

# Chapter 329

2009 EDITION

## Oregon Educational Act for the 21st Century; Educational Improvement and Reform

<b>OREGON EDUCATIONAL ACT FOR THE 21st CENTURY (Generally)</b>	
329.005	Oregon Educational Act for the 21st Century; duties of department; evaluation by legislature
329.007	Definitions
329.015	Educational goals
329.025	Characteristics of school system
329.045	Revision of Common Curriculum Goals, performance indicators, diploma requirements, Essential Learning Skills and academic content standards; instruction in academic content areas
329.049	Plan to encourage voter registration and voting; incorporation into Essential Learning Skills; rules
329.065	Adequate funding required
329.075	Statewide implementation; rules; duties of department
<b>(Assessing Effectiveness)</b>	
329.085	Assessment of schools and school districts required; report; standards
329.095	School district and school self-evaluations; local district continuous improvement plans; department's technical assistance
329.105	School district and school performance reports; criteria; included data
329.115	Oregon Report Card
<b>(Parental and Community Participation)</b>	
329.125	Policy on parental and community participation
<b>(Services for Children and Families)</b>	
329.145	Definitions for ORS 329.150 and 329.155
329.150	Services for children and families at school site; policy
329.153	Policy on prevention and cost-effective programs and strategies
329.155	Standards for education programs and programs providing services for children and families; interagency coordination
<b>(Community Learning Centers)</b>	
329.156	Creation; requirements; technical assistance
329.157	Identification and coordination of existing resources
329.159	Evaluation; reporting
<b>(Early Childhood Education)</b>	
329.160	Policy on early childhood and parenting education; funding goal
329.165	Development of long-range plan for serving children and families
329.170	Definitions for ORS 329.170 to 329.200
329.175	Department to administer prekindergarten program; grants; eligibility; coordination with other programs
329.183	Prekindergarten Program Trust Fund
329.185	Expansion of Oregon prekindergarten program
329.190	Advisory committee
329.195	Rules; grant applications
329.200	Report on program by state superintendent; department to assess program effectiveness
329.228	Early Childhood Education Trust Fund
329.235	Provision of early childhood education
<b>(Pilot Project for Health Literacy Program)</b>	
(Temporary provisions relating to pilot project for health literacy program are compiled as notes following ORS 329.235)	
<b>(Child Development and Student-Parent Programs)</b>	
329.255	Child development specialist program
329.275	State board guidelines; rules; qualifications for child development specialists
329.385	Child development programs; student-parent programs
329.395	Definitions for ORS 329.395 to 329.425
329.415	Operating guides and grant procedures for ORS 329.395 to 329.425
329.425	Grants under ORS 329.395 to 329.425
<b>(Diplomas and Certificates)</b>	
329.451	High school diploma; modified diploma; extended diploma; alternative certificate; grade level advancement
<b>(Assessment)</b>	
329.485	Statewide assessment system; types of assessments; subjects; additional services or alternative educational options
329.488	Nationally normed assessment; contract; waiver; rules
<b>(Subjects)</b>	
329.489	American Sign Language; proficiency; curricula development; teachers
329.492	Oregon Studies; academic content standards
329.496	Physical education participation; minimum requirements; exceptions; professional development
329.498	Data related to physical education; facilities
329.499	Report to Legislative Assembly
329.501	Grants for physical education; rules
329.504	Funding for programs that link physical activity and academic achievement

