

Chapter 326

TITLE 30
EDUCATION AND CULTURAL FACILITIES

- Chapter 326. State Administration of Education
327. State Financing of Elementary and Secondary Education
328. Local Financing of Education
329. Oregon Educational Act for the 21st Century; Educational Improvement and Reform
330. Boundary Changes; Mergers
332. Local Administration of Education
333. County Unit System
334. Education Service Districts
335. High Schools
336. Conduct of Schools Generally
337. Textbooks and Instructional Materials
338. Public Charter Schools
339. School Attendance; Admission; Discipline; Safety
341. Community Colleges
342. Teachers and Other School Personnel
343. Special Education Services
344. Career and Professional Technical Education; Rehabilitation; Adult Literacy
345. Private Schools
346. Programs for Blind or Deaf Persons
348. Student Aid; Education Endowment Fund; Planning
351. Higher Education Generally
352. State and Independent Institutions of Higher Education
353. Oregon Health Sciences University
354. Educational Television and Radio; Translator Districts; Distance Learning
357. Libraries; Archives; Poet Laureate
358. Museums; Historical Societies; Preservation of Historical and Archaeological Properties and Objects; Oregon Historic Families Database
359. Arts Commission and Arts Program; Art Transactions

Chapter 326

1999 EDITION

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

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 Caring for Oregon's Children with Autism Task Force--1999 c.1046 s.1

SUPERINTENDENT OF PUBLIC INSTRUCTION

326.305 Term of Superintendent of Public Instruction

326.310 Superintendent's educational duties

326.320 Publications; fees; accounting

326.330 Deputy Superintendents of Public Instruction; appointment; powers

326.340 Disposition of conference fees by superintendent; disbursement of fees

326.350 Authority for department staff to serve on education related organizations; Educational Organizations Fund; disbursements

PROJECT SUCCESS FOR OREGON'S EDUCATIONAL FUTURE

(Temporary provisions relating to Project Success for Oregon's Educational Future and Education Leadership Team are compiled as notes following ORS 326.350)

SCHOOL CENSUS

326.355 Determination of school census by state and county offices

DEPARTMENT OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

326.370 Department of Community Colleges and Workforce Development under State Board of Education

326.375 Commissioner for Community College Services; appointment; duties

INTELLECTUAL PROPERTY

326.520 Acquisition of intellectual property by board

326.530 Management, development and disposition of intellectual property

326.540 Revenue from intellectual property; Board of Education Invention Fund; purpose

GENERAL EDUCATIONAL DEVELOPMENT (GED) CERTIFICATES

326.550 General Educational Development (GED) certificates; how fee determined; accounting

STUDENT RECORDS

326.565 Standards for student records

326.575 Records when student transfers or is placed elsewhere; notice to parents; amendments to records

CRIMINAL OFFENDER INFORMATION PROCESS

326.603 Process for obtaining criminal offender information for districts and schools; fee

326.607 Criminal history check for school district, private school and charter school volunteers or applicants for employment; fee

YOUTH CORRECTIONS EDUCATION PROGRAM

326.700 Youth Corrections Education Program; distribution of State School Fund

326.712 Superintendent may contract with district to provide program

CROSS-REFERENCES

Action for reckless disclosure of certain information from student's records, 30.864

Charter schools, Ch. 338

Education and Workforce Policy Advisor, 285A.455

Fingerprints, teacher and school personnel, 181.539

Interagency Shared Information System, 329.965

Multicultural education; advisory committee, 336.113

Private schools offering residential programs for children, inspection and review, 418.327

Student record, authorized disclosure by school, 336.187

326.021

Forfeiture of office for nonattendance at meetings, 182.010

Majority may transact business, 174.130

326.041

Meeting, joint with State Board of Higher Education and State Board of Education, 348.890

326.051

Apprenticeship and training course policies, 660.162, 660.167

Charter schools, State Board of Education as sponsor, 338.005, 338.075

Community college guidelines, 341.015

Development of nondiscriminatory courses of study to improve instructional effectiveness, State Board of Education to stimulate, 336.082

Imposition of sanctions against schools that discriminate, 659.155

Private schools, advisory committee, 345.575

Pupil conduct, minimum standards, 339.240

Salaries and benefits, standard form for reporting, Department of Education to prepare, 332.534

Standards of adequacy of services, established by State Board of Education for education service districts, 334.217

State Board of Education as boundary board for education service districts, 334.690

Student record, authorized disclosure by school, 336.187

Textbooks, criteria for review and selection, established by State Board of Education, 337.035

