8a, 16

### STATIONERY
- State purchasing, Art. IX §8

### STATUTES
- Amendment, Art. IV §§20, 22
- Appropriation, see Appropriations
- Capital, locating, Art. I §21
- Claims against state, authorization for by general laws, Art. IV §24
INDEX TO CONSTITUTION OF OREGON

Conflicting, resolution, Art. IV §22
County seats, locating, Art. I §21
Effective
Conditionally, validity, Art. I §21
Date, Art. IV §§1, 28
Emergency, see Legislature
Local
Corporations, Art. XI §§1, 2
Courts, creation, jurisdiction, Art. VII (Am) §2b
Electorate approval, Art. I §21
Prohibition, enumerated cases, Art. IV §23
State, claims against, Art. IV §24
Taxation, levy and collection, Art. IX §1
Pollution control facility financing, Art. XI-H §6
Public laws, Art. IV §27
Revision, Art. IV §22
Scope, Art. IV §§1, 20; Art. IX §7
Session laws, including statement of receipts, expenditures, Art. IX §5
Special
(Generally), Art. I §21; Art. IV §23
Claims against state, Art. IV §24
Corporations, Art. XI §§1, 2
Courts, Art. IV §23; Art. VII (Am) §2b
Taxation, Art. IX §1
Suspending, Art. I §22
Territorial retained, Art. XVIII §7
Title of, Art. IV §20
Wording to be plain, Art. IV §21
STOCKHOLDERS
Corporations, joint stock companies, liability, Art. XI §3
Counties, municipalities, Art. XI §9
State, Art. XI §6
STREETS
Taxes, vehicle fuel and excise, use, Art. IX §3a
Vacating, special or local Acts forbidden, Art. IV §23
SUBPOENAS
Criminal cases, Art. I §11
SUFFRAGE
(Generally), Art. II
SUPREME COURT
(Generally), Art. VII (Am) §1
See also Courts and judges
Appointment of pro tem inferior court judges, Art. VII (Am) §2a
Assignment of inferior court judges, Art. VII (Am) §2a
Censure, removal, and suspension of judges, Art. VII (Am) §8
Chief Justice, Art. VII (Orig) §5
Court of record, Art. VII (Orig) §1
Decisions, filing statement of, Art. VII (Am) §4
Disqualification of trial judge, Art. VII (Orig) §6
Districts, Art. VII (Orig) §2
Election of judges, Art. VII (Orig) §§2, 4, 10
Jurisdiction, Art. VII (Am) §§1, 2; Art. VII (Orig) §§1, 6
Legislative reapportionment, Art. IV §6
Number of judges, Art. VII (Orig) §2
Oath of judges, Art. VII (Am) §7; Art. VII (Orig) §21
Pro tem judges, Art. VII (Am) §2a
Qualifications of judges, Art. VII (Orig) §2
Removal of judges, Art. VII (Am) §§8; Art. VII (Orig) §20
Residence of judges, Art. VII (Orig) §2
Retired judges, temporary service, Art. VII (Am) §2a
Salary and compensation, Art. VII (Am) §1
Suspension, censure, removal of judges, Art. VII (Am) §8
Temporary judges, Art. VII (Am) §2a
Terms
Court, Art. VII (Am) §4; Art. VII (Orig) §7
Office, Art. VII (Orig) §3
Vacancies, filling, Art. VII (Orig) §4
TAXATION
Assessment, uniformity, Art. IX §1
Benefits, certain, exempt, Art. IX §9
Bills raising revenue
Majority vote, three-fifths, necessity, Art. IV §25
Origination, House of Representatives, Art. IV §18
Collections, amount exceeding revenue estimates, refund, Art. IX §14
Common School Fund, oil or natural gas taxes, proceeds source, Art. VIII §2
Consent, necessity, Art. I §32
Counties, Art. VI §10
Deficiency to be covered in ensuing year, Art. IX §6
District or body, Art. XI §12
Education buildings, Art. XI-F(1) §3; Art. XI-G §3
Elections
(Generally), Art. XI §11
Majorities (sec. 11 (8)), Art. XI §11
Emergency declaration, prohibited, Art. IX §1a
Federal definition of income, use by state, Art. IV §32
Fuel taxes, use, Art. IX §3a
General laws only, Art. IX §1
Head tax prohibited, Art. IX §1a
Highway maintenance, construction, etc., use, fuel and vehicle excise taxes, Art. IX §3a
Income, federal definition, Art. IV §32
Kicker, refund, Art. IX §14
Legislature, generally, Art. I §32; Art. IV §18; Art. IX §§1, 3
Lever, accordance with law, Art. IX §3
Limitations
(Generally), Art. XI §§11, 11b
Assessed value limit, Art. XI §11 (1)(a)
Municipal charter requirements, Art. XI §5
Permanent rate limit (3)(b), Art. XI §11
Schools, lost revenue, state replacement obligation (9), Art. XI §11
Veterans’ aid exceptions, Art. XI-A §5
Local Acts excluded, Art. IV §23; Art. IX §1
Local option tax (sec. 4(a)), Art. XI §11
Motor vehicle fuel and excise taxes, use, Art. IX §3a
Municipalities, Art. XI §5
Natural gas
Common School Fund, proceeds source, Art. VIII §2
Rate, Art. IX §3b
Oil or natural gas
Common School Fund, proceeds source, Art. VIII §2
Rate, Art. IX §3b
Parks and recreational areas, vehicle excise taxes, use, Art. IX §3a
Poll tax prohibited, Art. IX §1a
Pollution control facility bonds, repayment, Art. XI-H §4
Property, limitations, see Limitations, this topic
Purpose, distinct statements, law imposing, Art. IX §3
Redevelopment projects, Art. IX §1c
Revenue application, distinct statement, law imposing, Art. IX §3
Revenue estimates, emergency increase for kicker purposes, two-thirds vote, Art. IX §14
School districts
Limitation
(Generally), Art. XI §11b
Replacement obligation, state (9), Art. XI §11
Ships, exemption until 1935, Art. IX §1b
Small scale local energy loan bonds, use, ad valorem taxes, Art. XI-J §4
Special Acts excluded, Art. IV §23; Art. IX §1
State, generally, Art. IX §2
State house erection, Art. XIV §2
Uniformity, Art. I §32; Art. IX §3a
Vehicles, fuel and excise taxes, use, Art. IX §3a
Voting on special taxes, Art. II §2
Water Development projects, revenue sources, Art. XI-I(1) §4

CONF-82
INDEX TO CONSTITUTION OF OREGON

TAXPAYERS
Voting restrictions, Art. II §2

TERRITORIAL LAWS, PROPERTY AND RIGHTS
Retained, Art. XVIII §10

TITLE
Acts, Art. IV §20

TRANSPORTATION
Condemnation, in aid of, Art. I §18
Public system, protecting employe interest, Art. XI §13
Water
Condemnation authorized, Art. I §18
Routes, aid in establishing, Art. XI §9

TREASON
Bail, right to, Art. I §14
Defined, Art. I §24
Proof, Art. I §24
Sentence suspension, Art. V §14

TRIALS
(Generally), Art. I §10
Fact determination, Art. I §16; Art. VII (Am) §3
Juries and jurors, see Juries andJurors
Law determination, Art. I §16
New trial, Art. I §16
Public, criminal cases, Art. I §11

TRUSTS
 Realty sales, special, local legislation, Art. IV §23

UNITED STATES
Electric power, cooperation respecting, Art. XI-D §2
Pollution control facility grants, Art. XI-H §§2, 4
Taxation, federal income definition, use by state, Art. IV §32

USURY
Special or local statutes forbidden, Art. IV §23

UTILITY DISTRICTS
People’s utility districts, Art. XI §12

VACANCIES IN OFFICE
Governor, appointments
(Generally), Art. V §16
Senate confirmation, Art. III §4
General power, Art. V §16
Legislators, conviction of felony, Art. IV §§3, 8; Art. V §17
Writs of election, Art. V §17

VACATION OF PLATTED LAND
Special, local Acts forbidden, Art. IV §23

VENUE
Changes, special legislation, Art. IV §23; Art. VII (Am) §2b
Criminal actions, Art. I §11; Art. IV §23

VERDICT
Number to concur
Civil cases, Art. VII (Am) §5
Criminal cases, Art. I §11

VETERANS
Advisory committee, Art. XI-F(2) §§8, 10
Bonus
Administration generally, Art. XI-F(2) §8
Amount, Art. XI-F(2) §§3, 4
Applications, Art. XI-F(2) §9
Assignment of claim, Art. XI-F(2) §7
Bonds, Art. XI-F(2) §1
Definitions, Art. XI-F(2) §2
Disabilities, Art. XI-F(2) §3
Eligibility, Art. XI-F(2) §§1, 2
Expenses, Art. XI-F(2) §10
Ineligible persons, Art. XI-F(2) §5
Legislation authorized, Art. XI-F(2) §1
Period of service, Art. XI-F(2) §§2, 6
Relatives of veteran, Art. XI-F(2) §§1, 2
Residence requirements, Art. XI-F(2) §§1, 2
Survivors, Art. XI-F(2) §§4, 6
Tax exemption, Art. XI-F(2) §7
Counties, state aid, veterans programs, Art. XI-A §1
Director of Veterans’ Affairs
Bonus, Art. XI-F(2) §10
Duties, services to veterans and dependents, appropriation, Art. XI-A §1
Disabled, bonus, Art. XI-F(2) §3
Interest, loans, Art. XI-A §1
Loans, Art. XI-A §§1 to 5
Oregon War Veterans’ Fund, Art. XI-A §§1, 3
Organizations, bonus, Art. XI-F(2) §10
State aid, war veterans organizations, Art. XI-A §1
World War II Veterans’ Compensation Fund, Art. XI-F(2) §§1, 10

VETO
(Generally), Art. V §15b
Appropriations, single items, Art. V §15a
Emergency declarations, Art. V §15a
Overspending, Art. V §15b
Referendum measures, Art. IV §1

WAR
Soldiers, quartering, Art. I §28
State debt for, Art. XI §§7, 8

WARRANTS
Sufficiency, Art. I §9

WASHINGTON, STATE OF
Rivers bordering Oregon, aid to transportation on, Art. XI §9

WATER AND WATERWAYS
People’s utility districts, Art. XI §12
Restoration and protection, use of lottery proceeds, Art. XV §§4, 4b
State power development
(Generally), Art. XI-D §2
Administration, Art. XI-D §3
Construction of Article, Art. XI-D §3
Legislation authorized, Art. XI-D §3
Rights and sites reserved, Art. XI-D §1
Transportation, aiding, Art. XI §9
Uses other than power, Art. XI-D §4
Water development projects
Bonds, Art. XI-I(1) §§2, 3
Legislation to effectuate, Art. XI-I(1) §5
Taxes and revenue sources, Art. XI-I(1) §4
Water Development Fund, state credit, Art. XI-I(1) §1

WEAPONS
Bearing, right, Art. I §27

WITNESSES
Criminal cases, Art. I §11
Religious beliefs, Art. I §6

WRITS
County court, jurisdiction, Art. VII (Orig) §13

CONST-83
CONSTITUTION OF THE UNITED STATES

This printed copy of the text of the Constitution and the first twenty-one amendments is an accurate copy of a literal print of the original Constitution and the first twenty-one amendments appearing in *The Constitution of the United States of America* (Annotated) compiled by the Legislative Reference Service of the Library of Congress and published by the Government Printing Office in 1938. The Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth and Twenty-seventh Amendments were copied from the resolutions by which the Oregon Legislative Assembly ratified these amendments. The headlines for the sections have been supplied by Legislative Counsel.

<table>
<thead>
<tr>
<th>Preamble</th>
<th>Article</th>
<th>I Legislative department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment</td>
<td>II Executive department</td>
<td></td>
</tr>
<tr>
<td></td>
<td>III Judicial department</td>
<td></td>
</tr>
<tr>
<td></td>
<td>IV Relations of the states</td>
<td></td>
</tr>
<tr>
<td></td>
<td>V Amendments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>VI Miscellaneous provisions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>VII Ratification</td>
<td></td>
</tr>
<tr>
<td>I Freedom of religion, speech, press, assembly and petition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II Bearing arms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>III Quartering soldiers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV Searches and seizures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V Rights of persons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI Rights of accused in criminal prosecutions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VII Trial by jury in civil cases</td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIII Bail, fines and punishments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IX Rights retained by people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X Powers reserved to states or people</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XI Suits against states</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XII Election of President and Vice President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XIII Slavery and involuntary servitude</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XIV Rights of citizens; apportionment of representatives; disqualification of officers; public debt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XV Right of citizens to vote regardless of race, color or previous condition of servitude</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XVI Income tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XVII Popular election of Senators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XVIII Prohibition of intoxicating liquors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XIX Right of citizens to vote regardless of sex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XX Terms of President, Vice President and members of Congress; sessions of Congress; vacancy in office of President or Vice President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXI Repeal of eighteenth amendment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXII Limitation on presidential tenure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXIII Presidential electors for District of Columbia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXIV Right to vote for federal office not to be qualified by payment of tax</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXV Succession to Presidency and Vice Presidency; disability of President</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXVI Right of 18 year olds to vote</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XXVII Compensation of members of Congress</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CONST-85
PREAMBLE

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE. I.

Section 1. Legislative powers vested in Congress. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. House of Representatives; how constituted; qualifications and election of members; speaker; power of impeachment; census. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Note: The part of this section relating to mode of apportionment of Representatives among the several states was changed by the Fourteenth Amendment. The part of this section relating to apportionment of direct taxes was changed as to taxes on incomes by the Sixteenth Amendment.