## EDUCATION AND CULTURE

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<b>SCHOOL COUNCILS AND PROFESSIONAL DEVELOPMENT PROGRAMS</b>			<b>(Oregon Educator Professional Development Commission)</b>
	<b>(School Councils)</b>	<b>329.822</b>	<b>Commission established; members</b>
<b>329.704</b>	<b>Local 21st Century Schools Councils; duties; composition; selection; district site committees</b>	<b>329.824</b>	<b>Public website; assistance to local school districts</b>
	<b>(Teacher Corps)</b>		<b>(Successful Schools Program)</b>
		<b>329.825</b>	<b>Policy on successful and innovative schools</b>
<b>329.757</b>	<b>Oregon Teacher Corps</b>	<b>329.830</b>	<b>Establishment; application; incentive rewards; rules</b>
<b>329.765</b>	<b>Administration of corps; rules</b>		<b>(Early Success Reading Initiative)</b>
<b>329.775</b>	<b>Loans; amounts; interest; repayment; waiver of repayment</b>	<b>329.832</b>	<b>Legislative findings</b>
<b>329.780</b>	<b>Oregon Teacher Corps Account; use</b>	<b>329.834</b>	<b>Creation; components; reading sites</b>
	<b>(Beginning Teacher and Administrator Program)</b>	<b>329.837</b>	<b>Report</b>
			<b>OREGON VIRTUAL SCHOOL DISTRICT</b>
<b>329.788</b>	<b>Definitions for ORS 329.788 to 329.820</b>	<b>329.840</b>	<b>Creation; purpose; online course standards; rules</b>
<b>329.790</b>	<b>Findings on teacher and administrator programs</b>	<b>329.842</b>	<b>Oregon Virtual School District Fund</b>
			<b>MISCELLANEOUS</b>
<b>329.795</b>	<b>Beginning teacher and administrator program established; district participation; use of grants</b>	<b>329.850</b>	<b>Duties of Education and Workforce Policy Advisor</b>
<b>329.800</b>	<b>Application; content</b>	<b>329.860</b>	<b>Outreach to students no longer attending school</b>
<b>329.805</b>	<b>Grants-in-aid; amount; distribution; rules</b>	<b>329.875</b>	<b>District eligibility to receive funds under chapter</b>
<b>329.810</b>	<b>Training for mentors and beginning teachers and administrators</b>	<b>329.885</b>	<b>School-to-work transitions and work experience programs; funding; eligibility for grants</b>
<b>329.815</b>	<b>Mentors; selection; stipend</b>		
<b>329.820</b>	<b>Evaluation of programs; donations</b>		

**OREGON EDUCATIONAL ACT  
FOR THE 21st CENTURY  
(Generally)**

**329.005 Oregon Educational Act for the 21st Century; duties of department; evaluation by legislature.** (1) This chapter shall be known as the Oregon Educational Act for the 21st Century.

(2) The Department of Education shall be the coordinating agency for furthering implementation of this chapter. This chapter shall be subject to review by the Legislative Assembly.

(3) The appropriate legislative interim committee shall:

(a) Develop the form and content expected of the ongoing review described in this section;

(b) Notify the appropriate agencies of expectations; and

(c) Receive and evaluate regular reports from the Department of Education and other public agencies.

(4) This review outline may be changed as needed in succeeding years. [Subsections (3) and (4) enacted as 1991 c.693 §1a; 1993 c.45 §22; subsections (1) and (2) formerly 326.705; 2003 c.303 §1]

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

(1) “Academic content standards” means expectations of student knowledge and skills adopted by the State Board of Education under ORS 329.045.

(2) “Administrator” includes all persons whose duties require an administrative license.

(3) “Board” or “state board” means the State Board of Education.

(4) “Community learning center” means a school-based or school-linked program providing informal meeting places and coordination for community activities, adult education, child care, information and referral and other services as described in ORS 329.157. “Community learning center” includes, but is not limited to, a community school program as defined in ORS 336.505, family resource centers as described in ORS 417.725, full service schools, lighted schools and 21st century community learning centers.

(5) “Department” means the Department of Education.

(6) “English” includes, but is not limited to, reading and writing.

(7) “History, geography, economics and civics” includes, but is not limited to, Oregon Studies.

(8) “Oregon Studies” means history, geography, economics and civics specific to the State of Oregon. Oregon Studies instruction in Oregon government shall include municipal, county, tribal and state government, as well as the electoral and legislative processes.

(9) “Parents” means parents or guardians of students who are covered by this chapter.

(10) “Public charter school” has the meaning given that term in ORS 338.005.

(11) “School district” means a school district as defined in ORS 332.002, a state-operated school or any legally constituted combination of such entities.

(12) “Second languages” means any foreign language or American Sign Language.

(13) “Teacher” means any licensed employee of a school district who has direct responsibility for instruction, coordination of educational programs or supervision of students and who is compensated for such services from public funds. “Teacher” does not include a school nurse, as defined in ORS 342.455, or a person whose duties require an administrative license.

(14) “The arts” includes, but is not limited to, literary arts, performing arts and visual arts.

(15) “21st Century Schools Council” means a council established pursuant to ORS 329.704. [1995 c.660 §2; 1999 c.1023 §4; 1999 c.1029 §1; 2001 c.759 §1; 2003 c.303 §2; 2007 c.858 §1]

**329.010** [Repealed by 1957 c.678 §1]

**329.015 Educational goals.** (1) The Legislative Assembly believes that education is a major civilizing influence on the development of a humane, responsible and informed citizenry, able to adjust to and grow in a rapidly changing world. Students must be encouraged to learn of their heritage and their place in the global society. The Legislative Assembly concludes that these goals are not inconsistent with the goals to be implemented under this chapter.