326.111

Apprenticeship and training programs, 660.160

Athlete agents, permit required from Department of Education, 702.012

Bus construction standards adopted by Department of Education, 820.100

Child care provider training program administered by Department of Education, 657A.490

Frontier Learning Network, grant from Department of Education, 344.058

Public purchasing law applicability, 279.712

Senior and Disabled Services Division, interagency agreements, service coordination for disabled persons, 410.060

326.310

Acceptance and distribution of donated commodities to schools, 327.520

Deaf and blind children, training and educational services, duties of Superintendent of Public Instruction, 346.010

Exemption from lobbying regulation, 171.735

Superintendent of Public Instruction:

 Constitutional provision for office, Const. Art. VIII, s.1

 Salary, 292.313

326.330

Deputy and assistant superintendents under State Personnel Relations Law, 240.205

326.520

Intellectual property, acquisition by State Board of Higher Education, 351.220

Title to property acquired by state agency to be taken in name of state, 279.711

326.565

Civil action for reckless disclosure of education records, 30.864

326.700

Education service district providing services for students in program, 334.195

State School Fund grant for Youth Corrections Education Program, 327.026

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

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

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

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 s.1; 1971 c.513 s.8]

326.020 [Amended by 1961 c.624 s.2; 1963 c.544 s.15; repealed by 1965 c.100 s.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 s.3 (enacted in lieu of 326.060); 1969 c.695 s.4; 1971 c.485 s.1; 1985 c.565 s.56; 1993 c.45 s.2]

326.030 [Amended by 1961 c.624 s.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 s.4; 1985 c.565 s.57]

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

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

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

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

326.050 [Repealed by 1957 c.124 s.3]

326.051 Board functions. Subject to ORS 417.300 and 417.305:

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

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

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

(c) Prescribe required or minimum courses of study.

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

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

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

(2) The State Board of Education may:

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

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

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

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

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

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

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

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

326.063 [Repealed by 1965 c.100 s.456]

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

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

326.071 [Formerly 326.120; repealed by 1977 c.306 s.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 s.8; 1993 c.45 s.11; 1997 c.652 s.20]

326.080 [Repealed by 1965 c.100 s.456]

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

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

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

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

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

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

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

326.110 [Repealed by 1965 c.100 s.456]

DEPARTMENT OF EDUCATION

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

(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 s.10; 1967 c.552 s.22; 1989 c.491 s.2; 1991 c.757 s.1; 1991 c.886 s.2; 1993 c.45 s.12; 1999 c.39 s.3]

Note: Section 1, chapter 1046, Oregon Laws 1999, provides:

Sec. 1. Caring for Oregon's Children with Autism Task Force. (1) There is created the Caring for Oregon's Children with Autism Task Force consisting of 10 members. Members shall be persons who are familiar with the educational needs of children with autism. One member shall be a member of the Legislative Assembly selected

jointly by the President of the Senate and the Speaker of the House of Representatives. Nine members shall be appointed by the Governor and shall include:

- (a) Four parents of children with autism;
- (b) A member of the governing body of a school district;
- (c) A representative of the Department of Education;
- (d) A representative of an education service district;
- (e) A special education director of a school district; and
- (f) A representative of a regional autism program.

(2) The task force shall:

(a) Review the Department of Education autism implementation plan and other relevant information and make legislative recommendations regarding the development and implementation of a continuum of educational services for children with autism, including but not limited to a state residential school for children with autism. The task force recommendations shall include but not be limited to:

- (A) Potential funding sources;
- (B) Selected site or sites;
- (C) Scope of services provided, including consideration of age and severity of disability; and
- (D) Existing or proposed curricula.

(b) File a report with the appropriate Senate or joint interim committee with jurisdiction over education containing specific legislative recommendations according to the provisions of ORS 192.230 to 192.250 not later than July 1, 2000.

(3) The task force is subject to the provisions of ORS 171.605 to 171.635 and has the authority contained in ORS 171.505 and 171.510. Notwithstanding the provisions of ORS 171.206 and subsection (2)(c) of this section, the task force may file its written report at any time within 30 days after its final meeting, or at such later time as the appointing authorities may designate.

(4) The Department of Education shall provide staff necessary for the performance of the functions of the task force. The task force shall use the services of permanent legislative staff to the greatest extent practicable.

