

# Chapter 336

2007 EDITION

## Conduct of Schools Generally

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

**HOLIDAYS; SPECIAL OBSERVANCES;  
REQUIRED COURSES OF STUDY**

**336.010 School month; holidays; teachers' holiday pay; Saturday instruction.** (1) The common school month consists of 20 days.

(2) No pupil shall be required to attend school on any Saturday or on any legal school holiday. Except as otherwise specifically provided in this section, a legal school holiday is any holiday specified in ORS 187.010.

(3) Days on which an election is held throughout the state shall be school holidays only for such schools in which the sole schoolroom is used for election purposes.

(4) The following days are not school holidays, but a portion of the days shall be set apart and observed in the public schools by appropriate activities:

(a) Lincoln's Birthday on February 12.

(b) Admission of Oregon into the Union on February 14.

(c) Washington's Birthday on February 22.

(d) Columbus Day on October 12.

(5) On January 15, Martin Luther King, Jr.'s actual date of birth, a portion of the day shall be set apart and observed in the public schools by appropriate activities.

(6) Martin Luther King, Jr.'s Birthday, designated in ORS 187.010 as the third Monday in January, shall be a legal school holiday. However, notwithstanding subsection (8) of this section, whether or not there shall be compensation of school employees shall be at the discretion of the school board or covered by a collective bargaining agreement.

(7) Presidents Day, designated in ORS 187.010 as the third Monday in February, is not a legal school holiday.

(8) No teacher shall be required to teach on any Saturday, except as provided in the terms of the teacher's employment, or on any legal school holiday. When a holiday occurs on what would otherwise be a school day, teachers shall be allowed full pay for the holiday.

(9) No subject required for graduation shall be taught on Saturday only. [Amended by 1961 c.226 §1; 1965 c.100 §221; 1981 c.450 §2; 1985 c.518 §3; 1989 c.1027 §1; 1997 c.249 §96]

**336.012 Twelve-month class schedule optional.** A district school board may adopt a class schedule that operates throughout the year for all or any schools in the district but may not require a student to attend the entire year. [1971 c.395 §1]

**336.015 Arbor Week.** (1) The first full week in April shall be known as Arbor Week. In order that pupils in the public schools shall be made better aware of the benefits of the preservation and perpetuation of forests and the growing of timber and of the environment, the district school board shall cause to be conducted, during school hours, activities which tend to encourage the planting, protection and preservation of trees and shrubs and a greater understanding of the environment and means for preserving and improving it.

(2) The Superintendent of Public Instruction, with the approval of the State Board of Education and with the technical assistance of the State Forester, may prescribe and alter a schedule of activities and instruction to be observed during Arbor Week.

(3) The State Forester or person in charge of the state tree nurseries may release for use by schools upon application thereof seedlings that would otherwise be destroyed. [Formerly 336.350; 1971 c.83 §1; 1983 c.158 §1]

**336.020** [Amended by 1955 c.384 §1; repealed by 1957 c.612 §18]

**336.023 History of Oregon Statehood Week.** (1) The week of May 2 shall be known as the History of Oregon Statehood Week to commemorate May 2, 1843, as the date that settlers met at Champoege 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 Champoege 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; 1967 c.200 §6; 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]

**336.077** [1963 c.570 §11; repealed by 1965 c.100 §456]

**336.078** [Formerly 336.270; repealed by 1971 c.326 §1]

**336.079 Special English courses for certain children.** Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English. [1971 c.326 §3; 1993 c.45 §77]

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

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

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

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

(2) The State Board of Education shall stimulate the development of nondiscriminatory courses of study or parts of courses to improve instructional effectiveness or efficiency in public elementary and secondary schools in Oregon. The board may direct the Department of Education or contract with appropriate public educational agencies to develop program materials and to establish a mechanism for the purpose of introducing the materials and implementing the techniques.