(2) The Legislative Assembly believes that the goals of kindergarten through grade 12 education are:

(a) To equip students with the academic and career skills and information necessary to pursue the future of their choice through a program of rigorous academic preparation and career readiness;

(b) To provide an environment that motivates students to pursue serious scholarship and to have experience in applying knowledge and skills and demonstrating achievement;

(c) To provide students with the skills necessary to pursue learning throughout their lives in an ever-changing world; and

(d) To prepare students for successful transitions to the next phase of their educational development. [Formerly 326.710; 1995 c.660 §3; 2007 c.858 §2]

**329.020** [Repealed by 1957 c.678 §1]

**329.025 Characteristics of school system.** It is the intent of the Legislative Assembly to maintain a system of public elementary and secondary schools that allows students, parents, teachers, administrators, school district boards and the State Board of Education to be accountable for the development and improvement of the public school system. The public school system shall have the following characteristics:

(1) Provides equal and open access and educational opportunities for all students in the state regardless of their linguistic background, culture, race, gender, capability or geographic location;

(2) Assumes that all students can learn and establishes high, specific skill and knowledge expectations and recognizes individual differences at all instructional levels;

(3) Provides each student an education experience that supports academic growth beyond proficiency in established academic content standards and encourages students to attain aspirational goals that are individually challenging;

(4) Provides special education, compensatory education, linguistically and culturally appropriate education and other specialized programs to all students who need those services;

(5) Supports the physical and cognitive growth and development of students;

(6) Provides students with a solid foundation in the skills of reading, writing, problem solving and communication;

(7) Provides opportunities for students to learn, think, reason, retrieve information, use technology and work effectively alone and in groups;

(8) Provides for rigorous academic content standards and instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages;

(9) Provides students an educational background to the end that they will function successfully in a constitutional republic, a participatory democracy and a multicultural nation and world;

(10) Provides students with the knowledge and skills that will provide the opportunities to succeed in the world of work, as members of families and as citizens;

(11) Provides students with the knowledge and skills that lead to an active, healthy lifestyle;

(12) Provides students with the knowledge and skills to take responsibility for their decisions and choices;

(13) Provides opportunities for students to learn through a variety of teaching strategies;

(14) Emphasizes involvement of parents and the community in the total education of students;

(15) Transports children safely to and from school;

(16) Ensures that the funds allocated to schools reflect the uncontrollable differences in costs facing each district;

(17) Ensures that local schools have adequate control of how funds are spent to best meet the needs of students in their communities; and

(18) Provides for a safe, educational environment. [Formerly 326.715; 1995 c.660 §4; 1999 c.1029 §2; 2003 c.303 §3; 2007 c.858 §3; 2009 c.101 §2; 2009 c.843 §1]

**329.030** [Repealed by 1957 c.678 §1]

**329.035** [Formerly 326.720; 1995 c.660 §5; 2003 c.303 §4; repealed by 2007 c.858 §40]

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

**329.045 Revision of Common Curriculum Goals, performance indicators, diploma requirements, Essential Learning Skills and academic content standards; instruction in academic content areas.** (1)

In order to achieve the goals contained in ORS 329.025, the State Board of Education shall regularly and periodically review and revise its Common Curriculum Goals, performance indicators and diploma requirements. This includes Essential Learning Skills and rigorous academic content standards in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages. School districts and public charter schools shall maintain control over course content, format, materials and teaching methods. The regular review shall involve teachers and other educators, parents of students and other citizens and shall provide ample opportunity for public comment.

(2) The State Board of Education shall continually review and revise all adopted academic content standards necessary for students to successfully transition to the next phase of their education.

(3) School districts and public charter schools shall offer students instruction in mathematics, science, English, history, geography, economics, civics, physical education, health, the arts and second languages that meets the academic content standards adopted by the State Board of Education and meets the requirements adopted by the State

Board of Education and the board of the school district or public charter school. [Formerly 326.725; 1995 c.660 §6; 1999 c.200 §29; 1999 c.1029 §3; 2003 c.303 §5; 2007 c.858 §4]

**329.049 Plan to encourage voter registration and voting; incorporation into Essential Learning Skills; rules.** (1) Each school district that includes a public high school shall adopt a plan to encourage students to register to vote and vote in elections, including but not limited to:

(a) Posting a link to the electronic voter registration website maintained by the Secretary of State on the Internet home webpage, if any, of each public high school; and

(b) Making materials developed by the Secretary of State relating to voting and voter registration readily available to students at each public high school.