Section 3. Senate; how constituted; qualifications of members; officers; trial and judgment in impeachment cases. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.
Proceedings, and from time to time publish its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of such Penalties as each House may provide.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Note: The part of this section relating to meetings of Congress was superseded by the Twentieth Amendment.

Section 5. Judging qualifications of members; legislative proceedings. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. Compensation, privileges and disabilities of members; appointment to or holding other federal office. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. Introduction of revenue bills; submission of bills, orders and resolutions to President; approval or veto; passage over veto. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. Powers of Congress. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
To borrow Money on the credit of the United States;
To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
To establish Post Offices and post Roads;
To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
To constitute Tribunals inferior to the supreme Court;
To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
To provide and maintain a Navy;
To make Rules for the Government and Regulation of the land and naval Forces;
To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. Restrictions on powers of Congress. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration hereinbefore directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. Limitations upon powers of states. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall

CONSTITUTION OF THE UNITED STATES

Art. I§10

 Section 9. Restrictions on powers of Congress.

 Section 10. Limitations upon powers of states.
be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

Section 1. Executive power; election of President and Vice-President; qualification; succession; compensation; oath.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Note: The third paragraph of this section was superseded by the Twelfth Amendment. The sixth paragraph of this section was affected by the Twenty-fifth Amendment.

Section 2. Powers and duties of the President. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.
He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. Further powers and duties of the President. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. Impeachment of President, Vice-President and civil officers. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, treason, bribery, or other high Crimes and Misdemeanors.

ARTICLE. III.

Section 1. Judicial power; term and compensation of judges. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. Extent of judicial power; trial and places of trial of crimes. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason; definition, proof and punishment. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no At-tainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ARTICLE. IV.

Section 1. Full faith and credit to records and judicial proceedings of sister states; proof and effect. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. Privileges and immunities of citizens; surrender of fugitives from other states. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.
A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. Admission and formation of new states; power of Congress as to United States territory or property. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. Guaranty of republican form of government; protecting states against invasion or domestic violence. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE. V.

Amendments. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the senate.

ARTICLE. VI.

Constitution, federal laws and treaties control state constitutions and laws; oath of federal and state officers to support constitution; religious tests as qualification to office or trust. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

Ratification. The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty-seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names.

[Here followed names of signers]
AMENDMENT I

Freedom of religion, speech, and press; right to assemble and petition. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT II

Right to bear arms. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT III

Quartering soldiers in private houses. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT IV

Security from unreasonable searches and seizures. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT V

When prosecution to be by presentment or indictment; double jeopardy; self-incrimination; due process; compensation for property taken for public use. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT VI

Rights of accused in criminal prosecutions. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT VII

Trial by jury in civil cases. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT VIII

Bail, fines and punishments. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT IX

Rights retained by people. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]
AMENDMENT X

Powers reserved to states or people.
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. [Proposed by Congress in 1789 and ratified by the necessary number of states in 1791]

AMENDMENT XI

Judicial power not to extend to certain suits against states. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State. [Proposed by Congress in 1794 and ratified by the necessary number of states in 1795]

AMENDMENT XII

Election of President and Vice President. The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. [Proposed by Congress in 1803 and ratified by the necessary number of states in 1804]

AMENDMENT XIII

Section 1. Slavery and involuntary servitude abolished. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Enforcement. Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress and ratified by the necessary number of states in 1865; Oregon ratified on December 11, 1865, by S.J.R. 1 (1865 s.s.)]

AMENDMENT XIV

Section 1. Citizenship; privileges and immunities; due process; equal protection. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Apportionment of representatives. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the
proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. Persons disqualified from holding office. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. Validity of public debt. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. Enforcement. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [Proposed by Congress in 1866 and ratified by the necessary number of states in 1868; Oregon ratified on September 14, 1866, by S.J.R. 3 (1866), but “rescinded” ratification on October 16, 1866, by S.J.R. 4 (1866); Oregon ratified on May 21, 1973 by H.J.R. 13 (1973)]

AMENDMENT XV

Section 1. Right of citizens to vote regardless of race, color or previous condition of servitude. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. Enforcement. The Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress in 1869 and ratified by the necessary number of states in 1870; Oregon rejected on October 26, 1870, by S.J.R. 30 (1870), but ratified on March 3, 1959, by S.J.R. 7 (1959)]

AMENDMENT XVI

Income tax. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. [Proposed by Congress in 1909 and ratified by the necessary number of States in 1913; Oregon ratified on January 23, 1911, by S.J.R. 1 (1911)]

AMENDMENT XVII

Popular election of Senators. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution. [Proposed by Congress in 1912 and ratified by the necessary number of states in 1913; Oregon ratified on January 23, 1913, by S.J.R. 9 (1913)]

AMENDMENT XVIII

Section 1. Use of intoxicating liquors for beverage purposes prohibited. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. Enforcement. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. Time for ratification. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress. [Proposed by Congress in 1917, ratified by the necessary number of states in 1919 and repealed in 1933 by Amendment XXI; Oregon ratified on January 15, 1919, by H.J.R. 1 (1919)]
Note: This section was repealed by the Twenty-first Amendment.

AMENDMENT XIX

Right of citizens to vote regardless of sex. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

[Proposed by Congress in 1919 and ratified by the necessary number of states in 1920; Oregon ratified on January 13, 1920, by H.J.R. 1 (1920)]

AMENDMENT XX

Section 1. Commencement of terms of President, Vice President, Senators and Representatives. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. Commencement of sessions of Congress. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. Death or disqualification of President elect. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. Death of possible successors to President or Vice President. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Effective date. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. Time for ratification. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fifths of the several States within seven years from the date of its submission.

[Proposed by Congress and ratified by the necessary number of states in 1933; Oregon ratified on August 7, 1933, by action of a convention held under chapter 447, Oregon Laws 1933]

AMENDMENT XXI

Section 1. Repeal of Amendment XVIII. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. Transportation or importation of intoxicating liquors in violation of state laws prohibited. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. Time for ratification. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

[Proposed by Congress and ratified by the necessary number of states in 1933; Oregon ratified on August 7, 1933, by action of a convention held under chapter 447, Oregon Laws 1933]

AMENDMENT XXII

Section 1. Limitation on presidential tenure. No person shall be elected to the office of the president more than twice, and no person who has held the office of president, or acted as president, for more than two years of a term to which some other person was elected president shall be elected to the office of the president more than once. But this article shall not apply to any person holding the office of president when this article was proposed by the congress, and shall not prevent any person who may be holding the office of president, or acting as president, during the term within which this article becomes operative from holding the office of president or acting as president during the remainder of such term.
Section 2. Time for ratification. This article shall be inoperative unless it shall have been ratified as an amendment to the constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress. [Proposed by Congress in 1947 and adopted by the required number of states in 1951; Oregon ratified on April 3, 1947, by H.J.R. 25 (1947)]

AMENDMENT XXIII

Section 1. Presidential electors for District of Columbia. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. Enforcement. The Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress in 1960 and adopted by the necessary number of states in 1961; Oregon ratified on January 27, 1961, by S.J.R. 2 (1961)]

Section 2. Filling of vacancy in office of Vice President. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Discharge of duties of President when he declares himself unable to serve. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Discharge of duties of President when he is found unable to serve. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 1. Right to vote for federal office not to be qualified by payment of tax. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. Enforcement. The Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress in 1962 and adopted by the required number of states in 1964; Oregon ratified on January 25, 1963, by S.J.R. 1 (1963)]

Section 1. Vice President succeeds President. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President. 

Section 2. Filling of vacancy in office of Vice President. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Discharge of duties of President when he declares himself unable to serve. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Discharge of duties of President when he is found unable to serve. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall take office upon confirmation by a majority vote of both Houses of Congress.
AMENDMENT XXVI

Section 1. Right of persons 18 years of age to vote. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. Enforcement. The Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress in 1971 and adopted by the required number of states in 1971; Oregon ratified on June 4, 1971, by H.J.R. 47 (1971)]

AMENDMENT XXVII

Compensation of members of Congress. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened. [Proposed by Congress in 1789 and adopted by the required number of states in 1992; Oregon ratified on June 6, 1989, by S.J.R. 26 (1989)]
INDEX
TO
THE CONSTITUTION OF THE UNITED STATES

ABRIDGMENT
By states of privileges or immunities of citizens, Am. XIV par.1

ABSENCE
Members of Congress, compelling attendance, Art. I §5 par.1
Vice President, Art. I §3 par.5

ACCEPTANCE
Gifts, etc., from foreign governments, etc., Art. I §9 par.8

ACCOUNTS
Publication of statements, Art. I §9 par.7

ACCUSATION
Information as to nature and cause, Am. VI
Presentment or indictment, when necessary, Am. V

ACCUSED PERSONS
Extradition, Art. IV §2 par.2
Rights of
Assistance of counsel, Am. VI
Bail, Am. VIII
Compulsory process for witnesses, Am. VI
Confrontation with witnesses, Am. VI
Due process of law
Federal prosecutions, Am. V
State prosecutions, Am. XIV par.1
Habeas corpus, Art. I §9 par.2
Indictment for capital or infamous crimes, Am. V
Information as to accusation, Am. VI
Jeopardy, twice in, protection against, Am. V
Jury trial, Art. III §2 par.3
Impartial jury, Am. VI
Presentment for capital and infamous crimes, Am. V
Public trial, Am. VI
Searches and seizures, Am. IV
Self-incrimination, protection against, Am. V
Speedy trial, Am.VI
Treason, proof required, Art. III §3 par.1
Venue, Art. III §2 par.3; Am. VI

ACQUITTAL
Twice in jeopardy, Am. V

ACTIONS
Common law, jury trial, Am. VII
Within jurisdiction of federal courts, Art. III §2 par.1
State, action against by citizens of other state or foreign state, Am. XI
Supreme Court, original and appellate jurisdiction, Art. III §2 par.2

ACTS OF LEGISLATURE
See Bills; Congress; Laws

ACTS OF STATE
Full faith and credit, Art. IV §1
Proof of, Art. IV §1

ADJOURNMENT OF CONGRESS
Consent of other house, Art. I §5 par.4
Disagreement of houses, power of President, Art. II §3
From day to day to procure quorum, Art. I §5 par.1
Return of bill prevented by, Art. I §7 par.2

ADMIRALTY
Jurisdiction of federal courts, Art. III §2 par.1

ADMISSION
New states into Union, Art. IV §3 par.1

ADVICE AND CONSENT OF SENATE
Treaties and appointments by President, Art. II §2 par.2

AFFIRMATION
See Oath or Affirmation

AGE QUALIFICATION
President, Art. II §1 par.5
Representatives, A. I §2 par.2
Senators, Art. I §3 par.3
Vice President, Am. XII
Voting, Am. XXVI §1

AGREEMENTS
Between state and other state or foreign power, Art. I §10 par.3

ALIENS
Jurisdiction of federal courts, Art. III §2 par.1
Actions against state, Am. XI
Naturalization, Art. I §8 par.4

ALLIANCE
State prohibited from entering, Art. I §10 par.1

AMBASSADORS
Appointment, Art. II §2 par.2
Jurisdiction of cases affecting, Art. III §2 par.1
Supreme Court, Art. III §2 par.2
Reception by President, Art. II §3

AMENDMENTS
Constitution, Art. V
Revenue bills, Art. I §7 par.1

APPELLATE JURISDICTION
Supreme Court, Art. III §2 par.2

APPOINTMENTS
Ambassadors, ministers, etc., Art. II §2 par.2
Courts, appointments by, Art. II §2 par.2
Department heads, Art. II §2 par.2
Inferior officers, Art. II §2 par.2
Judges, Supreme Court, Art. II §2 par.2
Militia, officers of, Art. I §8 par.16
President, appointments by, Art. II §2 par.2
During recess of Senate, Art. II §2 par.3
Presidential electors, Art. II §1 par.2; Am. XXIII
Representative, ineligibility to other office, Art. I §6 par.2
Senate, advice and consent of, Art. II §2 par.2
Senators
Temporary appointment, Art. I §3 par.2; Am. XVII par.2
To other office, ineligible when, Art. I §6 par.2
Supreme Court judges, Art. II §2 par.2

APPORTIONMENT
Direct taxes, Art. I §2 par.3
Representatives, Art. I §2 par.3; Am. XIV par.2

APPROPRIATIONS
For army, limitation of period, Art. I §8 par.12
Necessity of, for expenditures, Art. I §9 par.7

CONST-99
INDEX TO THE CONSTITUTION OF THE UNITED STATES

APPROVAL
By Congress, Vice President, successor, Am. XXV
By President of
Bills, Art. I §7 par.2
Concurrent orders, resolutions, etc., Art. I §7 par.3

ARMS
Militia, power of Congress to arm, Art. I §8 par.16
Right to bear, Am. II

ARMY
Appropriations for, Art. I §8 par.12
Commander in chief, Art. II §2 par.1
Congress, power to
Make rules for government and regulation, Art. I §8 par.14
Raise and support armies, Art. I §8 par.12
Crimes of soldiers, when indictment not required, Am. V
Keeping by state without consent of Congress, Art. I §10 par.3
Quartering soldiers, Am. III