(3) As used in subsection (1) of this section, "discriminate" has the meaning given "discrimination" in ORS 659.850. [1975 c.423 §§1, 2; 1989 c.491 §23; 1993 c.45 §78]

**336.085** [Formerly 332.140; repealed by 1965 c.100 §456]

**336.086 Standards for curriculum described in ORS 336.082.** The projects authorized by ORS 336.082 should be designed to:

(1) Develop and test nondiscriminatory courses of study or parts of courses which feature predictable student achievement of pre-stated 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.45 §79; 1995 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 cur-

ricula and program planning as reflected in district continuous 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; 2007 c.858 §32a]

**Note:** The amendments to 336.113 by section 32a, chapter 858, Oregon Laws 2007, first apply to the 2008-2009 school year. See section 41, chapter 858, Oregon Laws 2007. The text that applies prior to the 2008-2009 school year is set forth for the user's convenience.

**336.113.** (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.

**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]

**336.157** [1991 c.693 §24; renumbered 329.860 in 1993]

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

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

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

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

**336.175 Extended educational experiences.** In addition to regular courses of study, any district school board may make available to its students extended educational experiences through public and private community agencies when such experiences can be provided by the agencies more appropriately or at a lesser cost than by the school district. Programs under this section may include but are not limited to work experience programs conducted on a contractual basis with individual employers or employer groups. [1967 c.200 §4]

**336.176 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]

**336.177 Community service programs guidelines.** (1) Subject to the approval of the State Board of Education, the Department of Education shall develop curriculum guidelines for community service programs and make such guidelines available for use in school districts. The guidelines shall:

(a) Encourage students to develop an ethic of helping others through voluntary efforts.

(b) Demonstrate the reciprocal benefits and obligations of citizenship.

(c) Incorporate community service practicums.

(d) Provide students with opportunities to prepare for and reflect upon their service experience.

(2) The guidelines developed under subsection (1) of this section shall:

(a) Be structured to encourage school districts to give credit to those students who perform community service.

(b) Prohibit school-sponsored student involvement in advocacy organizations or political groups.

(3) On an annual basis, the Department of Education shall review and report to the State Board of Education on the status of community service education programs operating throughout the state. [1989 c.663 §§1,2]

**336.179 Commitment to excellence in education and citizenship; recognition of students.** (1) It is state policy for all school districts to foster an atmosphere of student commitment to excellence in education, recognizing excellence in academics and excellence in citizenship.

(2) Each school district shall determine the activities necessary to qualify for special recognition of student achievement.

(3) In implementing the state policy, and after consultation with the student body, an elementary or secondary school shall offer special recognition as appropriate. 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]

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



**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]

**336.183 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]

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

**DISCLOSURE OF PERSONAL INFORMATION ABOUT STUDENT**

**336.187 When school authorized to disclose information about 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 organ-

ization 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 336.185, 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 1979 c.274 §4]

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

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

**336.220** [Amended by 1953 c.561 §2; repealed by 1955 c.290 §1]

**ALCOHOL AND DRUG ABUSE PROGRAM**

**336.222 District policy and plan; content.** In accordance with rules adopted by the State Board of Education in consultation with the 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 336.057]

**336.235 State board rules.** In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the 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]

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

**336.270** [Amended by 1965 c.100 §228; renumbered 336.078]

**336.280** [Repealed by 1963 c.544 §52]

**336.285** [Formerly 332.350; 1965 c.100 §231; renumbered 336.125]

**336.290** [Repealed by 1963 c.544 §52]

**336.300** [Repealed by 1963 c.544 §52]

**336.310** [Repealed by 1963 c.544 §52]

**336.320** [Repealed by 1963 c.544 §52]

**336.330** [Repealed by 1963 c.544 §52]

**336.340** [Amended by 1965 c.100 §227; renumbered 336.072]

**336.350** [Amended by 1963 c.452 §1; 1965 c.100 §222; renumbered 336.015]

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

**336.370** [Amended by 1965 c.100 §223; renumbered 336.025]

## DENTAL HEALTH PROGRAM

**336.375 “Dental health program” defined.** As used in ORS 336.375 to 336.420, “dental health program” means a program whereby a dental examination is made at least once each school year of each pupil attending school in the district at the time of the examination and whereby dental treatment may be provided, subject to the rules of the district school board. [1965 c.100 §237]

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

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

(2) A district school board which conducts a dental health program may furnish necessary instruments and equipment and provide suitable quarters in which either dental examination or treatment may be made.

(3) The dental examination and treatment shall be scientific, sanitary and efficient, and may be furnished by the district school board free of expense to the minor pupils whose parents or guardians are unable to pay therefor and to the pupils who have attained the age of majority who are unable to pay therefor. Any charges made by the board for the dental examination and treatment shall be fair and reasonable.