(5) A member of the Legislative Assembly appointed to the task force shall be entitled to an allowance as authorized by ORS 171.072 from funds appropriated to the Legislative Assembly. Other members of the task force are not entitled to compensation and expenses and shall serve on the task force on a volunteer basis.

(6) All agencies, departments and officers of this state are directed to assist the task force in the performance of its functions and to furnish such information and advice as the members of the task force consider necessary to perform their functions.

(7) The task force may 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 the purposes of the task force. All such funds are to aid in financing the functions of the task force and shall be deposited in the General Fund of the State Treasury to the credit of separate accounts for the task force and shall be disbursed for the purpose for which contributed in the same manner as funds appropriated for the task force.

(8) Official action by the task force established pursuant to this section shall require the approval of a majority of the members. All legislation recommended by official action of the task force must indicate that it is introduced at the request of the task force. Such legislation shall be prepared in time for pre-session numbering and pre-session filing pursuant to ORS 171.130, for presentation to the regular session of the Seventy-first Legislative Assembly. [1999 c.1046 s.1]

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

326.130 [Repealed by 1965 c.100 s.456]

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

326.150 [Repealed by 1961 c.624 s.8 and 1965 c.519 s.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 s.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, education service district boards and county school boards in answering questions concerning the proper administration of the school laws, the rules of the State Board of Education and the ministerial duties of school officers and teachers. The decision of the superintendent shall guide school officers and teachers in the performance of their duties relating to the matters decided. The superintendent may submit any question to the State Board of Education which shall then decide the question.
- (4) Obtain and compile such statistical information relative to the condition and operation of the public schools as the superintendent or the state board may consider advisable for the advancement of education and for the information of the state board 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 s.11; 1989 c.491 s.3; 1993 c.45 s.13; 1995 c.67 s.37; 1999 c.938 s.3]

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 s.12; 1979 c.570 s.1; 1993 c.45 s.14]

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

(2) Notice of the appointment of a deputy and the duties designated for the deputy shall be filed with the Secretary of State. [1965 c.100 s.13; 1991 c.887 s.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 s.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 educational related organizations and in so doing manage the funds of those organizations.

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

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

PROJECT SUCCESS FOR OREGON'S EDUCATIONAL FUTURE

Note: Sections 1 to 7, chapter 1080, Oregon Laws 1999, provide:

Sec. 1. Legislative intent. (1) Sections 1 to 6 of this 1999 Act shall be known as the Project Success for Oregon's Educational Future.

(2) It is the intent of the Legislative Assembly in creating the Education Leadership Team under section 2 of this 1999 Act that:

(a) The purpose of the Education Leadership Team is to assist in the development of goals with clear and objective accountability standards upon which to gauge the success of Oregon's educational system.

(b) The objective of the Education Leadership Team is not to assess fault but is instead to make recommendations to the appropriate governmental entities about goals with accountability standards that may be understood by all Oregonians.

(c) It is not the purpose of the Education Leadership Team to determine school funding and the ramifications of school funding. However, the team may make recommendations based upon funding priorities as those priorities relate to the goals with accountability standards.

(d) The Department of Education shall monitor the implementation of recommendations from the Education Leadership Team under section 3 of this 1999 Act that appropriate government entities choose to implement. [1999 c.1080 s.1]

Sec. 2. Education Leadership Team; membership; reports. (1) There is created an Education Leadership Team consisting of:

(a) A seven-member executive committee, which shall include:

(A) The Superintendent of Public Instruction;

(B) The Speaker of the House of Representatives;

(C) The President of the Senate;

(D) The Governor;

(E) The Commissioner of the Bureau of Labor and Industries;

(F) The Chancellor of the State Board of Higher Education; and

(G) The Commissioner for Community College Services; and

(b) Fourteen other nonvoting members who are representatives of the public, parents, school district boards, school administrators, teachers, students and private college presidents or administrators who are selected by the following appointing authorities:

(A) Three members appointed by the Governor;

(B) The Superintendent of the Portland Public Schools appointed by the Superintendent of Public Instruction;

(C) One member appointed by the Superintendent of Public Instruction;

(D) One member of the House of Representatives appointed by the Speaker of the House of Representatives;

(E) Two members appointed by the Speaker of the House of Representatives;

(F) One member of the Senate appointed by the President of the Senate;

(G) Two members appointed by the President of the Senate;

(H) One member appointed by the Commissioner of the Bureau of Labor and Industries;

(I) One member appointed by the Chancellor of the State Board of Higher Education; and

(J) One member appointed by the Commissioner for Community College Services.