ARREST
Privilege of members of Congress, Art. I §6 par.1
Warrants, Am. IV

ARSENALS
Power of Congress, Art. I §8 par.17

ARTS
Promotion by granting exclusive rights, Art. I §8 par.8

ASSEMBLY
Right of, Am. I

ASSISTANCE OF COUNSEL
Accused’s right to, Am. VI

ATTAINDER
Bills of, not to be passed by
Congress, Art. I §9 par.3
States, Art. I §10 par.1
Of treason, effect, Art. III §3 par.2

ATTENDANCE
Absent members of Congress, compelling, Art. I §5 par.1

AUTHENTICATION
Acts, records, etc., of states, Art. IV §1 par.1

AUTHORS
Exclusive rights, Art. I §8 par.8

BAIL
Excessive, not to be required, Am. VIII

BALLOTS
Election of President and Vice President, Am. XII

BANKRUPTCY
Power of Congress, Art. I §8 par.4

BILLS
See also Congress
Amendment, revenue bills, Art. I §7 par.1
Approval by President, Art. I §7 par.2
Reconsideration after veto, Art. I §7 par.2
Revenue bills
Amendment, Art. I §7 par.1
Origin in House, Art. I §7 par.1
Veto, Art. I §7 par.2

BILLS OF ATTAINDER
Not to be passed by
Congress, Art. I §9 par.3
States, Art. I §10 par.1

BILLS OF CREDIT
States prohibited from emitting, Art. I §10 par.1

BORROW MONEY
Power of Congress, Art. I §8 par.2

BOUNTIES
Debts incurred for, validity, Am. XIV par.4

BREACH OF PEACE
Arrest of senators and representatives for, Art. I §6 par.1

BRIbery
Impeachment of officers for, Art. II §4

BUILDINGS
Federal buildings in states, authority of Congress, Art. I §8 par.17
Quartering soldiers without owner’s consent, Am. III
Searches, protection against unreasonable, Am. IV

CABINET OFFICERS
See Executive Departments

CAPITAL CRIMES
Indictment, necessity, Am. V

CAPITATION TAX
Must be in proportion to census, Art. I §9 par.4

CAPTURES
Rules concerning, Art. I §8 par.11

CENSUS
Direct tax, apportionment, Art. I §2 par.3; Art. I §9 par.4
Income tax levied without regard to, Am. XVI
Representatives, apportionment, Art. I §2 par.3; Am. XIV par.2
Time and manner of taking, Art. I §2 par.3

CERTIFICATES
Electoral votes, Art. II §1 par.3; Am. XII

CHIEF JUSTICE
Impeachment of President, presiding officer, Art. I §3 par.6

CITIZENS
Actions, judicial power of United States, Art. III §2 par.1
Action against state, Am. XI
Due process of law, Am. XIV par.1
Equal protection of laws, Am. XIV par.1
Naturalization, Art. I §8 par.4
Persons who are citizens, Am. XIV par.1
President, eligibility, Art. II §1 par.3
Privileges and immunities of citizens of
States, citizens of other states entitled to, Art. IV §2 par.1
United States, abridgement prohibited, Am. XIV par.1
Representatives, eligibility, Art. I §2 par.2
Senators, eligibility, Art. I §3 par.3
Vice President, eligibility, Am. XII
Vote, right to, prohibited qualifications
Age, Am. XXVI §1
Race, color, Am. XV par.1
Sex, Am. XIX
Tax, payment, Am. XXIV par.1

CIVIL OFFICERS
Impeachment, Art. II §4

CLAIMS
For loss or emancipation of slaves, void, Am. XIV par.4
Of states or United States not to be prejudiced, etc., Art. IV §3 par.2

CLEARANCE
Vessels in interstate commerce, Art. I §9 par.6

CONST-100
INDEX TO THE CONSTITUTION OF THE UNITED STATES

COIN
Counterfeiting, Art. I §8 par.6
Power to coin money by Congress, Art. I §8 par.5
States, prohibited, Art. I §10 par.1
Tender, gold and silver, Art. I §10 par.1
Value, regulation, Art. I §8 par.5

COLOR
Right of suffrage, denial, etc., Am. XV par.1

COMMANDER IN CHIEF
President, Art. II §2 par.1

COMMERCE
See also Duties
Clearance, etc., vessels in interstate commerce, Art. I §9 par.6
Power of Congress to regulate, Art. I §8 par.3
Preference to ports of state, Art. I §9 par.6

COMMISSIONS
To officers issued by President, Art. II §3 par.1
To fill vacancies, Art. II §2 par.3

COMMON DEFENSE
Power of Congress to provide for, Art. I §8 par.1

COMMON LAW
Actions, trial by jury, Am. VII
Rules, re-examination of facts according to, Am. VII

COMPACTS
Between state and other state or foreign power prohibited, Art. I §10 par.3

COMPENSATION
Judges, Art. III §1
President, Art. II §1 par.7
Increase or decrease during term prohibited, Art. II §1 par.7
Private property, compensation when taken for public use, Am. V
Representatives, Art. I §6 par.1; Am. XXVII
Senators, Art. I §6 par.1; Am. XXVII

COMPULSORY PROCESS
Accused’s right to, Am. VI

CONFEDERATION
Debts contracted under, validity, Art. VI par.1
States prohibited from entering, Art. I §10 par.1

CONFESSION
Treason, conviction on, Art. III §3 par.1

CONFRONTATION WITH WITNESSES
Accused’s right, Am. VI

CONGRESS
See also Bills; House of Representatives; Senate
Absent members, compelling attendance, Art. I §5 par.1
Adjournment
By President in case of disagreement, Art. II §3
Consent of other house, Art. I §5 par.4
From day to day for quorum, Art. I §5 par.1
Return of bill prevented by, Art. I §7 par.2
Amendment to constitution, proposal, Art. V
Arrest, privilege of members, Art. I §6 par.1
Assemblies when, Art. I §4 par.2; Am. XX par.2
Compelling attendance of absent members, Art. I §5 par.1
Concurrent action
Adjournment, Art. I §5 par.4
Approval or veto by President, Art. I §7 par.3
Consent of, necessary to acceptance of office, gift, etc., from foreign government, Art. I §9 par.8
Action by states

CONSTITUTION
Proposal of amendments, Art. V
Debate, privilege of members, Art. I §6 par.1
Disorderly behavior of members, Art. I §5 par.2

Election of members
Each house own judge of, Art. I §5 par.1
Representatives, Art. I §2 par.1
Senator’s direct election, Am. XVII
Time, place, manner, Art. I §4 par.1
Vacancies
Representatives, Art. I §2 par.4
Senators, Am. XVII par.2

Electors, presidential
District of Columbia, Am. XXIII
Opening certificates and counting votes, Art. II §1 par.3; Am. XII; Am. XXIII
Senators and representatives ineligible, Art. II §1 par.2
Time of choosing and voting, Art. II §1 par.4
Expulsion of members, Art. I §5 par.2
Extra sessions, power of President, Art. II §3

Impeachment
By House, Art. I §2 par.5
Judgment, Art. I §3 par.7
Trial by Senate, Art. I §3 par.6

Information on state of Union, President to furnish, Art. II §3

Journals
Duty to keep and publish, Art. I §5 par.3
Objections of President entered on, Art. I §7 par.2
Yeas and nays entered on
At desire of one-fifth members, Art. I §5 par.3
Reconsideration after veto, Art. I §7 par.2

Legislative power vested in, Art. I §1

Meetings, Art. I §4 par.2; Am. XX par.2

Members
Arrest, privilege from, Art. I §6 par.1
Compelling attendance, Art. I §5 par.1
Compensation, Art. I §6 par.1; Am. XXVII
Disorderly behavior, Art. I §5 par.2
Election
Each house own judge, Art. I §5 par.1
Power to regulate, Art. I §4 par.1
Representatives, Art. I §2 par.1
Senators, Am. XVII

Eligibility
Each house own judge, Art. I §5 par.1
Other office, Art. I §6 par.2
Presidential electors, Art. II §1 par.2
Representatives, Art. I §2 par.2
Senators, Art. I §3 par.3

Expulsion, Art. I §5 par.2

Ineligibility
Other office, when, Art. I §6 par.2
Presidential elector, Art. II §1 par.2
Number
Representatives, Art. I §2 par.3
Senators, Art. I §3 par.1; Am. XVII par.1
Oath, Art. VI §3
Penalties for absence, Art. I §5 par.1
Privileges from arrest, etc., Art. I §6 par.1
Punishment for disorderly behavior, Art. I §5 par.2
Qualifications
Each house own judge, Art. I §5 par.1
Representatives, Art. I §2 par.2
Senators, Art. I §3 par.3
Salaries, Art. I §6 par.1; Am. XXVII
Speech, privilege, Art. I §6 par.1
Term of office
Representatives, Art. I §2 par.1
Senators, Art. I §3 par.1; Am. XVII par.1