(2) The State Board of Education shall by rule incorporate voter registration skills into the Essential Learning Skills. [2009 c.702 §1]

**Note:** Section 2, chapter 702, Oregon Laws 2009, provides:

**Sec. 2.** Each school district that includes a public high school shall adopt the plan required by section 1 of this 2009 Act [329.049] not later than February 1, 2010. [2009 c.702 §2]

**Note:** 329.049 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

**329.055** [Formerly 326.735; repealed by 1995 c.660 §50]

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

**329.065 Adequate funding required.** Nothing in this chapter is intended to be mandated without adequate funding support. Therefore, those features of this chapter which require significant additional funds shall not be implemented statewide until funding is available. [Formerly 326.740]

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

**329.075 Statewide implementation; rules; duties of department.** (1) The State Board of Education shall adopt rules, in accordance with ORS 183.750 and ORS chapter 183, as necessary for the statewide implementation of this chapter. The rules shall be prepared in consultation with appropriate representatives from the educational and business and labor communities.

(2) The Department of Education shall be responsible for implementing the provisions of this chapter. Actions by the department to fulfill this responsibility and to increase student achievement may include, but are not limited to:

(a) Developing academic content standards;

(b) Updating Common Curriculum Goals to meet rigorous academic content standards and updating performance indicators and diploma requirements;

(c) Developing criterion-referenced assessments including performance-based, content-based and other assessment mechanisms to test knowledge and skills and whether students meet the performance expectations as determined by the board; and

(d) Establishing criteria for early childhood education programs.

(3) The department shall make school districts and the public aware of public school choice options available within our current public education framework. [Formerly 326.745; 1995 c.660 §8; 1997 c.652 §21; 1999 c.871 §1; 2003 c.303 §6; 2007 c.858 §5]

**329.077** [1995 c.660 §30; 2001 c.448 §1; repealed by 2007 c.858 §40]

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

#### (Assessing Effectiveness)

**329.085 Assessment of schools and school districts required; report; standards.** (1) To facilitate the attainment and successful implementation of educational standards under ORS 326.051 (1)(a) and 329.025, the State Board of Education or its designee shall assess the effectiveness of each public school, public charter school and school district. The findings of the assessment shall be reported to the school or school district within six months.

(2) The board shall establish the standards, including standards of accessibility to educational opportunities, upon which the assessment is based.

(3) On a periodic basis, the board shall review school and school district standards and credit and performance requirements. The board shall seek public input in this process. [Formerly 326.755; 1995 c.660 §10a; 1997 c.17 §1; 2007 c.858 §6]

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

**329.095 School district and school self-evaluations; local district continuous improvement plans; department's technical assistance.** (1) The Department of Education shall require school districts and schools to conduct self-evaluations and update their local district continuous improvement plans on a biennial basis. The self-evaluation process shall involve the public in the setting of local goals. The school districts shall ensure that representatives from the demographic groups of their school population are invited to participate in the development of local district continuous improvement plans to achieve the goals.

(2) As part of setting local goals, school districts shall undertake a communications

process that involves parents, students, teachers, school employees and community representatives to explain and discuss the local goals and their relationship to programs under this chapter.

(3) At the request of the school district, department staff shall provide ongoing technical assistance in the development and implementation of the local district continuous improvement plan.

(4) The local district continuous improvement plan shall include:

(a) Goals to implement the following:

(A) A rigorous curriculum aligned with state standards;

(B) High-quality instructional programs;

(C) Short-term and long-term professional development plans;

(D) Programs and policies that achieve a safe educational environment;

(E) A plan for family and community engagement;

(F) Staff leadership development;

(G) High-quality data systems;

(H) Improvement planning that is data-driven;

(I) Education service plans for students who have or have not exceeded all of the academic content standards; and

(J) A strong school library program;

(b) A review of demographics, student performance, staff characteristics and student access to, and use of, educational opportunities; and

(c) A description of district efforts to achieve local efficiencies and efforts to make better use of resources. [Formerly 326.760; 1995 c.660 §11; 2007 c.858 §7; 2009 c.840 §2]

**Note:** Section 3 (2), chapter 840, Oregon Laws 2009, provides:

**Sec. 3.** (2) The amendments to ORS 329.095 by section 2 of this 2009 Act first apply to local district continuous improvement plans updated on or after the effective date of this 2009 Act [January 1, 2010]. [2009 c.840 §3(2)]

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

**329.105 School district and school performance reports; criteria; included data.**

(1) The Superintendent of Public Instruction shall collect data and produce annual school district and school performance reports containing information on student performance, student behavior and school characteristics. The purpose of the performance reports is to provide information to parents and to improve schools through greater parental involvement.