(2) The Superintendent of Public Instruction shall be the chairperson of the Education Leadership Team.

(3) A nonlegislative member of the Education Leadership Team is entitled to compensation and expenses as provided in ORS 292.495. A legislative member of the Education Leadership Team is entitled to compensation and

expenses as provided in ORS 171.072 from funds appropriated to the Legislative Assembly for such purposes.

(4) A majority of the members of the Education Leadership Team executive committee constitutes a quorum for the transaction of business.

(5) A member of the Education Leadership Team executive committee who is an elected official may designate a person in lieu of the elected official to participate in the Education Leadership Team. However, the designee shall be a nonvoting member.

(6) The Education Leadership Team shall provide a report at all meetings of the interim legislative committees on education and shall report frequently to the Emergency Board on the progress of the Education Leadership Team toward meeting the duties and responsibilities assigned to the Education Leadership Team by sections 1 to 6 of this 1999 Act.

(7) The Legislative Administrator shall enter into an interagency agreement with the Department of Education to provide staff for the Education Leadership Team. The team shall use the services of continuing legislative staff to the greatest extent practicable. In addition, upon request of the Education Leadership Team, the Department of Education, Department of Community Colleges and Workforce Development and Department of Higher Education may provide assistance to the Education Leadership Team in the performance of its functions and shall furnish such information and advice as the members of the Education Leadership Team consider necessary to perform their functions. [1999 c.1080 s.2]

Sec. 3. Recommendations. The Education Leadership Team shall make recommendations that address the environment that impacts student learning, conduct, advancement, safety and participation in learning to the Governor, the Legislative Assembly, the State Board of Education, the State Board of Higher Education and other appropriate governmental entities on the following:

(1) A definition of accountability within the educational process and Oregon's school system, including but not limited to fiscal, administrative and instructional responsibilities.

(2) Education improvement and accountability issues that were prioritized by the Education Leadership Team based on recommendations and the work of the Educational Leadership Summit under section 4 of this 1999 Act.

(3) Rules to be adopted by governmental entities, including but not limited to the State Board of Education and the State Board of Higher Education, to ensure accountability in and for the classroom at all educational levels.

(4) Legislative proposals for consideration by the Seventy-first Legislative Assembly or any special session of the Seventieth Legislative Assembly.

(5) Actions that the Emergency Board may take for the allocation of additional resources for successful schools based on ORS 329.825 and 329.830.

(6) Administrative actions that should be implemented by the executive branch, Superintendent of Public Instruction, Chancellor of the State Board of Higher Education, Commissioner for Community College Services, school district boards and school administrators to improve accountability within the educational process and Oregon's school system.

(7) Timelines for the implementation of systemic changes and legislative actions needed for such changes.

(8) A framework for the Legislative Assembly to review the progress of educational goals on which Oregon can base its goals with accountability standards.

(9) Direction for ongoing needs assessments and accountability requirements tied to funding and mandates established through the legislative process or through the initiative process. [1999 c.1080 s.3]

Sec. 4. Educational Leadership Summit. (1) The Superintendent of Public Instruction shall submit a proposal to the Education Leadership Team executive committee for an Educational Leadership Summit to be held in February 2000. Upon approval of the Education Leadership Team executive committee, the Superintendent of Public Instruction shall call an Educational Leadership Summit to:

(a) Study summaries of the latest research-based education improvement practices;

(b) Develop work group positions on the issues prioritized by the Education Leadership Team under this section; and

(c) Seek consensus on the prioritized issues and prepare recommendations for the Education Leadership Team.

(2) The Education Leadership Team executive committee shall identify between five and 10 of the highest priority education improvement and accountability issues on which the Educational Leadership Summit should focus. The Education Leadership Team executive committee will solicit input from the other members of the team to assist in identifying the issues. The Education Leadership Team shall consider the following issues for prioritization:

- (a) Reading and mathematics as top priorities;
 - (b) Class size;
 - (c) Updating textbooks and instructional materials;
 - (d) Parental involvement;
 - (e) A safe learning and teaching environment;
 - (f) Implementation of the Oregon Educational Act for the 21st Century by the Department of Education;
 - (g) Teacher training and education prior to and after licensure;
 - (h) Preparation of all students who are pursuing a primary level teaching major at an Oregon college or university by prioritizing training in reading and mathematics teaching techniques;
 - (i) Teaching assignments within the subject areas in which a teacher holds an indorsement;
 - (j) Attainment by teachers of national licensure;
 - (k) Remedial interventions for certain students;
 - (L) Test scores;
 - (m) Testing programs;
 - (n) Education of children with special needs;
 - (o) Education of children who have English as a second language;
 - (p) School facility maintenance;
 - (q) Contract negotiations for employee compensation;
 - (r) School district auditing;
 - (s) Education support costs;
 - (t) Instructional costs;
 - (u) Costs associated with mandates imposed by the Legislative Assembly; and
 - (v) Other education improvement and accountability issues identified by the Education Leadership Team.
- (3) The Education Leadership Team shall invite two representatives from each of the following groups, selected by the following authorities, to participate in the Educational Leadership Summit:
- (a) Parents, families and communities selected by the Speaker of the House of Representatives and the President of the Senate;
 - (b) Business and industry selected by the Commissioner of the Bureau of Labor and Industries;
 - (c) Kindergarten through grade 12 education selected by the Superintendent of Public Instruction;
 - (d) Community colleges and private professional technical schools selected by the Commissioner for Community College Services;
 - (e) The State System of Higher Education and private higher education institutions selected by the Chancellor of the State Board of Higher Education;
 - (f) Recognized training and apprenticeship programs within the building trades selected by the Commissioner of the Bureau of Labor and Industries; and
 - (g) Students selected by the Superintendent of Public Instruction.
- (4) In addition to the participants invited to the Educational Leadership Summit under subsection (3) of this section:
- (a) The Speaker of the House of Representatives shall select one Republican and one Democrat who are members of the House of Representatives and the President of the Senate shall select one Republican and one Democrat who are members of the Senate to participate in the Educational Leadership Summit;
 - (b) The Education Leadership Team shall invite the Oregon Education Association, Oregon School Boards Association and Confederation of Oregon School Administrators to each send one representative to the Educational Leadership Summit; and
 - (c) The members of the Education Leadership Team shall participate in the Educational Leadership Summit.
- (5) The Education Leadership Team shall strive to balance the participants invited to the Educational Leadership Summit so that the participants have ethnic and geographic diversity and are representative of both urban and rural areas of the state. The Education Leadership Team shall also strive for public participation in the Educational Leadership Summit.
- (6) The Education Leadership Team may accept from any source any grant, donation, gift of money or other valuable thing made to the team for purposes of meeting the costs associated with the Educational Leadership Summit.
- [1999 c.1080 s.4]

Sec. 5. Education Leadership Team subcommittees. (1) The chairperson of the Education Leadership Team shall

establish subcommittees to review and make recommendations to the Education Leadership Team on the work of the Educational Leadership Summit. The chairperson shall determine the membership, chairperson and organization of each subcommittee and shall appoint its members.

(2) The chairperson shall choose the membership on the subcommittees from the members of the Education Leadership Team listed in section 2 (1)(b) of this 1999 Act. However, each subcommittee shall have at least one representative of school district boards, school administrators and teachers.

(3) A member of the Education Leadership Team executive committee may serve on any subcommittee.

(4) Each subcommittee shall have no fewer than seven members of the Education Leadership Team on the subcommittee. [1999 c.1080 s.5]

Sec. 6. Timeline. (1) Prior to August 30, 1999, the Education Leadership Team shall be appointed as required by section 2 of this 1999 Act.

(2) Prior to September 30, 1999, the Education Leadership Team shall hold its first meeting. Thereafter, the team shall meet at least once each month.

(3) Prior to April 15, 2000, the participants of the Educational Leadership Summit shall report any recommendations for education improvement and accountability to the Education Leadership Team.

(4) Prior to June 1, 2000, the Education Leadership Team shall adopt recommendations and forward those recommendations to the appropriate governmental entities for action as required by section 3 of this 1999 Act.

(5) After June 1, 2000, the Education Leadership Team shall meet on a monthly basis to review the actions taken by the appropriate governmental entities based on the recommendations of the team and shall take any further actions as may be required. [1999 c.1080 s.6]

Sec. 7. Sections 1 to 6 of this 1999 Act are repealed July 1, 2001. [1999 c.1080 s.7]

SCHOOL CENSUS

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

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

DEPARTMENT OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

326.370 Department of Community Colleges and Workforce Development under State Board of Education. 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. [1999 c.39 s.1]

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

(2) The commissioner shall be a person who by training and experience is well qualified to perform the duties of the office and to assist in carrying out the functions of the board under ORS 326.041, 326.051, 326.375, 341.005, 341.015, 341.440, 341.455, 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 insure 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 s.3; 1991 c.757 s.2; 1995 c.67 s.38; 1999 c.39 s.4]

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

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

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

INTELLECTUAL PROPERTY

326.520 Acquisition of intellectual property by board.

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

(1) By gift.