COMP-101
<table>
<thead>
<tr>
<th>Page</th>
<th>Index to the Constitution of the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>102</td>
<td>Vacancies</td>
</tr>
<tr>
<td></td>
<td>Representatives, Art. I §2 par.4</td>
</tr>
<tr>
<td></td>
<td>Senators, Am. XVII par.2</td>
</tr>
<tr>
<td></td>
<td>New states, admission, Art. IV §3 par.1</td>
</tr>
<tr>
<td></td>
<td>Officers</td>
</tr>
<tr>
<td></td>
<td>House of Representatives, Art. I §2 par.5</td>
</tr>
<tr>
<td></td>
<td>Senate, Art. I §3 par.5</td>
</tr>
<tr>
<td></td>
<td>Penalties, absence of members, Art. I §5 par.1</td>
</tr>
<tr>
<td></td>
<td>Powers as to</td>
</tr>
<tr>
<td></td>
<td>Admission of new states, Art. IV §3 par.1</td>
</tr>
<tr>
<td></td>
<td>Amendments to constitution, Art. V</td>
</tr>
<tr>
<td></td>
<td>Appellate jurisdiction of Supreme Court, Art. III §2 par.2</td>
</tr>
<tr>
<td></td>
<td>Appointments, Art. II §2 par.2</td>
</tr>
<tr>
<td></td>
<td>Army</td>
</tr>
<tr>
<td></td>
<td>Government and regulation, Art. I §8 par.14</td>
</tr>
<tr>
<td></td>
<td>Duties and supporting, Art. I §8 par.12</td>
</tr>
<tr>
<td></td>
<td>arsenals, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Arts, promotion, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Authors, exclusive rights, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Bankruptcies, uniform laws, Art. I §8 par.4</td>
</tr>
<tr>
<td></td>
<td>Borrowing money, Art. I §8 par.2</td>
</tr>
<tr>
<td></td>
<td>Calling militia, Art. I §8 par.15</td>
</tr>
<tr>
<td></td>
<td>Captures, rules concerning, Art. I §8 par.11</td>
</tr>
<tr>
<td></td>
<td>Coinage, Art. I §8 par.5</td>
</tr>
<tr>
<td></td>
<td>Commerce, regulation, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Common defense, provision for, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Consent to</td>
</tr>
<tr>
<td></td>
<td>Acceptance of foreign title, etc., Art. I §9 par.8</td>
</tr>
<tr>
<td></td>
<td>Formation of states, Art. IV §3 par.1</td>
</tr>
<tr>
<td></td>
<td>State action, Art. I §10 pars. 2, 3</td>
</tr>
<tr>
<td></td>
<td>Constitution, amendments, Art. V</td>
</tr>
<tr>
<td></td>
<td>Copyrights, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Counterfeiting, punishment, Art. I §8 par.6</td>
</tr>
<tr>
<td></td>
<td>Courts, establishment, Art. I §8 par.9; Art. III §1</td>
</tr>
<tr>
<td></td>
<td>Criminal trials, venue, Art. III §2 par.3</td>
</tr>
<tr>
<td></td>
<td>Death, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Declaration of war, Art. I §8 par.11</td>
</tr>
<tr>
<td></td>
<td>Disability of President and Vice President, Art II §1 par.6</td>
</tr>
<tr>
<td></td>
<td>District of Columbia, Art. I §8 par.17; Am. XXIII</td>
</tr>
<tr>
<td></td>
<td>Dock yards, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Duties, impediments, etc., Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>By states, Art. I §10 par.2</td>
</tr>
<tr>
<td></td>
<td>Election of Members, each house, own judge, Art. I §5 par.1</td>
</tr>
<tr>
<td></td>
<td>President by House, Am. XII</td>
</tr>
<tr>
<td></td>
<td>Vice President by Senate, Am. XII</td>
</tr>
<tr>
<td></td>
<td>Electors, presidential, time of choosing and voting, Art. II §1 par.4; Am. XXIII</td>
</tr>
<tr>
<td></td>
<td>Excises, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Execution of enumerated powers, Art. I §8 par.18</td>
</tr>
<tr>
<td></td>
<td>Felonies on high seas, definition and punishment, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Foreign coin, regulating value, Art. I §8 par.5</td>
</tr>
<tr>
<td></td>
<td>Foreign nations, regulating commerce with, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Forts, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Full faith and credit, etc., proof of acts, etc., Art. IV §1</td>
</tr>
<tr>
<td></td>
<td>General welfare, provisions for, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Impartation, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Judgment, Art. I §3 par.7</td>
</tr>
<tr>
<td></td>
<td>Trial by Senate, Art. I §3 par.6</td>
</tr>
<tr>
<td></td>
<td>Imposts, Art. I §10 par.3</td>
</tr>
<tr>
<td></td>
<td>By states, Art. I §10 par.2</td>
</tr>
<tr>
<td></td>
<td>Income tax, Am. XVI</td>
</tr>
<tr>
<td></td>
<td>Indian tribes, regulating commerce with, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Invasions, calling militia, Art. I §8 par.15</td>
</tr>
<tr>
<td></td>
<td>Interstate commerce, regulation, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Inventions, exclusive rights to, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Law of nations, definition and punishment of offenses against, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Letters of marque and reprisal, grant of, Art. I §8 par.11</td>
</tr>
<tr>
<td></td>
<td>Magazines, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Militia</td>
</tr>
<tr>
<td></td>
<td>Calling forth, Art. I §8 par.15</td>
</tr>
<tr>
<td></td>
<td>Organizing, arming and disciplining, Art. I §8 par.16</td>
</tr>
<tr>
<td></td>
<td>Money, coining, regulating value, Art. I §8 par.5</td>
</tr>
<tr>
<td></td>
<td>Naturalization, Art. I §8 par.4</td>
</tr>
<tr>
<td></td>
<td>Navy</td>
</tr>
<tr>
<td></td>
<td>Government and regulation, Art. I §8 par.14</td>
</tr>
<tr>
<td></td>
<td>Maintenance, Art. I §8 par.13</td>
</tr>
<tr>
<td></td>
<td>Offenses</td>
</tr>
<tr>
<td></td>
<td>Against law of nations, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Counterfeiting, Art. I §8 par.6</td>
</tr>
<tr>
<td></td>
<td>Felonies on high seas, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Piracies on high seas, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Treason, Art. III §3 par.2</td>
</tr>
<tr>
<td></td>
<td>Patents to inventors, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Payment of Debts, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Piracies, definition and punishment, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Post offices and post roads, Art. I §8 par.7</td>
</tr>
<tr>
<td></td>
<td>President</td>
</tr>
<tr>
<td></td>
<td>Death, disability, performance of duties, Art. II §1 par.6; Am. XXV</td>
</tr>
<tr>
<td></td>
<td>Death of eligible persons for election by House of Representatives, Am. XX par.4</td>
</tr>
<tr>
<td></td>
<td>Election, Am. XII; Am. XXIII</td>
</tr>
<tr>
<td></td>
<td>Manner of selection, failure of President-elect and Vice President-elect to qualify, Am. XX par.3</td>
</tr>
<tr>
<td></td>
<td>Performance of duties of by Vice President; Am. XXV</td>
</tr>
<tr>
<td></td>
<td>Presidential electors</td>
</tr>
<tr>
<td></td>
<td>District of Columbia, Am. XXIII</td>
</tr>
<tr>
<td></td>
<td>Opening certificates and counting votes, Am. XII</td>
</tr>
<tr>
<td></td>
<td>Time of choosing and voting, Art. II §1 par.4</td>
</tr>
<tr>
<td></td>
<td>Proof of acts, etc., of states, Art. IV §1</td>
</tr>
<tr>
<td></td>
<td>Property of United States, disposal, regulations, Art. IV §3 par.2</td>
</tr>
<tr>
<td></td>
<td>Proposal of amendments to constitution, Art. V</td>
</tr>
<tr>
<td></td>
<td>Public buildings, authority over land purchased for, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Punishment</td>
</tr>
<tr>
<td></td>
<td>Counterfeiting, Art. I §8 par.6</td>
</tr>
<tr>
<td></td>
<td>Law of nations, offenses against, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Piracy and felonies on high seas, Art. I §8 par.10</td>
</tr>
<tr>
<td></td>
<td>Treason, Art. III §3 par.2</td>
</tr>
<tr>
<td></td>
<td>Qualifications of members, each house judge of, Art. I §5 par.1</td>
</tr>
<tr>
<td></td>
<td>Quartersing soldiers in time of war, manner of, Am. III</td>
</tr>
<tr>
<td></td>
<td>Records, etc., of states, manner of proving, Art. IV §1</td>
</tr>
<tr>
<td></td>
<td>Regulation of commerce, Art. I §8 par.3</td>
</tr>
<tr>
<td></td>
<td>Removal of disqualification of officers for engaging in insurrection or rebellion, Am. XIV par.3</td>
</tr>
<tr>
<td></td>
<td>Removal of President and Vice President, Art. II §1 par.6</td>
</tr>
<tr>
<td></td>
<td>Science, promotion, Art. I §8 par.8</td>
</tr>
<tr>
<td></td>
<td>Seat of government, exclusive legislative power, Art. I §8 par.17</td>
</tr>
<tr>
<td></td>
<td>Slaves</td>
</tr>
<tr>
<td></td>
<td>Migration or importation, Art. I §9 par.1</td>
</tr>
<tr>
<td></td>
<td>Prohibition of slavery, Am. XIII par.2</td>
</tr>
<tr>
<td></td>
<td>Standard of weights and measures, Art. I §8 par.5</td>
</tr>
<tr>
<td></td>
<td>State acts</td>
</tr>
<tr>
<td></td>
<td>Consent to</td>
</tr>
<tr>
<td></td>
<td>Proof to invoke full faith and credit clause, Art. IV §1</td>
</tr>
<tr>
<td></td>
<td>Suffrage, enforcement of right of</td>
</tr>
<tr>
<td></td>
<td>Age, Am. XXVI §2</td>
</tr>
<tr>
<td></td>
<td>Colored persons, etc., Am. XV par.2</td>
</tr>
<tr>
<td></td>
<td>Poll tax, nonpayment, Am. XXIV</td>
</tr>
<tr>
<td></td>
<td>Women, Am. XIX par.2</td>
</tr>
<tr>
<td></td>
<td>Supreme Court’s appellate jurisdiction, Art. III §2 par.2</td>
</tr>
<tr>
<td></td>
<td>Taxation, Art. I §8 par.1</td>
</tr>
<tr>
<td></td>
<td>Direct tax in proportion to census, Art. I §9 par.4</td>
</tr>
<tr>
<td></td>
<td>Imported slaves, Art. I §9 par.1</td>
</tr>
<tr>
<td></td>
<td>Territories, Art. IV §3 par.2</td>
</tr>
</tbody>
</table>
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Territory of United States, Art. IV §3 par.2
Treason, punishment, Art. III §3 par.2
Useful arts, exclusive rights, Art. I §8 par.8
Value of coins, regulation, Art. I §8 par.5
Venue, criminal prosecutions, Art. III §2 par.3

Victim
Death, disability, performance of President’s duties, Art. II §1 par.6; Am. XXV
Death of eligible persons for election by Senate, Am. XX par.4
Election, Am. XII; Am. XXIII
Succession to office of, Am. XXV
War, declaration, Art. I §8 par.11
Weights and measures, standard, Art. I §8 par.5

President
Adjournment of Congress by, Art. II §3
Apportionment or veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3
Disability, performance of duties, Am. XXV
Election, Am. XII; Am. XXIII
Electoral votes, opening certificates and counting votes, Art. II §1 par.3; Am. XII; Am. XXIII

Impeachment
By House, Art. II §4
Judgment, Art. I §3 par.7
Trial by Senate, Art. I §3 par.6
Message to Congress, Art. II §3
Nominations to Senate, Art. II §3 par.2
Removal, disability, etc., power of Congress as to, Art. II §1 par.6; Am. XXV

Prohibitions
Assembly, abridgment of right of, Am. I
Bills of attainder, Art. I §9 par.3
Capitation or direct tax unless in proportion to census, Art. I §9 par.4
Compensation of members, Am. XVII
Duty on exportation from states, Art. I §9 par.4
Ex post facto laws, Art. I §9 par.3
Habeas corpus, suspension of writ, Art. I §9 par.2
Petition, abridgment of right, Am. I
Preemption of land by state, Art. I §9 par.6
President’s salary, increase or decrease during term, Art. II §1 par.7
Press, abridgment of freedom, Am. I
Religion, laws relating to, Am. I
Religious test as qualification of office, Art. VI par.3
Speech, abridgment of freedom, Am. I
Tax on exportation from states, Art. I §9 par.5
Worship, abridgment of right, Am. I
Proposal of amendments to constitution, Art. V

Qualification of members
Each house own judge of, Art. I §5 par.1
Representatives, Art. I §2 par.2
Senators, Art. I §3 par.3
Quorum, Art. I §5 par.1
For election of President or Vice President, Am. XII
Reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3
Rules of proceedings, Art. I §5 par.2
Speech, privilege of members, Art. I §6 par.1
States
Acts, etc., power to prescribe manner of proof and effect, Art. IV §1
Admission, Art. IV §3 par.1
Consent of Congress to acts of, Art. I §10 pars. 2, 3
Vacancies
Representatives, Art. I §2 par.4
Senators, Am. XVII par.2
Veto, reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3
Voters
Constitutional proposal of amendments, Art. V
Entry on journal
At desire of one-fifth members present, Art. I §5 par.3

Vote on reconsideration after veto, Art. I §7 par.2
Expulsion of members, Art. I §5 par.2
Reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3
Vice President, Art. I §3 par.4; Am. XXV
Yeas and nays
Entered on journal, Art. I §5 par.3
On reconsideration after veto, Art. I §7 par.2

CONSENT OF
Congress to
Formation of state by election of President or Vice President, Am. XII; Am. XXIII
Formation of state by election of President, Am. I
Formation of state by election of President, Am. II §2 par.2
State legislatures to
Formation of states by election, etc., Art. IV §3 par.1
Purchase by United States of land within state, Art. I §8 par.17

CONSTITUTION
Amendments, Am. V
Jurisdiction of federal courts in cases arising under, Art. III §2 par.1
Oath or affirmation to support, Art. VI §3
By President, Art. II §1 par.8
Public debt contracted before adoption valid, Art. VI par.3
Ratification, Art. VII
Supreme law of land, Art. VI par.2

CONSULS
Appointment, Art. II §2 par.2
Jurisdiction of federal courts in cases affecting, Art. III §2 par.1
Original jurisdiction of Supreme Court, Art. III §2 par.2

CONTRACTS
Impairing obligations, state prohibited from, Art. I §10 par.1
State with other state or foreign power, Art. I §10 par.3

CONVENTIONS
Constitution, amendments, Art. V

COPYRIGTHS
Power of Congress, Art. I §8 par.8

COUNSEL
Accused’s right to assistance of, Am. VI

COUNTERFEITING
Securities and coin of United States, power to punish, Art. I §8 par.6

COURTS
See also Judges
Inferior courts
Judicial power, Art. III §1
Power of Congress to establish, Art. III §1
Supreme Court, Art. III §1
Jurisdiction, Art. III §2 par.2

CREDIT
Bills of, states not to emai, Art. I §10 par.1
Full faith and credit to acts, etc., of states, Art. IV §1
Of United States, borrowing on, Art. I §8 par.2

CRIMES
Extradition, Art. IV §2 par.2
Felonies on high seas, power of Congress, Art. I §8 par.10
Impeachment for, Art. II §4
Laws of nations, power of Congress to define and punish offenses against, Art. I §8 par.10

CONSTIT-103
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Pardons and reprieves, power of President, Art. II §2 par.1
Piracies, power of Congress, Art. I §8 par.10
Privilege of members of Congress from arrest for, Art. I §6 par.1
Treason
Definition, Art. III §3 par.1
Members of Congress not privileged from arrest for, Art. I §6 par.1
Proof required for conviction, Art. III §3 par.1
Removal from office, Art. II §4
Twice in jeopardy, Am. V

CRIMINAL PROSECUTIONS
See also Accused Persons
Impeachment, effect, Art. I §3 par.7

CRUEL AND UNUSUAL PUNISHMENT
Prohibited, Am. VIII

DEATH
President and Vice President, Art. II §1 par.6

DEBATE
Congress, members not to be questioned for, in other places, Art. I §6 par.1

DEBTS
Contracted before adoption of Constitution, validity, Art. VI §1
Legal tender, Art. I §10 par.1
Payment, power of Congress, Art. I §8 par.1
Validity not to be questioned, Am. XIV par.4
Void where incurred in aid of insurrection or rebellion, Am. XIV par.4

DEFENSE
Common, Congress to provide for, Art. I §8 par.1
Rights of accused, Am. VI

DEMAND
Extradition, Art. IV §2 par.2

DEPARTMENTS, EXECUTIVE
Appointments, Art. II §2 par.2
Oath of executive officers, Art. VI par.3
Opinions of principal officer to President, Art. II §2 par.1
Power of Congress, Art. I §8 par.18

DESCRIPTION
Warrants for searches and seizures, Am. IV

DIRECT TAXES
Apporition, Art. I §2 par.3; Art. I §9 par.4

DISABILITY
Officers, for engaging in insurrection, etc., Am. XIV par.3
President and Vice President, Art. II §1 par.6

DISAGREEMENT
Congress as to time of adjournment, duties of President, Art. II §3

DISCIPLINE
Members of Congress, Art I §5 par.2
Militia, power of Congress, Art. I §8 par.16

DISORDERLY BEHAVIOR
Members of Congress, punishment, Art. I §5 par.2

DISQUALIFICATION OF OFFICERS
For engaging in insurrection or rebellion, Am. XIV par.3
Impeachment, Art. I §3 par.7

DISTRICT OF COLUMBIA
Power of Congress, Art. I §8 par.17

Presidential electors, Am. XXIII

DIVERSE CITIZENSHIP
Judicial power of United States, Art. III §2 par.1

DOCK YARDS
Authority of Congress, Art. I §8 par.17

DOMESTIC VIOLENCE
Protection of states against, Art. IV §4

DOUBLE JEOPARDY
Rights of accused, Am. V

DUE PROCESS OF LAW
Taking of life, liberty or property without, by Federal government, Am. V
State, Am. XIV par.1