(2)(a) In consultation with representatives of parents, teachers, school district boards and school administrators, the State

Board of Education shall adopt, by rule, criteria for identifying outstanding schools, satisfactory schools and schools in need of improvement. Such criteria shall take into account student performance, improvement in student performance, the participation rate of students on the statewide assessments, student attendance rates and graduation rates. The Superintendent of Public Instruction, based on the criteria adopted by the State Board of Education, shall assign a rating to each school that identifies the school as outstanding, satisfactory or in need of improvement.

(b) The ratings received by a school shall be included in the school district and school performance reports.

(c) If a school is designated as in need of improvement, the school shall file a school improvement plan with the Superintendent of Public Instruction and with the school district board.

(d) The Department of Education shall work with stakeholders to design and implement an accountability system of progressive interventions for and provide technical assistance to schools and school districts that do not demonstrate improvement.

(3) The Superintendent of Public Instruction shall include in the school performance reports data for the following areas, for each school, that are available to the Department of Education from the most recent school year:

(a) Enrollment in English as a second language courses under ORS 336.079;

(b) Attendance rates;

(c) School safety, such as expulsions involving weapons in the school;

(d) Disaggregated data on students who met or exceeded the academic content standards established by the board;

(e) Dropout rates and the number of students who dropped out of school;

(f) Parent and community involvement such as volunteer hours;

(g) The percentage of classes taught by a teacher identified as highly qualified under rules adopted by the United States Department of Education; and

(h) School staff, identified by category.

(4) The Superintendent of Public Instruction shall include in the school district performance reports data for the following areas, for each school district, that are available to the Department of Education from the most recent school year:

(a) Resident students who attend a public school in another school district;

(b) Facilities used for distance learning;

(c) Election results of any bond levy proposed to the electors of the district;

(d) Expenditures;

(e) Level of support from the education service district;

(f) Administrators not assigned to a specific school;

(g) School district staff, identified by category; and

(h) Students who are eligible for special education.

(5) The Superintendent of Public Instruction shall notify the public and the media by January 30 of each year that school district and school performance reports are available at schools and school districts and at the Department of Education website and offices. The superintendent shall also include notice that copies of school improvement plans and district continuous improvement plans can be obtained from school and school district offices. Each school district shall send a copy of the school district and applicable school performance reports to each parent of a child enrolled in a public school in the school district. [Formerly 326.765; 1995 c.660 §12; 1999 c.938 §1; 2001 c.959 §2; 2007 c.858 §8]

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

**329.115 Oregon Report Card.** (1) Prior to December 1 of each year, the Superintendent of Public Instruction shall issue an Oregon Report Card on the state of the public schools and progress toward achieving the goals contained in ORS 329.025. The purpose of the Oregon Report Card is to monitor trends among school districts and Oregon's progress toward achieving the goals stated in this chapter and the Department of Education key performance measures established by the Oregon Progress Board.

(2) The Oregon Report Card shall include information on the following:

(a) Student performance on Oregon state assessments and national assessments;

(b) Data required by the federal No Child Left Behind Act of 2001 (P.L. 107-110, 115 Stat. 1425);

(c) Public school funding, expenditures and employee salary information;

(d) Instructional hours;

(e) School staff information;

(f) District size, student demographics and student enrollment;

(g) Dropout rates;

(h) Alternative education programs;

(i) Public charter schools;

(j) Early childhood education and Oregon prekindergarten; and

(k) Programs for students with special needs. [Formerly 326.770; 1995 c.660 §13; 2007 c.858 §9]

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

### (Parental and Community Participation)

**329.125 Policy on parental and community participation.** The Legislative Assembly recognizes that students in public elementary and secondary schools can best reach the levels of performance expected under the provisions of this chapter with parental and community participation in the education process. It is, therefore, recommended but not required that:

(1) School districts provide opportunities for parents or guardians to be involved in establishing and implementing educational goals and to participate in decision-making at the school site;

(2) Employers recognize the need for parents or guardians and members of the community to participate in the education process not only for their own children but for the educational system;

(3) Employers be encouraged to extend appropriate leave to parents or guardians to allow greater participation in that process during school hours;

(4) School districts enter into partnerships with business, labor and other groups to provide workplace-based professional development opportunities for their educational staff; and

(5) School districts enter into partnerships with recreation groups, faith-based organizations, social service and health care agencies, businesses, child care providers and other groups that support children and families to create community learning centers for students, parents and members of the surrounding community. [Formerly 326.775; 1995 c.660 §14; 2001 c.759 §2]

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

### (Services for Children and Families)

**329.145 Definitions for ORS 329.150 and 329.155.** As used in ORS 329.150 and 329.155:

(1) "Families" means a group of individuals related by blood, marriage or adoption, or individuals whose functional relationships are similar to those found in such associations. The family's purpose is the security, support, nurturance, love, transmission of values and facilitation of each member's growth and development, and is the primary social unit affecting a child's well-being.