(4) No minor pupil shall be required or permitted to receive a dental examination or treatment without the written consent of the parents or guardian of the minor pupil. No pupil who has attained the age of majority shall be required to receive a dental examination or treatment. [Amended by 1965 c.100 §239; 1973 c.827 §31; 1993 c.45 §92]

**336.400 Report to parent; selection of dentist; certificate of treatment.** The result of the dental examination shall be reported in writing to the parent or guardian of any pupil who, in the opinion of the person making the examination, requires dental treatment. If, after receiving the report, the parent or guardian elects to have the recommended treatment performed by a dentist of the parent or guardian’s own choosing, that dentist shall supply a certificate attesting that the treatment was performed in accordance with the report from the dental health program. The content of the certificate shall be recorded by the board. [Amended by 1965 c.100 §240]

**336.410 Nonliability for injury from treatment.** No school district shall be liable to any pupil, or to the parents or guardian of any pupil, for or on account of any claim for damage on account of any action by any person in connection with the district’s dental health program. [Amended by 1965 c.100 §241]

**336.420 Cooperation and sharing expense.** Any district school board which conducts a dental health program may cooperate with and share the expense of dental examination and treatment with any other organization or individuals. [Amended by 1965 c.100 §242]

**FOOD AND BEVERAGE STANDARDS****336.423 Standards for food and beverages sold in schools; exceptions; compliance.** (1) As used in this section:

(a) "Entree" means a food that is generally regarded as being the primary food in a meal and includes, but is not limited to, sandwiches, burritos, pasta and pizza.

(b) "Snack" means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

(2) Except as provided in subsection (6) of this section, all food and beverage items sold in a public kindergarten through grade 12 school must at a minimum meet the standards required by this section.

(3) The following shall apply to all food sold in a school during the times described in subsection (5)(a) of this section:

(a) A snack item may be sold only in a single-serving size and:

(A) May not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, eggs, nonfried vegetables and cheese.

(B) May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, eggs and cheese.

(C) May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables.

(D) May not contain more than 0.5 grams of trans fat per serving.

(E) May not contain more than 150 total calories if sold in a school in which the highest grade level in the school is grade 5 or less.

(F) May not contain more than 180 total calories if sold in a school in which the highest grade level in the school is grade 6, 7 or 8.

(G) May not contain more than 200 total calories if sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12.

(b) An entree item that is sold individually:

(A) May not contain more than four grams of fat per 100 calories.

(B) May not contain more than 450 total calories.

(4) The following shall apply to all beverages sold in a school during the times described in subsection (5)(a) of this section:

(a) If the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(b) If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(c) If the beverage is sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12, the beverage may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(D) A no-calorie or low-calorie beverage if the beverage contains no more than 10 calories per eight ounces.

(E) A beverage that is not more than 12 ounces and contains no more than 66 calories per eight ounces.

(5)(a) The standards required by this section apply to food and beverage items sold in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, stu-

dent government, drama rehearsals or child care programs.

(b) The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during or after the event, such as a sporting event or another interscholastic activity, a play or a band or choir concert.

(6) The standards required by this section do not apply to food and beverage items sold in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.

(7) A school district board may adopt standards that are more restrictive than the standards specified by this section.

(8) Each school year, a school district board shall determine whether the school district is in compliance with the standards required by this section and report the results of that determination to the Department of Education. The department may monitor whether school districts are in compliance with the standards required by this section. [2007 c.455 §1]

**Note:** Sections 2 and 3, chapter 455, Oregon Laws 2007, provide:

**Sec. 2.** (1) Except as provided in subsection (2) of this section, section 1 of this 2007 Act [336.423] first applies to the 2008-2009 school year.

(2) Section 1 of this 2007 Act first applies to entree and snack items prepared on-site and sold individually during the 2009-2010 school year. [2007 c.455 §2]

**Sec. 3.** (1) Sections 1 [336.423] and 2 of this 2007 Act apply to contracts entered into or extended on or after July 1, 2008. If a school district is operating under a contract entered into before July 1, 2008, the school district board shall comply with the requirements of sections 1 and 2 of this 2007 Act to the greatest extent allowed under that contract.