DUTIES
Congress
Consent to levy by state, Art. I §10 pars. 2, 3
Power to lay and collect, Art. I §8 par.1
Exports from state, prohibited, Art. I §9 par.6
Interstate commerce vessels, Art. I §9 par.6
Slave importations, Art. I §9 par.1
State, consent of Congress to levy by, Art. I §10 pars. 2, 3
Tonnage, by state, consent of Congress, Art. I §10 par.3
Uniformity required, Art. I §§8 par.1

ELECTION
President and Vice President
Appointment of electors, Art. II §1 par.2
District of Columbia, Am. XXIII
Election by houses of Congress in absence of majority of electoral votes, Am. XII
Meetings and proceedings of electors, Am. XII
Number of electors, Art. II §1 par.2
Opening certificates and counting votes, Am. XII
Time of choosing electors and voting, Art. I §1 par.4
Two term limitation, Am. XXII
Voting by electors, Am. XII
Time of, Art. II §1 par.4
Representatives, Art. I §2 par.1
House own judge of, Art. I §5 par.1
Time, place and manner of holding, Art. I §4 par.1
Vacancies, Art. I §2 par.4
Senators, Am. XVII
Senate own judge of, Art. I §5 par.1
Time, place and manner of holding, Art. I §4 par.1
Vacancies, Am. XVII

ELECTORS
For President, see Presidential Electors
Poll tax, nonpayment, Am. XXIV
Race, color, or previous condition of servitude, Am. XV
Representatives, Art. I §2 par.1
Senators, Am. XVII par.1
Sex, Am. XIX

ELIGIBILITY
Disqualification for participation in rebellion, etc., Am. XIV par.3
Electors for
President, Art. II §1 par.2
Representatives, Art. I §2 par.1
Senators, Am. XVII par.1
President, Art. II §1 par.5
Representatives, Art. I §2 par.2
Senators, Art. I §3 par.3
Vice President, Am. XII

EMANCIPATION OF SLAVES
Claims for loss, Am. XIV par.4

EMINENT DOMAIN
Just compensation, right to, Am. V

CONST-104
INDEX TO THE CONSTITUTION OF THE UNITED STATES

EMOLUMENTS
Officers, from foreign state, etc., prohibited, Art. I §9 par.8
President, receipt other than salary prohibited, Art. II §1 par.7

ENUMERATION
People, see Census
Rights, not to deny or disparage others retained, Am. IX

EQUAL PROTECTION OF LAWS
Denial by states prohibited, Am. XIV par.1

EQUAL SUFFRAGE IN SENATE
States not to be deprived of, Art. V par.1

EQUITY
Jurisdiction of federal courts, Art. III §2 par.1
Suit against state, Am. XI

EXCESSIONS
Power of Congress to lay and collect, Art. I §8 par.1
Uniformity, Art. I §8 par.1

EXECUTIVE DEPARTMENTS
Appointments, Art. II §2 par.2
Oath of officers, Art. VI par.3
Power of Congress, Art. I §8 par.18
Written opinions to President from heads, Art. II §2 par.1

EXECUTIVE POWER
Vested in President, Art. II §1 par.1

EXECUTIVES OF STATES
See Governors

EXPENDITURES
Publication of statement, Art. I §9 par.7

EXPORTS
See Duties

EXPULSION
Members of Congress, Art. I §5 par.2

EXTRADITION
Between states, Art. IV §2 par.2

EXTRAORDINARY SESSIONS OF CONGRESS
President may call, Art. II §3

FAITH AND CREDIT
Acts, etc., of states, Art. IV §1 par.1

FEDERAL COURTS
Judicial power, Art. III §2 par.1
Actions against state by citizens of other state, etc., Am. XI
Jurisdiction of Supreme Court, Art. III §2 par.2

FELOINIES
Arrest for, members of Congress not privileged, Art. I §6 par.1
Extradition, Art. IV §2 par.2
On high seas, power of Congress, Art. I §8 par.10

FINES
Excessive not to be imposed, Am. VIII

FOREIGN CITIZENS
Judicial power, Art. III §2 par.1
Actions against states, Am. XI
Naturalization, Art. I §8 par.4

FOREIGN COIN
Power of Congress to regulate value, Art. I §8 par.5

FOREIGN NATIONS
Commerce with, power of Congress to regulate, Art. I §8 par.3
Compact or agreement with state, Art. I §10 par.3
Treaties with, power to make, Art. II §2 par.2
State not to make, Art. I §10 par.1

FOREIGN OFFICE
Acceptance by officer, Art. I §9 par.8

FORFEITURE
Attainder of treason, Art. III §3 par.2

FORM OF GOVERNMENT
Republican, guaranteed to state, Art. IV §4 par.1

FORMATION OF STATES
From other states, Art. IV §3 par.1

FORMER JEOPARDY
Rights of accused, Am. V

FORTS
Power of Congress as to, Art. I §8 par.17

FREEDOM OF PRESS
Abridgment prohibited, Am. I

FREEDOM OF SPEECH
Abridgment prohibited, Am. I

FREEDOM OF WORSHIP
Right to, Am. I

FUGITIVES FROM JUSTICE
Extradition, Art. IV §2 par.2

FULL FAITH AND CREDIT
State public acts, etc., Art. IV §1

GENERAL WELFARE
Power of Congress to levy taxes for, Art. I §8 par.1

GOLD COIN
Legal tender, Art. I §10 par.1

GOVERNMENT
Republican form of guaranteed to states, Art. IV §4

GOVERNORS
Domestic violence, application for protection, Art. IV §4
Extradition, Art. IV §2 par.2
Oaths, Art. VI par.3
Representatives, issuance of writs of election to fill vacancies, Art. I §2 par.4
Senators
Temporary appointments, Am. XVII par.2
INDEX TO THE CONSTITUTION OF THE UNITED STATES

GRAND JURY
Presentment and indictments by, Am. V

GRIEVANCES
Petition for redress, Am. I

HABEAS CORPUS
Suspension of writ prohibited, Art. I §9 par.2

HEADS OF DEPARTMENTS
Appointments, Art. II §2 par.2
Oaths, Art. VI par.3
Opinions from, President may require, Art. II §2 par.1

HIGH CRIMES AND MISDEMEANORS
Impeachment of officers for, Art. II §4

HOUSE OF REPRESENTATIVES
See also Bills; Congress
Absent members, compelling attendance, Art. I §5 par.1
Adjournment
Approval of President not required, Art. 1 §7 par.3
Consent of Senate, Art. I §5 par.4
Disagreement of houses, Art. II §3
From day to day to procure quorum, Art. I §5 par.1
Age of members, Art. I §2 par.2
Appointment of representatives, Art. I §2 par.3; Am. XIV par.2
Arrest, privilege of members, Art. I §6 par.1
Compelling attendance of absent members, Art. I §5 par.1
Compensation of members, Art. I §6 par.1; Am. XXVII
Debate, privilege of members, Art. I §6 par.1
Disorderly behavior of members, punishment, Art. I §5 par.2
Election of members, Art. I §2 par.1
To fill vacancies, Art. I §2 par.4
Election of President, Am. XII; Am. XX par.4
Election of President in absence of majority vote, Am. XII
Eligibility of representatives, Art. II §1 par.2
Opening certificates and counting votes, Am. XII
Privileges of members from arrest, etc., Art. I §6 par.1
Proceedings, rules of, Art. I §5 par.2
Qualifications of members, Art. I §5 par.2
House own judge of, Art. I §5 par.1
Quorum, Art. I §5 par.1
Election of President, Am. XII
Revenue bills to originate in, Art. I §7 par.1
Rules of proceedings, Art. I §5 par.2
Speaker
Choice of, Art. I §2 par.5
Disability of President, Am. XXV
Speech, privilege of members, Art. I §6 par.1
Vacancies, how filled, Art. I §2 par.4
Vice President, successor to office of, performance of President’s duties, Am. XXV
Votes
Constitution, proposal of amendments to, Art. V
Election of President, Am. XII
Entry on journal
At desire of members, Art. I §5 par.3
On reconsideration after veto, Art. I §7 par.2
Expulsion of members, Art. I §5 par.2
Reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3

HOUSES
Quartering soldiers in, without owner’s consent prohibited, Am. III
Searches and seizures, Am. IV

IMMUNITIES OF CITIZENS
States, citizens of each entitled to all, etc., Art. IV §2 par.1
United States, abridgment prohibited, Am. XIV par.1