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

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

326.530 Management, development and disposition of intellectual property.

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

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

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

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

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

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

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

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

GENERAL EDUCATIONAL DEVELOPMENT (GED) CERTIFICATES

326.550 General Educational Development (GED) certificates; 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 s.1; 1979 c.386 s.1; 1979 c.570 s.2; 1983 c.159 s.1; 1989 c.491 s.4; 1991 c.703 s.5; 1993 c.45 s.17; 1997 c.249 s.94]

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

STUDENT RECORDS

326.565 Standards for student records. The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. The state board shall distribute the rules that are adopted to all school districts. The school districts shall make those rules available to the public schools in the district and to the public. The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions. 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 s.3 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 s.1]

326.575 Records when student transfers or is placed elsewhere; notice to parents; amendments to records.

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

(2) Subject to ORS 339.260, any public or private school, state institution, private agency or youth care center receiving the request described in subsection (1) of this section shall transfer all student education records relating to the particular student to the requesting school, institution, agency or center no 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) 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.

(4) As used in this section:

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

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

(c) "Youth care center" means a center as defined in ORS 420.855. [1993 c.806 s.4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 s.2]

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

CRIMINAL OFFENDER INFORMATION PROCESS

326.603 Process for obtaining criminal offender information for districts and schools; 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 subject individual described in ORS 181.539 (4)(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 subject individual described in ORS 181.539 (4)(d), (e), (f) or (h).

(2) The Department of Education shall request criminal offender information from the Department of State Police in the manner required by ORS 181.539 and shall charge the district or private school a fee of \$42 for the cost of acquiring and furnishing the information described in ORS 181.525 and 181.539. The school district or private school may recover its costs or a portion thereof from the subject individual described in ORS 181.539 (4)(d), (e), (f), (h) or (i). If the subject individual described in ORS 181.539 (4)(e), (f) or (i) requests, the district shall and a private school may withhold the amount from amounts otherwise due the individual, 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 subject individual 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 individual. Notification by the superintendent that the school district shall not employ or contract with the subject individual shall remove the individual 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 subject individual 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 individual.

(c) The criminal records are confidential and shall not be released to the district or private school but are subject to inspection by the subject individual. The subject individual, other than a subject individual in a private school, may appeal the determination as a contested case under ORS 183.413 to 183.470 and the superintendent shall notify the subject individual of the right to appeal the determination.

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

(5) The State Board of Education by rule shall specify the information to be required by subsection (1) of this section.

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

(b) School district employment and contract forms shall contain a notice that employment or contracting is subject to fingerprinting and a criminal records check as required by ORS 181.525, 181.537, 181.539, 326.603, 342.223, 342.227 and 342.232.

(7) 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.
- (F) An education service district. [1993 c.674 s.8; 1995 c.67 s.40; 1995 c.446 s.7; 1997 c.4 s.1; 1997 c.536 s.1; 1997 c.753 s.2; 1999 c.200 s.25; 1999 c.1054 s.4]

Note: Section 5, chapter 1054, Oregon Laws 1999, provides:

Sec. 5. Any action done by the State Board of Education, the Department of Education, the Superintendent of Public Instruction, a school district or an education service district pursuant to ORS 326.603, during the period beginning September 9, 1995, and ending on the effective date of this 1999 Act [September 1, 1999], that would have satisfied the requirements of ORS 326.603, as amended by section 4 of this 1999 Act, is validated. [1999 c.1054 s.5]

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

326.607 Criminal history check for school district, private school and charter school volunteers or 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 history check using the Law Enforcement Data System for screening any 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 s.3; 1997 c.536 s.2; 1999 c.200 s.26]

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

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

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

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

YOUTH CORRECTIONS EDUCATION PROGRAM

326.700 Youth Corrections Education Program; distribution of State School Fund. It is the purpose of ORS 238.005, 326.712, 327.026 and this section that youths enrolled in the Youth Corrections 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]

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

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

326.712 Superintendent may contract with district to provide program. 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. However, the program shall not be considered a component district and the students enrolled in the program shall not be counted in determining the number of pupils in average daily membership for purposes of ORS 334.175 (2)(a). [1995 c.798 s.1; 1995 c.422 s.133b]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.990 [Repealed by 1965 c.100 s.456]