(2) A school district may not enter into a contract on or after the effective date of this 2007 Act [July 1, 2007] if the contract:

(a) Does not meet the requirements of section 1 or 2 of this 2007 Act; and

(b) Is effective on or after July 1, 2008. [2007 c.455 §3]

**336.430** [Renumbered 336.620 and then 339.880 in 1993]

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

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

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

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

## HUMAN SEXUALITY EDUCATION

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

(a) Be comprehensive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

man sexuality or human immunodeficiency virus if the pupil's parent or guardian, after having reviewed the materials, submits written objection to the school district.

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

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

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

**STUDENT JOURNALISTS**

**336.477 Rights; student expression; civil action.** (1) For the purposes of this section:

(a) "School-sponsored media" means materials that are prepared, substantially written, published or broadcast by student journalists, that are distributed or generally made available, either free of charge or for a fee, to members of the student body and that are prepared under the direction of a student media adviser. "School-sponsored media" does not include media intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a public high school student who gathers, compiles, writes, edits, photographs, records or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed or designated by the school district to supervise, or provide instruction relating to, school-sponsored media.

(2) Except as provided in subsection (4) of this section, student journalists have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities or are produced in conjunction with a high school class.

(3) Student journalists are responsible for determining the news, opinion and feature content of school-sponsored media subject to the limitations of subsection (4) of this section. This subsection does not prevent a student media adviser from teaching

professional standards of English and journalism to the student journalists.

(4) Nothing in this section may be interpreted to authorize expression by students that:

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates federal or state statutes, rules or regulations or state common law; or
- (d) So incites students as to create a clear and present danger of:

(A) The commission of unlawful acts on or off school premises;

(B) The violation of school policies; or

(C) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(5) Any student, individually or through the student's parent or guardian, enrolled in a public high school may commence a civil action to obtain damages under this subsection and appropriate injunctive or declaratory relief as determined by a court for a violation of subsection (2) of this section, the First Amendment to the United States Constitution or section 8, Article I of the Oregon Constitution. Upon a motion, a court may award \$100 in damages and injunctive and declaratory relief to a prevailing plaintiff in a civil action brought under this subsection.

(6) Each school district that includes a public high school shall adopt a written student freedom of expression policy in accordance with this section. The policy shall include reasonable provisions for the time, place and manner of student expression. [2007 c.763 §1]

### EXTRACURRICULAR SPORTS

**336.479 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) 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]

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

**336.500** [1961 c.364 §§1,2,3; 1965 c.100 §157; renumbered 332.470]

### COMMUNITY SCHOOLS

**336.505 "Community school program" defined.** As used in ORS 336.505 to 336.525, unless the context requires otherwise "community school program" means a program that fosters citizen involvement and provides educational, recreational, cultural and related services to the community. [1981 c.259 §1]

**336.510 Legislative findings; direction to Department of Education.** The Legislative Assembly finds that the community school is an expression of the philosophy that the local school is most effective when it involves the people of that community in programs designed to fulfill their needs and interests while increasing the community's use of personnel, buildings, equipment and other public educational resources. Accordingly, the Department of Education is directed to:

- (1) Provide state leadership for community school development;
- (2) Assist in the establishment, maintenance and expansion of community schools;

(3) Serve as the state administrative agency for federal community school funding; and

(4) Foster coordination of community school services provided by local schools, community colleges, education service districts, community college service districts and other public and private agencies to avoid unnecessary duplication. [1981 c.259 §2]

**336.515** [1981 c.259 §3; 1989 c.491 §25; repealed by 1993 c.742 §32]

**336.520 Community school program to provide for advisory involvement; local advisory bodies.** (1) The community school program shall provide for the active and continuous involvement on an advisory basis of institutions, groups and individuals in the community to be served by the program and the active and continuous involvement of local residents in the planning, development and operation of those programs and services deemed appropriate for their community.