IMPEACHMENT OF OBLIGATION OF CONTRACTS
By states prohibited, Art. I §10 par.1

IMPEACHMENT
Chief justice to preside on impeachment of President, Art. I §3 par.6
Criminal prosecution of impeached officer, Art. I §3 par.7
Grounds, Art. II §4
House of Representatives, power of, Art. I §2 par.5
Judgment, scope, Art. I §3 par.7
Jury, trial by not required, Art. III §2 par.3
Officers subject to, Art. II §4
Pardons not to be granted by President, Art. II §2 par.1
Power of in House, Art. I §2 par.5
President, Art. II §4
Punishment, nature of, Art. II §4
Reprieves not to be granted by President, Art. II §2 par.1
Senate, power to try, Art. I §3 par.6
Trial
By Senate, Art. I §3 par.6
Jury not required, Art. III §2 par.3
Vice President, Art. II §4
<table>
<thead>
<tr>
<th>INDEX TO THE CONSTITUTION OF THE UNITED STATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>IMPORTATION</td>
</tr>
<tr>
<td>Slaves, power to prohibit, Art. I §9 par.1</td>
</tr>
<tr>
<td>IMPORTS</td>
</tr>
<tr>
<td>State duties, consent of Congress, Art. I §10 par.2</td>
</tr>
<tr>
<td>IMPPOSTS</td>
</tr>
<tr>
<td>Congress, power to lay and collect, Art. I §8 par.1</td>
</tr>
<tr>
<td>State, consent of Congress to levy by, Art. I §10 par.2</td>
</tr>
<tr>
<td>Uniformity required, Art. I §8 par.1</td>
</tr>
<tr>
<td>INCOME TAX</td>
</tr>
<tr>
<td>Powers of Congress, Am. XVI</td>
</tr>
<tr>
<td>INCORRIMINATION</td>
</tr>
<tr>
<td>Protection against self-incrimination, Am. V</td>
</tr>
<tr>
<td>INDIANS</td>
</tr>
<tr>
<td>Apportionment of representatives and direct taxes, Art. I §2 par.3</td>
</tr>
<tr>
<td>Commerce with, power of Congress to regulate, Art. I §8 par.3</td>
</tr>
<tr>
<td>INDICTMENT</td>
</tr>
<tr>
<td>Impeached officers, Art. I §3 par.7</td>
</tr>
<tr>
<td>Necessity in prosecutions for capital and infamous crimes, Am. V</td>
</tr>
<tr>
<td>INFAMOUS CRIMES</td>
</tr>
<tr>
<td>Necessity of presentment or indictment, Am. V</td>
</tr>
<tr>
<td>INFERIOR COURTS</td>
</tr>
<tr>
<td>Judges, compensation, term, Art. III §1</td>
</tr>
<tr>
<td>Judicial power, Art. III §1</td>
</tr>
<tr>
<td>Power of Congress to establish, Art. I §8 par.9</td>
</tr>
<tr>
<td>INFERIOR OFFICERS</td>
</tr>
<tr>
<td>Appointment, Art. II §2 par.2</td>
</tr>
<tr>
<td>INSPECTION LAWS OF STATES</td>
</tr>
<tr>
<td>Imposts or duties for execution, Art. I §10 par.2</td>
</tr>
<tr>
<td>INSURRECTIONS</td>
</tr>
<tr>
<td>Calling of militia to suppress, Art. I §8 par.15</td>
</tr>
<tr>
<td>Debt incurred for suppression, validity, Am. XIV par.4</td>
</tr>
<tr>
<td>Disqualification of officers for engaging in, Am. XIV par.3</td>
</tr>
<tr>
<td>INTERNATIONAL LAW</td>
</tr>
<tr>
<td>Offenses against law of nations, power of Congress, Art. I §8 par.10</td>
</tr>
<tr>
<td>INTERSTATE COMMERCE</td>
</tr>
<tr>
<td>Duties, Art. I §9 par.6</td>
</tr>
<tr>
<td>No preference to ports of one state, Art. I §9 par.6</td>
</tr>
<tr>
<td>Power of Congress to regulate, Art. I §8 par.3</td>
</tr>
<tr>
<td>INTOXICATING LIQUORS</td>
</tr>
<tr>
<td>Importation into state, territory or possession in violation of laws thereof, Am. XXI par.2</td>
</tr>
<tr>
<td>Transportation into state, territory or possession in violation of laws thereof, Am. XXI par.2</td>
</tr>
<tr>
<td>INVASION</td>
</tr>
<tr>
<td>Calling militia, power of Congress, Art. I §8 par.15</td>
</tr>
<tr>
<td>Habeas corpus, suspension of writ, Art. I §9 par.2</td>
</tr>
<tr>
<td>Protection of states against, Art. IV §4</td>
</tr>
<tr>
<td>INVENTORS</td>
</tr>
<tr>
<td>Power of Congress to grant exclusive rights to, Art. I §8 par.8</td>
</tr>
<tr>
<td>INVOLUNTARY SERVITUDE</td>
</tr>
<tr>
<td>Prohibited except, etc., Am. XIII par.1</td>
</tr>
<tr>
<td>JEOPARDY</td>
</tr>
<tr>
<td>Rights of accused, Am. V</td>
</tr>
<tr>
<td>JOURNAL</td>
</tr>
<tr>
<td>Each house to keep and publish, Art. I §5 par.3</td>
</tr>
<tr>
<td>Objections of President entered on, Art. I §7 par.3</td>
</tr>
<tr>
<td>Votes entered on</td>
</tr>
<tr>
<td>At desire of one-fifth members, Art. I §5 par.3</td>
</tr>
<tr>
<td>Reconsideration after veto, Art. I §7 par.2</td>
</tr>
<tr>
<td>JUDGES</td>
</tr>
<tr>
<td>Appointment, Art. II §2 par.2</td>
</tr>
<tr>
<td>Bound by constitution, laws, treaties, Art. VI par.2</td>
</tr>
<tr>
<td>Compensation, Art. III §1</td>
</tr>
<tr>
<td>Oath of office, Art. VI par.3</td>
</tr>
<tr>
<td>Tenure of office, Art. III §1</td>
</tr>
<tr>
<td>JUDGMENT</td>
</tr>
<tr>
<td>Impeachment, Art. I §3 par.7</td>
</tr>
<tr>
<td>JUDICIAL POWER</td>
</tr>
<tr>
<td>Extent, Art. III §2 par.1</td>
</tr>
<tr>
<td>Limitation as to actions against states, Am. XI</td>
</tr>
<tr>
<td>Vested in supreme and inferior courts, Art. III §1</td>
</tr>
<tr>
<td>JUDICIAL PROCEEDINGS</td>
</tr>
<tr>
<td>States, full faith and credit, Art. IV §1</td>
</tr>
<tr>
<td>JURISDICTION</td>
</tr>
<tr>
<td>Federal courts, Art. III §2 par.1</td>
</tr>
<tr>
<td>Suits against states by citizens of other state, etc., Am. XI</td>
</tr>
<tr>
<td>Supreme Court, Art. III §2 par.2</td>
</tr>
<tr>
<td>JURY</td>
</tr>
<tr>
<td>Civil cases, Am. VII</td>
</tr>
<tr>
<td>Criminal cases, Art. III §2 par.3; Am. VI</td>
</tr>
<tr>
<td>Impeachment proceedings, Art. III §2 par.3</td>
</tr>
<tr>
<td>JUST COMPENSATION</td>
</tr>
<tr>
<td>For private property taken for public use, Am. V</td>
</tr>
<tr>
<td>KING</td>
</tr>
<tr>
<td>Officer’s acceptance of title, etc., from, prohibited, Art. I §9 par.8</td>
</tr>
<tr>
<td>LANDS</td>
</tr>
<tr>
<td>Ceded to United States, authority of Congress, Art. I §8 par.17</td>
</tr>
<tr>
<td>Grants of different states, judicial power, Art. III §2 par.1</td>
</tr>
<tr>
<td>LAW OF NATIONS</td>
</tr>
<tr>
<td>Power of Congress to define and punish offenses, Art. I §8 par.10</td>
</tr>
<tr>
<td>LAW OF THE LAND</td>
</tr>
<tr>
<td>Constitution, laws and treaties, Art. VI par.2</td>
</tr>
<tr>
<td>LAWS</td>
</tr>
<tr>
<td>See also Bills: Congress; and particular subject matter</td>
</tr>
<tr>
<td>Equal protection of, denial prohibited, Am. XIV par.1</td>
</tr>
<tr>
<td>Execution, duty of President, Art. II §3</td>
</tr>
<tr>
<td>Jurisdiction of federal courts in cases arising under, Art. III §2 par.1</td>
</tr>
<tr>
<td>Supreme law of land, Art. VI par.2</td>
</tr>
<tr>
<td>LEGAL TENDER</td>
</tr>
<tr>
<td>Power of states, Art. I §10 par.1</td>
</tr>
<tr>
<td>LEGISLATIVE POWERS</td>
</tr>
<tr>
<td>See also Congress</td>
</tr>
<tr>
<td>Vested in Congress, Art. I §1</td>
</tr>
<tr>
<td>LEGISLATURE OF STATES</td>
</tr>
<tr>
<td>See also States</td>
</tr>
<tr>
<td>Amendments to constitution, ratification, Art. V</td>
</tr>
<tr>
<td>Consent of, to</td>
</tr>
<tr>
<td>Formation of new states, Art. IV §3 par.1</td>
</tr>
<tr>
<td>Purchase by United States of land within state, Art. I §8 par.17</td>
</tr>
</tbody>
</table>
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Domestic violence, application for protection, Art. IV §4
Elections of representatives and senators, Art. I §4 par.1
Members, oath, Art. VI par.3
Presidential electors, manner of appointment, Art. II §1 par.2

LETTERS OF MARQUE AND REPRISAL
Congress, power to grant, Art. I §8 par.11
State prohibited from granting, Art. I §10 par.1

LIBEL
Speech or debate in Congress, privilege, Art. I §6 par.1

LIBERTY
Deprivation without due process of law
  Federal action, Am. V
  State action, Am. XIV par.1

LIFE
Deprivation without due process of law
  Federal action, Am. V
  State action, Am. XIV par.1

LISTS
Electoral votes, Am. XII

LOANS
Power of Congress to borrow money, Art. I §8 par.2

MAGAZINES
Power of Congress, Art. I §8 par.17

MAJORITY
Congress, quorum, Art. I §5 par.1
Electoral votes, Am. XII
Senators for choosing Vice President, Am. XII
State votes for President, Am. XII

MARITIME JURISDICTION
Federal courts, Art. III §2 par.1

MARQUE AND REPRISALS
Congress, power to grant letters of, Art. I §8 par.11
States prohibited from granting letters of, Art. I §10 par.1

MEASURES AND WEIGHTS
Power of Congress to fix standard, Art. I §8 par.5

MEETING
Congress, Art. I §4 par.2
Presidential electors, Am. XII; Am. XXIII

MESSAGES
President to Congress, Art. II §3

MILITIA
Appointment of officers, Art. I §8 par.16
Arming, Art. I §8 par.16
Calling forth, power of Congress, Art. I §8 par.15
Disciplining, Art. I §8 par.16
Indictment, when not required, Am. V
Necessity, Am. II
Organizing, Art. I §8 par.16
President as commander in chief, Art. II §2 par.1
States’ power over, Art. I §8 par.16

MINISTERS
Appointment, Art. II §2 par.2
Jurisdiction of federal courts in cases affecting, Art. III §2 par.1
    Original jurisdiction of Supreme Court, Art. III §2 par.2
Reception by President, Art. II §3

MISDEMEANORS
Impeachment for, Art. II §4

MONEY
Appropriations, necessity, Art. I §9 par.7
Borrow, power of Congress, Art. I §8 par.2
Coin
  Congress, power of, Art. I §8 par.5
  Counterfeiting, power to punish, Art. I §8 par.6
  State prohibited from coining, Art. I §10 par.1
Legal tender, Art. I §10 par.1
Statement of receipts and expenditures, publication, Art. I §9 par.7
Value, power to regulate, Art. I §8 par.5

NATIONS, LAW OF
Offenses against, Art. I §8 par.10

NATURALIZATION
Citizenship, Am. XIV par.1
Power of Congress to establish uniform rule, Art. I §8 par.4

NAVY
Commander in chief, Art. II §2 par.1
Maintenance, power of Congress, Art. I §8 par.13
Regulations, power of Congress, Art. I §8 par.14

NEW STATES
Formation and admission, Art. IV §3 par.1

NOBILITY, TITLE OF
Acceptance from king, etc., Art. I §9 par.8
Grant by
  State prohibited, Art. I §10 par.1
  United States prohibited, Art. I §9 par.8

NOMINATIONS TO OFFICE
By President, Art. II §2 par.2; Am. XXV

OATH OR AFFIRMATION
Legislative, executive and judicial officers, Art. VI par.3
President, Art. II §1 par.8
Search and seizure warrants, Am. IV
Senators, impeachment trial, Art. I §3 par.6

OBJECTIONS
To bills by President on veto, Art. I §7 par.2

OBLIGATIONS OF CONTRACTS
Impairment by state, prohibited, Art. I §10 par.1

OFFENSES
See also Accused Persons
  Against law of nations, power to punish, Art. I §8 par.10
  Felonies on high seas, power of Congress, Art. I §8 par.10
  Impeachment for, Art. II §4
  Pardons, Art. II §2 par.1
  Piracies, power of Congress, Art. I §8 par.10
  Privilege of members of Congress from arrest for, Art. I §6 par.1
  Reprieves, Art. II §2 par.1
  Treason
    Definition, Art. III §3 par.1
    Members of Congress not privileged from arrest for, Art. I §6 par.1
    Proof required, Art. III §3 par.1
    Punishment, power of Congress, Art. III §3 par.2
    Twice in jeopardy, Am. V

OFFICE
See also Appointments; Officers
Congress, members ineligible to other office when, Art. I §6 par.2
Foreign, acceptance without consent of Congress, Art. I §9 par.8
Oath of, Art. VI par.3
  President, Art. II §1 par.8
Religious test as qualification prohibited, Art. VI par.3

CONST-108
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Vacancies during recess of Senate, filling, Art. II §2 par.3

OFFICERS
See also Appointments; Office
Acceptance of gift, title, etc., from king, etc., Art. I §9 par.8
Appointment, Art. II §2 par.2
During recess of Senate, Art. II §2 par.3
Commissions, issuance by President, Art. II §3 par.1
Disqualification by
Engaging in insurrection or rebellion, Am. XIV par.3
Judgment in impeachment, Art. I §3 par.7
House of Representatives, officers of, Art. I §2 par.5
Impeachment
By House, Art. I §2 par.5
Grounds, Art. II §4
Judgment, Art. I §3 par.7
Officers subject to, Art. II §4
Trial by Senate, Art. I §3 par.6
Militia, Art. I §8 par.16
Oath, Art. VI par.3
Removal from office, Art. II §4
Senate, officers, Art. I §3 par.5

OPINIONS
Department heads to President, Art. II §2 par.1

ORDERS
Concurrent, approval or veto by President, Art. I §7 par.3

ORGANIZATION
Militia, Art. I §8 par.16

ORIGINAL JURISDICTION
Supreme Court, Art. III §2 par.2

PAPERS
Searches and seizures, Am. IV

PARDONS
President, power to grant, Art. II §2 par.1

PATENTS
Inventions, power of Congress, Art. I §8 par.8

PENALTIES
Absent members of Congress, Art. I §5 par.1

PENSIONS
Validity of debts incurred for, Am. XIV par.4

PEOPLE
Enumeration, see Census
Powers reserved to, Am. X
Rights retained by, not to be disparaged, etc., by enumeration, Am. IX

PERSONS
Searches and seizures, Am. IV

PETITION
Redress of grievances, Am. I

PIRACIES
Power of Congress to define and punish, Art. I §8 par.10

POCKET VETO
Bill by President, Art. I §7 par.2

POLLS TAX
Right to vote, prohibited qualifications, Am. XXIV

PORTS
Preference not to be given to, Art. I §9 par.6

POST OFFICES
Establishment, Art. I §8 par.7

POST ROADS
Establishment, Art. I §8 par.7

POWERS
See also Congress; Judicial Power; President; States
Reserved to states or to people, Am. X

PRESENTMENT
Of grand jury, when necessary, Am. V

PRESENTS
From foreign state, etc., acceptance by officers, Art. I §9 par.8

PRESIDENT
See also Presidential Electors
Acting, designation by Congress, Art. II §1 par.6
Adjournment of Congress in case of disagreement, Art. II §3
Advice and consent of Senate, treaties and appointments, Art. II §2 par.2
Ambassadors
Appointment, Art. II §2 par.2
Foreign reception, Art. II §3
Appointments, Art. II §2 par.2
During recess of Senate, Art. II §2 par.3
Approval of veto of
Bills, Art. I §7 par.2
Concurrent action, Art. I §7 par.3
Army, commander in chief of, Art. II §2 par.1
Bills, approval or veto, Art. I §7 par.2
Bribery, removal on impeachment for, Art. II §4
Commander in chief of army and navy, Art. II §2 par.1
Commissions to officers issued by, Art. II §2 par.3; Art. II §3
Compensation, Art. II §1 par.7
Congress
Adjournment in case of disagreement, Art. II §3
Designation of acting President on removal, etc., Art. II §1 par.6
Extra sessions, Art. II §3
Messages, Art. II §3
Return of bills, Art. I §7 par.2
Consuls, appointment, Art. II §2 par.2
Death, Art. II §1 par.6; Am. XXV
President-elect, Am. XX par.3
Decrease of compensation during term prohibited, Art. II §1 par.7
Disability, who to act as, Art. II §1 par.6; Am. XXV
Failure of President-elect to qualify, Am. XX par.3
Not chosen before beginning of term, Am. XX par.3
Election
District of Columbia, Am. XXIII
Generally, Art. II §1; Am. XII; Am. XX §4
Two term limitation, Am. XXII
Eligibility, Art. II §1 par.5
Emoluments, receipt other than salary prohibited, Art. II §1 par.7
Execution of laws, Art. II §3
Executive departments, written opinions from heads of, Art. II §2 par.1
Executive power vested in, Art. II §1 par.1
House of Representatives, election by, Am. XII
Impeachment, Art. II §4
Chief justice to preside, Art. I §3 par.6
Inability to perform duties, who to act, Art. II §1 par.6
Increase of compensation during term prohibited, Art. II §1 par.7
Information to Congress, Art. II §3
Judges, appointment, Art. II §2 par.2
Messages to Congress, Art. II §3
Militia of states, commander in chief of, Art. II §2 par.1
Ministers
Appointment, Art. II §2 par.2
Foreign reception by President, Art. II §3
Navy, commander in chief of, Art. II §2 par.1
Nominations by, Art. II §2 par.2