(2) "Services" means education and all other programs and services addressing one or more of a child's six basic needs as fol-

lows: stimulus, nutrition, health, safety, nurturance and shelter.

(3) "Young children" means children zero through eight years of age. [Formerly 326.785]

**329.150 Services for children and families at school site; policy.** A school district may provide services for children and families at the school site, which may include a community learning center. If the district chooses to provide services, the design of educational and other services to children and their families shall be the responsibility of the school district. School districts may coordinate services with programs provided through the local commissions on children and families to provide services to families. To ensure that all educational and other services for young children and their families offer the maximum opportunity possible for the personal success of the child and family members, it is the policy of this state that the following principles for serving children should be observed to the maximum extent possible in all of its educational and other programs serving young children and their families, including those programs delivered at community learning centers:

(1) Services for young children and their families should be located as close to the child and the family's community as possible, encouraging community support and ownership of such services;

(2) Services for young children and their families should reflect the importance of integration and diversity to the maximum extent possible in regard to characteristics such as race, economics, gender, creed, capability and cultural differences;

(3) Services should be designed to support and strengthen the welfare of the child and the family and be planned in consideration of the individual family's values;

(4) Services should be designed to ensure continuity of care among care givers in a given day and among service plans from year to year;

(5) Service systems should address the most urgent needs in a timely manner including health, intervention and support services; and

(6) Service providers and sources of support should be coordinated and collaborative, to reflect the knowledge that no single system can serve all of the needs of the child and family. [Formerly 326.790; 1995 c.660 §15; 2001 c.759 §3]

**329.153 Policy on prevention and cost-effective programs and strategies.** (1) It is the policy of the Legislative Assembly that programs and strategies that can substantiate a claim to prevention and cost-effectiveness be of high priority.

(2) The Legislative Assembly finds that dollars invested in quality programs, such as the Head Start program after which the Oregon prekindergarten is modeled, return the costs thereof several times over in costs saved in the areas of remedial education, corrections and human services. [Formerly 336.005]

**329.155 Standards for education programs and programs providing services for children and families; interagency coordination.** (1) State agencies that administer education programs and other programs that provide services for children and families shall:

(a) Evaluate the effectiveness of the program as related to the principles stated in ORS 329.025 and 417.305 in the earliest stages of the budget process, including components within programs as appropriate;

(b) Articulate ways in which the program is an effective component of agency and state priorities, goals and strategies, such as those developed by the Oregon Progress Board, or to relevant research and professional standards;

(c) Establish plans, interagency partnerships, implementation practices and interactions with local coordinated comprehensive plans;

(d) Utilize the information generated by applicable state advisory groups and by the local planning process administered by the State Commission on Children and Families in the program assessment of needs and decisions as to service delivery in a given community; and

(e) Identify barriers to improving program capability to serve the needs of young children and related recommendations, if any.

(2) The processes listed in subsection (1) of this section are for the purpose of generating interagency coordination so as to serve to the greatest extent possible young children and their families in a comprehensive and developmentally appropriate fashion. The information generated by these processes shall be considered as a contribution to subsequent budget decisions by state and local agencies, the Oregon Department of Administrative Services and Legislative Assembly, and as a contribution to the planning and coordination tasks of the State Commission on Children and Families. [Formerly 326.795; 1999 c.59 §80; 1999 c.1053 §26]

#### (Community Learning Centers)

**329.156 Creation; requirements; technical assistance.** (1) The Department of Education, the Department of Human Services and the State Commission on Children and



Families shall support the development and implementation of a network of community learning centers across the state.

(2) Within available funding, the state commission, in conjunction with local commissions on children and families or other organizations that provide training and technical assistance to schools or community programs, shall provide training and technical assistance to promote the development and implementation of community learning centers. To the extent possible, the state commission shall use voluntary organizations to provide the training and technical assistance.

(3) If a community learning center is created by a school district, the school district shall coordinate with the local commission on children and families to ensure that the community learning center is referenced in the local coordinated comprehensive plan, implemented pursuant to ORS 417.775.

(4) Community learning centers created pursuant to this section shall:

(a) Be located in or near a school or a cluster of schools;

(b) Involve parents in the care and education of their children;

(c) Involve the local community in developing and overseeing community learning center programs;

(d) Incorporate the principles of family support services described in ORS 329.150 and 417.342;

(e) In partnership with the local school district board, create or designate an advisory committee to offer guidance on program development and implementation, with membership that is representative of the diversity of community interests, including representatives of businesses, schools, faith-based organizations, social service and health care agencies, cultural groups, recreation groups, municipal governments, community colleges, libraries, child care providers, parents and youths;

(f) Conduct an assessment of strengths, needs and assets within the community to be served by the community learning center that identifies services being delivered in the community, defines and clarifies services that are missing or overlapping and builds on any existing community assessments; and

(g) Coordinate the community assessment with the local commission on children and families.