(2) Local advisory bodies shall review needs, establish local goals and objectives, recommend priorities, identify available resources, promote programs, study progress, encourage interagency cooperation, suggest financing and evaluation methods and make recommendations to district school boards and local administrators. [1981 c.259 §4]

**336.525 Program to be operated by district providing elementary or secondary education; exception.** In a community which chooses to operate a community school program, the program shall be operated by a school district that provides elementary or secondary education. However, if a school district has no community school program, it may consent in writing for the formulation and operation of a community school program by a community college or community college service district or an education service district or a municipal government or a parks and recreation district, or any combination thereof. [1981 c.259 §5]

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

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

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

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

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

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

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

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

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

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

**RESIDENTIAL PROGRAMS;  
YOUTH CARE CENTERS;  
DETENTION FACILITIES**

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

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

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

**336.580 Education at youth care centers; rules.** (1) Every child at a youth care center, as defined in ORS 420.855, 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 and 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. [Formerly 339.195; 1997 c.20 §1; 2007 c.429 §1]

**336.585 Education at detention facilities; costs; rules; notification to resident district.** (1) The Department of Education shall provide or cause to be provided appro-

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. [Formerly 339.205; 2001 c.681 §8]

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

### ALTERNATIVE EDUCATION PROGRAMS

**336.615 Definition for ORS 336.615 to 336.675.** As used in ORS 336.615 to 336.675, "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, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

(c) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(d) ORS 659.850, 659.855 and 659.860 (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 §3; 2005 c.730 §15; 2007 c.35 §5; 2007 c.256 §4]

**Note:** The amendments to 336.631 by section 6, chapter 839, Oregon Laws 2007, become operative July 1, 2017, and first apply to the 2017-2018 school year. See section 9, chapter 839, Oregon Laws 2007. The text that is operative on and after July 1, 2017, is set forth for the user's convenience.

**336.631.** (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, 326.603, 326.607, 342.223 and 342.232 (criminal records checks);

(c) ORS 329.496 (physical education);

(d) ORS 337.150, 339.141, 339.147 and 339.155 (tuition and fees);

(e) ORS 659.850, 659.855 and 659.860 (discrimination);

(f) Health and safety statutes and rules; and

(g) 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.

**336.635 Enrollment in alternative education program; notice to district; billing; rules; status of teachers.** (1) When neces-

sary 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 dis-

trict. [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, transportation, career development and health and nutrition services to pregnant and parenting students;

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

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

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

(2) Each school district shall adopt policies and guidelines for implementation of 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.22 §233]

**336.645 Notification of availability of program; rules.** The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.675 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]

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

**336.655 District evaluation of program.** (1) Each school district operating, participating in or contracting for a public or private alternative education program shall evaluate the program at least annually. The district shall provide the public or private alternative education program with a copy of the written evaluation.

(2) For private alternative education programs, the evaluation shall include, but is not limited to:

(a) A review of the private alternative education program's annual statement of expenditures as required by ORS 336.635 (2);

(b) A determination that the private alternative education program is in compliance with ORS 336.625 (3)(c) and 336.631 (2);

(c) The approval of any contract between the district and the private alternative education program; and

(d) A review to ensure that the private alternative education program enhances the ability of the district and its students to achieve district and state standards. [Formerly 339.635; 2001 c.490 §7]

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

**336.665 Effect of failure to propose alternative programs.** (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (9) or (10).

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

[Formerly 339.640; 1995 c.656 §8; 1996 c.16 §4; 2001 c.104 §112]

**336.668 Definitions for ORS 336.668 to 336.675.** As used in ORS 336.668 to 336.675:

(1) “Qualified homeschooled child” means a child who is registered as a child who is taught by a parent, legal guardian or private teacher under ORS 339.035 and who is:

(a) A resident of a county with a population of more than 320,000 but less than 325,000 according to the federal decennial census conducted in 2000; or

(b) A resident of a school district that contracted with a qualified private alternative education program prior to the 2007-2008 school year.

(2) “Qualified private alternative education program” means a private alternative education program that:

(a) First contracted with a qualified school district beginning with the 1996-1997 school year, and has continued to have a contract with a qualified school district through the 2006-2007 school year, to provide services to homeschooled students; and

(b) Is in compliance with ORS 336.615 to 336.675 and rules adopted by the State Board of Education that relate to private alternative education programs.

(3) “Qualified school district” means a school district:

(a) With an administrative office located in the county seat of a county with a population of more than 320,000 but less than 325,000 according to the federal decennial census conducted in 2000; and

(b) That had a contract with a qualified private alternative education program during the 2006-2007 school year. [2007 c.846 §2]

**336.670 Contract for services; placement.** (1) A qualified school district may contract with a qualified private alternative education program to provide services to homeschooled children. A qualified school district that contracts with a program under this section shall evaluate and monitor the program.