CONST-109
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Oath of office, Art. II §1 par.8

Officers
  Appointment, Art. II §2 par.2
  Commissions, Art. II §3

Opinions from department heads, Art. II §2 par.1

Pardons, power to grant, Art. II §2 par.1

Powers, Art. II §2 par.1

Qualifications, Art. II §1 par.5

Reception of ambassadors, etc., Art. II §3

Removal from office, Art. II §4

Performance of duties, Art. II §1 par.6

Reprieves, power to grant, Art. II §2 par.1

Senate
  Appointments
    During recess, Art. II §2 par.3
    With advice and consent of, Art. II §2 par.2
  Treaties, making with advice and consent of, Art. II §2 par.2
  State militia, commander in chief of, Art. II §2 par.1

Term of office
  End of term, Am. XX §1
  Generally, Art. II §1
  Two term limitation, Am. XXII

Treason, removal on impeachment, Art. II §4

Vacancies in office, filling, Art. II §2 par.3; Am. XXV

Veto power, Art. I §7 par.2

PRESIDENT-ELECT
  Death of, Vice President becomes President, Am. XX par.3
  Failure to qualify, Vice President to act as President, Am. XX par.3
  Not chosen before beginning of term, Vice President becomes President, Am. XX par.3

PRESIDENT OF SENATE
  Opening certificates of votes of electors, Am. XII
  Pro tempore, selection, disability of President of United States, Art. I §3 par.5; Am. XXV
  Vice President to be, Art. I §3 par.4
  Vote, Art. I §3 par.4

PRESIDENTIAL ELECTORS
  Appointment, Art. II §1 par.2
  Disqualification by engaging in insurrection or rebellion, Am. XIV par.3
  District of Columbia, Am. XXIII
  Ineligibility of certain persons, Art. II §1 par.2
  Meeting, Am. XII
  Number of, Art. II §1 par.2
  Opening of certificates, Am. XII
  Proceedings, Am. XII
  Time of choosing and voting, Art. II §1 par.4

PRESS
  Freedom of, Am. I

PRIVATE PROPERTY
  Taking for public use, compensation, Am. V

PRIVILEGE FROM ARREST
  Senators and representatives, Art. I §6 par.1

PRIVILEGES AND IMMUNITIES
  Of citizens of the
    Several states, citizens of each state entitled to, Art. IV §2 par.1
    United States, no state shall abridge, Am. XIV par.1

PRIZES
  Power to make rules concerning capture of, Art. I §8 par.11

PROBABLE CAUSE
  Searches and seizures, Am. IV

PROCEDINGS
  Congress, journal, Art. I §5 par.3
  Judicial, full faith and credit, Art. IV §1

PROCESS
  Accused’s right to compulsory process for witnesses, Am. VI

PROOF
  Public acts, etc., of states, Art. IV §1

PROPERTY
  Deprivation without due process of law
    Federal action, Am. V
    State action, Am. XIV par.1
  Taking without compensation, prohibited, Am. V
  United States, control of Congress, Art. IV §3 par.2
  Unreasonable searches and seizures prohibited, Am. IV

PROPOSAL
  Amendments to constitution, Art. V

PROSECUTIONS
  See Accused Persons; Criminal Prosecutions

PUBLIC ACTS
  States, full faith and credit, Art. IV §1

PUBLIC BUILDINGS
  Power of Congress as to land purchased for, Art. I §8 par.17

PUBLIC DEBT
  Validity not to be questioned, Am. XIV par.4

PUBLIC USE
  Compensation for private property taken for, Am. V

PUBLICATION
  Statement of receipts and expenditures, Art. I §9 par.7

PUNISHMENT
  Counterfeiting coin, Art. I §8 par.6
  Cruel and unusual, prohibited, Am. VIII
  Impeachment, Art. I §3 par.7
  Law of nations, offenses against, Art. I §8 par.10
  Members of Congress for disorderly behavior, Art. I §5 par.2
  Militia, members, Art. I §8 par.16
  Piracies and felonies on high seas, Art. I §8 par.10
  Treason, Art. III §3 par.2

QUALIFICATIONS
  Electors for
    Representatives, Art. I §2 par.1
    Senators, Am. XVII
  President, Art. II §1; Am. XXII
  Religious test prohibited, Art. VI par.3
  Representatives, Art. I §2 par.2
  House own judge of, Art. I §5 par.1
  Senators, Art. I §3 par.3
  Senate own judge of, Art. I §5 par.1

QUARTERING SOLDIERS
  Without owner’s consent prohibited, Am. III

QUORUM
  Congress, houses of, Art. I §5 par.1
  For election of President or Vice President, Am. XII

RACE
  Right of suffrage, Am. XV par.1

RATIFICATION
  Amendments to constitution, Art. V
  Constitution, Art. VII

RATIO OF REPRESENTATION
  Apportionment, Am. XIV par.2

CONST-110
INDEX TO THE CONSTITUTION OF THE UNITED STATES

REBELLION
Debt, incurred
   In aid of, void, Am. XIV par.4
   To suppress, validity, Am. XIV par.4
Disability for participation in, Am. XIV par.3
Habeas corpus, suspension, Art. I §9 par.2

RECEIPTS
Public money, publication of statement, Art. I §9 par.7

RECESS
Senate, appointments during, Art. II §2 par.3

RECOMMENDATIONS
President to Congress, Art. II §3

RECONSIDERATION
Bills by Congress after veto, Art. I §7 par.2
   Concurrent orders, etc., after veto, Art. I §7 par.3

RECORDS
States, full faith and credit, Art. IV §1

REDRESS OF GRIEVANCES
Right to petition for, Am. I

RELIGION
Congress not to establish or make laws respecting, Am. I

RELIGIOUS TEST
As qualification to office prohibited, Art. VI par.3

REMOVAL
Disability of officers for engaging in insurrection, Am. XIV par.3
   Persons accused of crime, extradition, Art. IV §2 par.2

REMOVAL FROM OFFICE
See Impeachment

REPRESENTATIVES
See House of Representatives

REPRIEVES
President, power to grant, Art. II §2 par.1

REPRISAL, LETTERS OF
Congress may grant, Art. I §8 par.11
State may not grant, Art. I §10 par.1

REPUBLICAN FORM OF GOVERNMENT
Guaranteed to every state, Art. IV §4

RESERVED POWERS
To state and people, Am. X

RESERVED RIGHTS
Enumeration of rights not to deny, etc., Am. IX

RESIDENCE QUALIFICATION
President, Art. II §1 par.5
   Representatives, Art. I §2 par.2
   Senators, Art. I §3 par.3

RESIGNATION
President and Vice President, Art. II §1 par.6
   Senators, Art. I §3 par.2

RESOLUTIONS
Concurrent, approval of President, Art. I §7 par.3

REVENUE BILLS
Originated in House of Representatives, Art. I §7 par.1

REVENUE REGULATIONS
Preference to ports prohibited, Art. I §9 par.6

RIGHTS OF ACCUSED
See Accused Persons

RIGHTS OF PEOPLE
Enumeration not to deny or disparage others retained, Am. IX

RULES
Captures on land and water, Art. I §8 par.11
   Common law, re-examination of facts, Am. VII
   Land and naval forces, government and regulation, Art. I §8 par.14
   Proceedings, houses of Congress, Art. I §5 par.2

SALARIES
Judges, Art. III §1
   President, Art. II §1 par.7
   Representatives, Art. I §6 par.1; Am. XXVII
   Senators, Art. I §6 par.1; Am. XXVII

SEARCHES AND SEIZURES
Unreasonable prohibited, Am. IV

SEAS
Piracies and felonies committed on high seas, punishment, Art. I §8 par.10

SEAT OF GOVERNMENT
Congress, power over, Art. I §8 par.17
   District of Columbia, Art. I §8 par.17; Am. XXIII

SECRECY
Proceedings in Congress, Art. I §5 par.3

SECURITIES
Counterfeiting, punishment, Art. I §8 par.6

SELF-INCRIMINATION
Protection against, Am. V

SENATE
See also Bills; Congress
   Absent members, compelling attendance of, Art. I §5 par.1
   Adjournment
      By President on disagreement of houses, Art. II §3
      Consent of House, Art. I §5 par.4
      From day to day, to procure quorum, Art. I §5 par.1
      Preventing return of bill by President, Art. I §7 par.2
   Advice and consent
      Appointments by President, Art. II §2 par.2
      Treaties, Art. II §2 par.2
      Age qualification of senators, Art. I §3 par.3
      Amendment of revenue bills, Art. I §7 par.1
      Appointment of senators to other office prohibited when, Art. I §6 par.2
      Appointments by President
         During recess, Art. II §2 par.3
         With advice and consent of Senate, Art. II §2 par.2
         Classification of senators, Art. I §3 par.2
         Compelling attendance of absent members, Art. I §5 par.1
         Compensation of members, Art. I §6 par.1; Am. XXVII
         Debate, senator not to be questioned for, Art. I §6 par.1
         Disorderly behavior of members, punishment, Art. I §5 par.2
      Election of senators, Am. XVII
         Senate own judge of, Art. I §5 par.1
         Time, places and manner of holding, Art. I §4 par.1
      To fill vacancies, Am. XVII
      Election of Vice President, Am. XII
      Expulsion of members for disorderly behavior, Art. I §5 par.2
      Impeachment, sole power to try, Art. I §3 par.6
      Journal
         Duty to keep and publish, Art. I §5 par.3
         Objections of President entered on, Art. I §7 par.2
         Votes entered on

CONST-111
INDEX TO THE CONSTITUTION OF THE UNITED STATES

At desire of one-fifth members, Art. I §5 par.3
Reconsideration after veto, Art. I §7 par.2
Judge of elections, returns, and qualifications of own
members, Art. I §5 par.1
Legislative powers, Art. I §1
Members
Absence, compelling attendance, Art. I §5 par.1
Age, Art. I §3 par.3
Appointment to other office prohibited when, Art. I §6 par.2
Arrest, privilege from, Art. I §6 par.1
Classification, Art. I §3 par.2
Compensation, Art. I §6 par.1; Am. XXVII
Debate, privilege, Art. I §6 par.1
Disorderly behavior, punishment, Art. I §5 par.2
Disqualification by engaging in insurrection or re-
bellion, Am. XIV par.3
Election, Am. XVII
Senate own judge of, Art. I §5 par.1
Times, places and manner of holding, Art. I §4
To fill vacancies, Am. XVII
Eligibility, Art. I §3 par.3
Of office, Art. I §6 par.2
Presidential elector, Art. II §1 par.2
Senate own judge of, Art. I §5 par.1
Expulsion for disorderly behavior, Art. I §5 par.2
Number, Art. I §3 par.1
Oath.
Impeachment trial, Art. I §3 par.6
Of office, Art. VI par.3
Penalties for absence, Art. I §5 par.1
Qualifications, Art. I §3 par.3
Senate own judge of, Art. I §5 par.1
Resignation, Art. I §3 par.2
Speech, privilege, Art. I §6 par.1
Term of office, Art. I §3 par.1; Am. XX par.1
Vacancies, how filled, Am. XVII
Votes, Art. I §3 par.1
Nominations to office by President, submission to Sen-
ate, Art. II §2 par.2
Number of senators, Art. I §3 par.1
Officers, choice of, Art. I §3 par.5
President of Senate
Presidential electors, opening certificates, Am. XII
Pro tempore, selection, disability of President of United States, Art. I §3 par.5; Am. XVII
Vice President to be, Art. I §3 par.4
Vote, Art. I §3 par.4
President of United States, disability, performance of
duties, Am. XXV
Presidential electors
Ineligibility of senators, Art. II §1 par.2
Opening certificates and counting votes, Am. XII
Privilege of members from arrest, etc., Art. I §6 par.1
Proceedings, rules of, Art. I §5 par.2
Qualifications of members, Art. I §3 par.3
Quorum, Art. I §5 par.1
Election of Vice President, Am. XII
Resignation of senators, vacancy, how filled, Art. I §3 par.2
Revenue bills, amendment, Art. I §7 par.1
Rules and proceedings, Art. I §5 par.2
Speech, privilege, Art. I §6 par.1
States
Equal suffrage, Art. V
Number of senators from each, Art. I §3 par.1
Term of office of members, Art. I §3 par.1
Treaties, concurrence of Senate, Art. II §2 par.2
Two-thirds vote
Constitution, proposal of amendments, Art. V
Expulsion of members, Art. I §5 par.2
Impeachment, Art. I §3 par.6
Reconsideration after veto, Art. I §7 par.2, 3
Treaties, concurrence, Art. II §2 par.2
Vacancies, how filled, Art. I §3 par.2
Vice President
Election, Am. XII; Am. XX par.4
Performance of duties of President of United States,
Am. XXV
President of Senate, Art. I §3 par.4
Vacancy in office, successor, Am. XXV
Votes
Constitutional, proposal of amendments, Art. V
Election of Vice President, Am. XII
Entry on Journal
At desire of one-fifth, etc., Art. I §5 par.3
On reconsideration after veto, Art. I §7 par.2
Reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, etc., Art. I §7 par.3
Senators, votes of, Art. I §3 par.1
Treaties, concurrence, Art. II §2 par.2
Vice President, vote of, Art. I §3 par.4