(5) The Department of Human Services and the Department of Education shall provide technical assistance to community learning centers to develop policies ensuring that confidential information is disclosed

only in accordance with state and federal laws. [2001 c.759 §5; 2005 c.503 §16]

**329.157 Identification and coordination of existing resources.** (1) Community learning centers shall promote identification and coordination of existing resources including, but not limited to, the following services and activities:

(a) Before-school and after-school enrichment activities linked with the school curriculum;

(b) Youth development and service learning activities;

(c) Child care programs;

(d) Mentoring and tutoring programs;

(e) Parent literacy and adult education programs;

(f) Prenatal and early childhood support programs;

(g) Parent education and support groups;

(h) Cultural activities and English as a second language programs;

(i) School-to-work and workforce development programs;

(j) Intergenerational activities connecting senior citizens with children;

(k) Referrals for health care and other social and educational services;

(L) Primary health care services, including immunizations, sports physicals and well-child checkups; and

(m) Counseling services.

(2) School districts that create community learning centers shall encourage existing family resource centers to become involved in the development and implementation of the community learning centers. An existing family resource center developed under ORS 417.725 may be designated as a community learning center if the family resource center meets the standards specified in this section and ORS 329.156.

(3) Community learning centers shall follow best practice standards to ensure their effectiveness. [2001 c.759 §6]

**329.159 Evaluation; reporting.** (1) Within available funding, the Department of Education shall, in conjunction with the Department of Human Services, the State Commission on Children and Families, representatives of local commissions on children and families, and the Juvenile Crime Prevention Advisory Committee, explore the feasibility of conducting a statewide evaluation of the effectiveness of community learning centers. The evaluation may consider the following outcomes:

(a) Student attendance;

- (b) Test scores;
- (c) Parent involvement;
- (d) Family mobility;
- (e) Disciplinary referrals; and
- (f) Referrals to the juvenile justice system.

(2) The Department of Education, in consultation with the Department of Human Services, the State Commission on Children and Families, representatives of local commissions on children and families, and the Juvenile Crime Prevention Advisory Committee, shall create a form for reporting and monitoring information collected by community learning centers. The form shall be designed to collect the following data:

- (a) Unduplicated number of children and unduplicated number of adults served in community learning center programs;
- (b) Number of requests for information and other referrals;
- (c) Level of parent or customer satisfaction;
- (d) Increases in or reductions of collaboration among agencies and departments;
- (e) Increases in or reductions of the use of public facilities for community and family programs; and
- (f) Outcomes listed in subsection (1) of this section. [2001 c.759 §7]

#### (Early Childhood Education)

**329.160 Policy on early childhood and parenting education; funding goal.** It is the policy of this state to implement programs for early childhood education, for parenting education including instruction about prenatal care, for child-parent centers and for extended Oregon prekindergarten programs. The Oregon prekindergarten program shall be operated in coordination with the federal Head Start program in order to avoid duplication of services and so as to ensure maximum use of resources. The state shall continue funding Oregon prekindergarten programs with a goal to have full funding for all eligible children. [Formerly 326.810; 1995 c.660 §17; 2007 c.858 §10]

**329.165 Development of long-range plan for serving children and families.** (1) In consultation with the advisory committee for the Oregon prekindergarten program, the Department of Education shall develop a long-range plan for serving eligible children and their families and shall report to each regular session of the Legislative Assembly on the funds necessary to implement the long-range plan, including but not limited to regular programming costs, salary enhancements and program improvement grants. The

department shall determine the rate of increase in funding for programs necessary each biennium to provide service to all children eligible for the prekindergarten program.

(2) Each biennial report shall include but not be limited to estimates of the number of eligible children and families to be served, projected cost of programs and evaluation of the programs. [Formerly 326.813; 1995 c.660 §18; 2007 c.858 §11]

**329.170 Definitions for ORS 329.170 to 329.200.** (1) As used in ORS 329.170 to 329.200:

(a) “Advisory committee” means the advisory committee established specifically for the Oregon prekindergarten program established by ORS 329.170 to 329.200.

(b) “Oregon prekindergartens” means programs that are recognized by the department as meeting the minimum program rules to be adopted by the State Board of Education and that provide comprehensive health, education and social services in order to maximize the potential of children three and four years of age.