(2) Other school districts may place students in a qualified private alternative education program. Except as provided in subsection (1) of this section, if a school district places a student in a program under this subsection, the school district is not required to evaluate and monitor the program.

(3) When necessary to meet a qualified homeschooled child’s educational needs and interests, the parent or legal guardian with the approval of the resident district and the attending district may enroll the child in a qualified private alternative education program. 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.

(4) As a condition of enrolling in a qualified private alternative education program:

(a) A qualified homeschooled child may not be required to have previously attended a public school;

(b) A school district is not required to find that the student is not benefiting, has not benefited or will not benefit from attendance in public school or other alternative education programs; and

(c) A school district is not required to conduct an assessment of the child in order to find that the program would meet the child’s educational needs and interests. [2007 c.846 §3]

**Note:** Section 4, chapter 846, Oregon Laws 2007, provides:

**Sec. 4.** Notwithstanding section 3 (3) of this 2007 Act [336.670 (3)], if a qualified homeschooled child was enrolled in a qualified private alternative education program prior to the effective date of this 2007 Act [July 31, 2007], additional approval from the resident or attending school district is not required and the qualified homeschooled child may continue to attend the program. [2007 c.846 §4]

**336.673 Funding; qualified courses.** (1) A qualified private alternative education program shall receive funding from a qualified school district that has entered into a contract with the program. The funding shall be calculated based on this section and ORS 336.675.

(2) A qualified private alternative education program may receive funding for a qualified homeschooled child only if the child enrolls in one or more of the following courses that meet the academic content standards adopted by the State Board of Education for that course:

(a) Mathematics.

(b) Science.

(c) English.

(d) History.

(e) Geography.

(f) Economics.

(g) Civics.

(h) Physical education.

(i) Health.

(j) The arts.

(k) Second languages.

(L) Computer technology.

(3)(a) Except as provided in paragraph (b) of this subsection, for purposes of receiving funding for a qualified private alternative education program from the State School

Fund, a qualified school district that enters into a contract with a program under ORS 336.670 shall be considered to be the resident district of a qualified homeschooled child who attends the program.

(b) Paragraph (a) of this subsection does not apply to a qualified homeschooled child who is receiving special education and related services. [2007 c.846 §5]

**336.675 Funding formula; rules.** (1) As used in this section:

(a) “ADM” means the average daily membership as defined in ORS 327.006.

(b) “Small group” means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of two to five students.

(c) “Intermediate group” means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of 6 to 15 students.

(d) “Large group” means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of 16 or more students.

(e) “Tutorial” means instruction provided in a qualified private alternative education program approved by a qualified school district to a class of one student.

(2) The State Board of Education shall adopt by rule a formula for the calculation of the amount of funding to be received by a qualified private alternative education program. The formula shall be based on:

(a) The ADM of the program;

(b) Whether the program operates full-time or part-time; and

(c) Whether instruction in the program is given as tutorials or in small groups, intermediate groups or large groups. [2007 c.846 §6]

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

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

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

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

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

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

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

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

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

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

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

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

## STUDENT TRAFFIC SAFETY EDUCATION

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

(1) “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) “Private school” means a private or parochial high school.

(3) “Public school” means a common or union high school district, education service district, a community college district and the Oregon School for the Deaf. [Formerly 343.705; 1997 c.118 §1; 1997 c.249 §98; 2001 c.295 §11; 2001 c.706 §1; 2007 c.70 §94; 2007 c.858 §65]

**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 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; 2007 c.858 §66]

**336.805 Tuition; waiver; costs; reimbursement.** (1) Each public school 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 shall be reimbursed \$210 per pupil completing the course, including any private school pupil completing the course in a public school.

(2) If funds available to the Department of Transportation for the Student Driver Training Fund are not adequate to pay all approved claims in full, public schools 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 of providing traffic safety education less the state reimbursement. Tuition may be reduced or waived by a public school 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 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; 2007 c.858 §67]

**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.871 §1; renumbered 329.395 in 1993]

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

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

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

**336.990** [Amended by 1963 c.544 §50; subsection (4) of 1963 Replacement Part derived from 332.990 (7); repealed by 1965 c.100 §456]