SENATORS
See Senate

SERVITUDE
Involuntary except for crime, prohibited, Am. XIII par.1
Right to vote not to be denied for previous condition of,
Am. XV par.1

SEX
Right to vote not to be denied on account of, Am. XIX

SHIPS OF WAR
State not to keep, Art. I §10 par.3

SILVER
Legal tender, Art. I §10 par.1

SLAVERY
Prohibited, Am. XIII par.1
Right of suffrage not to be denied, etc., Am. XV par.1

SLAVES
Escape, surrender, Art. IV §2 par.3
Importation, Art. I §9 par.1
Payment for loss, etc., prohibited, Am. XIV par.4
Representation, Art. I §2 par.3

SOLDIERS
Pensions and bounties to, validity of debt for, Am. XIV par.4
Quartering in house without owner’s consent prohibited,
Am. III

SPEAKER OF HOUSE
Disability of President, performance of duties, Am. XXV
Selection, Art. I §2 par.5

SPECIAL SESSION
Congress, President shall convene, Art. II §3

SPEECH
Freedom of, Am. I
In Congress, members not to be questioned for, Art. I §6 par.1

STANDARD OF WEIGHTS AND MEASURES
Power of Congress to fix, Art. I §8 par.5

STATEMENT
Receipts and expenditures, publications, Art. I §9 par.7

STATES
See also Governors; Legislatures of States; Militia
Actions, judicial power, Art. III §2 par.1
Against state by citizens of other state or foreign
nation, Am. XI
Supreme Court, original jurisdiction, Art. III §2 par.2
Acts, full faith and credit, Art. IV §1
Admission of new states, Art. IV §3 par.1

CONST-112
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Agreement with other state or foreign power, Art. I §10 par.3
Alliance, not to enter, Art. I §10 par.1
Bills of attainder, not to pass, Art. I §10 par.1
Bills of credit, not to emit, Art. I §10 par.1
Citizens of, persons who are, Am. XIV par.1
Claims
As to territory or property of United States, Art. IV §3 par.2
For loss of slaves void, Am. XIV par.4
Coin money, state not to, Art. I §10 par.1
Commerce among, power of Congress to regulate, Art. I §8 par.3
Compact with other state or foreign power, Art. I §10 par.3
Confederation, not to enter, Art. I §10 par.1
Congress, consent of to state action, Art. I §10 pars. 2, 3
Constitution, amendments
Proposal by convention called by states, Art. V
 ratification by states, Art. V
Contracts, impairment of obligations, prohibited, Art. I §10 par.1
Crime committed in, venue, Art. III §2 par.3
Debts incurred in aid of insurrection, etc., void, Am. XIV par.4
Direct taxes, apportionment among states, Art. I §2 par.3
Domestic violence, protection against, Art. IV §4
Due process of law, deprivation of life, etc., without, prohibited, Am. XIV par.1
Duties, consent of Congress, Art. I §10 par.2
Tonnage, Art. I §10 par.3
Equal protection of laws, denial prohibited, Am. XIV par.1
Ex post facto law, not to pass, Art. I §10 par.1
Exports from, no tax on, Art. I §9 par.5
Extradition, Art. IV §2 par.2
Formation of new states, Art. IV §3 par.1
Full faith and credit to acts, etc., Art. IV §1
Imposts, consent of Congress to levy, Art. I §10 par.2
Inspection laws, impost or duties for execution, Art. I §10
Invasion, protection against, Art. IV §4
Judges
Appellate jurisdiction, Art. III §2 par.2
Judicial power vested in, Art. III §1
Supreme power of, Art. III §2 par.2

Constitution, laws, treaties, Art. VI par.2

Judicial power of United States, Art. III §2 par.1
Actions against states, Am. XI
Original jurisdiction of Supreme Court, Art. III §2 par.2
Judicial proceedings, full faith and credit, Art. IV §1
Laws subject to
Constitution, etc., of United States, Art. VI par.2
Revision and control of Congress, Art. I §10 par.2
Legal tender, gold and silver coin, Art. I §10 par.1
Letters of marque and reprisal, not to pass, Art. I §10 par.1
Money, state not to coin, Art. I §10 par.1
New states, admission, Art. I §10 par.3
Oath of officers, Art. VI par.3
Officers
Disqualification by engaging in insurrection or rebellion, Am. XIV par.3
Oath or affirmation to support Constitution, Art. VI par.3
Ports, preferences prohibited, Art. I §9 par.6
Powers
Exercised only with consent of Congress, Art. I §10 pars. 2, 3
Prohibition, Art. I §10 par.1
Reserved to states, Am. X
Presidential electors, manner of appointment, Art. II §1 par.2
Privileges or immunities, abridgment prohibited, Am. XIV par.1
Proof of acts, etc., of, Art. IV §1
Property of United States in, authority of Congress, Art. I §8 par.17
Protection from invasion and domestic violence, Art. IV §4
Public acts, etc., full faith and credit, Art. IV §1
Records, full faith and credit, Art. IV §1
Representatives
Apportionment among states, Art. I §2 par.3; Am. XIV par.2
Election, times, places, and manner prescribed by states, Art. I §4 par.1
Republican form of government guaranteed to, Art. IV §4
Reserved powers, Am. X
Senate
Election of senators, Am. XVII
Times, places and manner prescribed by state, Art. I §4
Equal suffrage in, Art. V
Number of senators from each state, Art. I §3 par.1
Suits, judicial power, Art. III §2 par.1
Against state by citizens of other states, etc., Am. XI
Original jurisdiction of Supreme Court, Art. III §2 par.2
Supreme law of land, Art. VI par.2
Titles of nobility, not to grant, Art. I §10 par.1
Tonnage, consent of Congress to levy of duty, Art. I §10 par.3
Treaties, not to enter, Art. I §10 par.1
Troops, keeping in time of peace, Art. I §10 par.3
Venue, criminal prosecution for crime committed in state, Art. III §2 par.3
Vessels, entry, clearance, etc., not required, Art. I §9 par.6
War, not to engage in, Art. I §10 par.3
Warships, keeping in time of peace, Art. I §10 par.3

SUFFRAGE
Basis of representation as effected by denial of, Am. XIV par.2
Right of, not to be denied or abridged on account of
Age, Am. XXVI §1
Poll tax, nonpayment, Am. XXIV par.1
Race, color or previous conditions of servitude, Am. XV par.1
Sex, Am. XIX

SUNDAYS
Time for approval or veto of bills by President, Art. I §7 par.2

SUPREME COURT
Appellate jurisdiction, Art. III §2 par.2
Judges
Appointment, Art. II §2 par.2
Compensation, Art. III §1
Term of office, Art. III §1
Judicial power vested in, Art. III §1
Original jurisdiction, Art. III §2 par.2

SUPREME LAW OF LAND
Constitution, laws, treaties, Art. VI par.2

SURRENDER
Escaping slaves, Art. IV §2 par.3

TAXES
See also Duties
Apportionment of direct taxes among states, Art. I §2 par.3
Capitation or direct tax must be proportion to census, Art. I §9 par.4
Congress, power to lay and collect, Art. I §8 par.1
Exports from state, tax on prohibited, Art. I §9 par.5
Income, power of Congress, Am. XVI
Tender, power of Congress, Am. XVI
Uniformity, Art. I §8 par.1

TENDER IN PAYMENT
Gold and silver coin, Art. I §10 par.1

CONST-113
INDEX TO THE CONSTITUTION OF THE UNITED STATES

TERM OF OFFICE
Judges, Art. III §1
President, Art. II §1; Am. XXII
Representatives, Art. I §2 par.1
Senators, Art. I §3 par.1
Vice President, Art. II §1 par.1

TERRITORY OF UNITED STATES
Rules and regulations, Art. IV §3 par.2

TEST
Religious as qualification for office prohibited, Art. VI par.3

TITLE OF NOBILITY
Acceptance from king, etc., without consent of Congress, Art. I §9 par.8
Congress not to grant, Art. I §9 par.8
State not to grant, Art. I §10 par.1

TONNAGE, DUTY OF
State not to levy without consent of Congress, Art. I §10 par.3

TREASURY
Imposts and duties laid by states for use of, Art. I §10 par.2
Money drawn on appropriations only, Art. I §9 par.7

TREATIES
Judicial power in cases arising under, Art. III §2 par.1
President may make with concurrence of Senate, Art. II §2 par.2
State prohibited from entering, Art. I §10 par.1
Supreme law of land, part of, Art. VI par.2

TRIAL
See also Accused Persons
By jury
Civil cases, Art. VII
Criminal cases, Art. III §2 par.3; Am. VI
Impeachment, Art. III §2 par.3
Impeachment, Art. I §3 par.6
Jury not required, Art. III §2 par.3
Speedy and public trial, criminal cases, Am. VI
Venue, criminal trials, Art. III §2 par.3; Am. VI

TROOPS
Quartering without owner’s consent, Am. III
States not to keep, Art. I §10 par.3

TWICE IN JEOPARDY
Rights of accused, Am. V

UNITED STATES
Citizens, who are, Am. XIV par.1
Controversies to which party, judicial power, Art. III §2 par.1
Guarantee of republican form of government to states, Art. IV §4
Property of, rules and regulations, Art. IV §3 par.2
Protection of states against invasion and domestic violence, Art. IV §4
Supreme law, Art. VI par.2
Treason against, Art. III §3

UNREASONABLE SEARCHES AND SEIZURES
Prohibited, Am. IV

VACANCIES IN OFFICE
President, Art. II §1 par.6; Am. XXV
Recess appointments by President, Art. II §2 par.3
Representatives, Art. I §2 par.4
Senators, Am. XVII
Vice President, Art. II §1 par.6; Am. XXV

VENUE
Criminal prosecution, Art. III §2 par.3; Am. VI

VETO
Bills, Art. I §7 par.2
Concurrent orders, resolutions, etc., Art. I §7 par.3

VICE PRESIDENT
See also Presidential Electors
Absence from Senate, president pro tempore to preside, Art. I §3 par.5
Bribery, removal on impeachment for, Art. II §4
Election, Am. XII; Am. XXIII
By Senate on failure of electors to cast majority vote, Am. XII; Am. XX par.4
Electors, opening certificates, Am. XII; Am. XXIII
Impeachment, Art. II §4
President of Senate, Art. I §3 par.4
President of United States, discharge of duties of, Art. II §1 par.6; Am. XXV
Death of President-elect, Am. XX par.3
Failure of President-elect to qualify, Am. XX par.3
On failure of House to elect in absence of majority vote, Am. XII
President not chosen before beginning of term, Am. XX par.3
Qualifications, Am. XII
Removal from office, Art. II §4
Senate, president of, Art. I §3 par.4
Term of office, Art. II §1 par.1; Am. XX par.1
Treason, removal on impeachment, Art. II §4
Vacancy in office, successor, Am. XXV
Vote, Art. I §8 par.4

VOTE
Constitution, proposal of amendments, Art. V
Entered on journal
At desire of one-fifth, etc., Art. I §5 par.3
On reconsideration after veto, Art. I §7 par.2
Expulsion of members of Congress, Art. I §5 par.2
Impeachment trial, Art. I §3 par.6
President, election by
Electors, Am. XII; Am. XXIII
House in absence of majority vote of electors, Am. XII
Reconsideration after veto of
Bills, Art. I §7 par.2
Concurrent orders, resolutions, etc., Art. I §7 par.3
Right to, not to be abridged or denied on account of
Age, Am. XXVI §1
Poll tax, nonpayment, Am. XXIV par.1
Race, color, etc., Am. XV par.1
Sex, Am. XIX
Senators, each entitled to one vote, Art. I §3 par.1
Treaties, concurrence of Senate, Art. II §2 par.2
Teacher
Election of by
Electors, Am. XII; Am. XXIII
Senate, Am. XII
Vote only where divided, Art. I §3 par.4
Yeas and nays
Entered on journal
At desire of one-fifth members, Art. I §5 par.3
On reconsideration after veto, Art. I §7 par.2
Reconsideration after veto, Art. I §7 par.2

WAR
Power of Congress to declare, Art. I §8 par.11
Quartermaster in time of, Am. III
State not to engage in, Art. I §10 par.3

CONST-114
INDEX TO THE CONSTITUTION OF THE UNITED STATES

Treason by levying, Art. III §3 par.1

**WARRANTS**
Searches and seizures, Am. IV

**WARSHIPS**
State not to keep without consent of congress, Art. I §10 par.3

**WEIGHTS AND MEASURES**
Power of Congress to fix standard, Art. I §8 par.5

**WITNESSES**
Compulsory process for obtaining, rights of accused, Am. VI
Confrontation, rights of accused, Am. VI
Self-incrimination, Am. V
Treason, two witnesses to, Art. III §3 par.1

**WOMEN**
Suffrage, Am. XIX

**WRITINGS**
Exclusive rights, power of Congress, Art. I §8 par.8

**WRITS OF ELECTION**
Issuance to fill vacancies in
   House, Art. I §2 par.4
   Senate, Am. XVII

**YEAS AND NAYS**
Enter on journal
   At desire of one-fifth members, Art. I §5 par.3
Reconsideration after veto, Art. I §7 par.2