(c) “Oregon prekindergarten program” means the statewide administrative activities carried on within the Department of Education to allocate, award and monitor state funds appropriated to create or assist local Oregon prekindergartens.

(2) For purposes of ORS 329.175, “eligible child” means an at-risk child who is not a participant in a federal, state or local program providing like comprehensive services and may include children who are eligible under rules adopted by the State Board of Education. As used in this subsection, “at-risk child” means a child at least three years of age and not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal Head Start program. [Formerly 326.600; 2001 c.831 §15; 2005 c.209 §10]

**329.175 Department to administer prekindergarten program; grants; eligibility; coordination with other programs.**

(1) The Department of Education shall administer the Oregon prekindergarten program to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. Eligible children, upon request of parent or guardian, shall be admitted to approved Oregon prekindergartens to the extent that the Legislative Assembly provides funds.

(2) Nonsectarian organizations including school districts and Head Start grantees are eligible to compete for funds to establish an

Oregon prekindergarten. Grant recipients shall serve children eligible according to federal Head Start guidelines and other children who meet criteria of eligibility adopted by rule by the State Board of Education. However, not more than 20 percent of the total enrollment shall consist of children who do not meet Head Start guidelines. School districts may contract with other governmental or nongovernmental nonsectarian organizations to conduct a portion of the program. Funds appropriated for the program shall be used to establish and maintain new or expanded Oregon prekindergartens and shall not be used to supplant federally supported Head Start programs. Oregon prekindergartens also may accept gifts, grants and other funds for the purposes of this section.

(3) Applicants shall identify how they will serve the target population and provide all components as specified in the federal Head Start performance standards and guidelines, including staff qualifications and training, facilities and equipment, transportation and fiscal management.

(4) Oregon prekindergartens shall coordinate with each other and with federal Head Start programs to ensure efficient delivery of services and prevent overlap. Oregon prekindergartens shall also work with local organizations such as local education associations serving young children and make the maximum use of local resources.

(5) Oregon prekindergartens shall:

(a) Participate in the planning process under ORS 417.777 to develop a voluntary local early childhood system plan; and

(b) Coordinate services with other services that are coordinated through the plan. The coordination of services shall be consistent with federal and state law. [Formerly 326.605; 2001 c.831 §16]

**329.180** [Formerly 326.610; repealed by 2001 c.831 §30]

**329.183 Prekindergarten Program Trust Fund.** (1) The Prekindergarten Program Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purpose of the trust fund is to assist eligible children with comprehensive services including educational, social, health and nutritional development to enhance their chances for success in school and life. For this purpose, the trust fund is continuously appropriated to the Department of Education for the Oregon prekindergarten program described in ORS 329.170 to 329.200.

(2) The department may solicit and accept money in the form of gifts, contributions

and grants to be deposited in the trust fund. Except as provided in ORS 329.185, the acceptance of federal grants for purposes of ORS 329.170 to 329.200 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the department. [1995 c.636 §4; 2001 c.831 §17; 2007 c.858 §12]

**329.185 Expansion of Oregon prekindergarten program.** When the federal Head Start program provides funding for programs for eligible children at or greater than the 1990-1991 per child level, eligibility for the state funded Oregon prekindergarten program shall be expanded to include programs for children whose family income exceeds the federal Head Start limits or who are in an underserved or unserved age category. After determining the increase in income limits or age level that would make children most in need of state programs eligible for them, the State Board of Education may direct expenditure of any unexpended or unobligated funds appropriated for the biennium for eligible children to be expended for the additional children considered to be most in need. In the following biennium, the State Board of Education shall include the cost of any added program for the children most in need in its biennial budget. [Formerly 326.815; 1995 c.660 §19; 2001 c.831 §18]

**Note:** 329.185 was added to and made a part of ORS chapter 329 by legislative action but was not added to 329.170 to 329.200. See Preface to Oregon Revised Statutes for further explanation.

**329.190 Advisory committee.** The Department of Education shall establish an advisory committee composed of interested parents and representatives from the State Commission on Children and Families, health care profession, early childhood education and development staff preparation programs, Oregon Head Start Association, school districts, community colleges, Early Intervention Council, child care and other organizations. The purpose of the advisory committee is to provide advice to the department on matters related to the Oregon prekindergarten program. [Formerly 326.615; 1999 c.39 §5; 2001 c.831 §19; 2007 c.858 §13]

**329.195 Rules; grant applications.** (1) The State Board of Education shall adopt rules for the establishment of the Oregon prekindergarten program. Rules specifically shall require the Oregon prekindergarten program to provide for parental involvement and performance standards at a level no less

than that provided under the federal Head Start program guidelines. Federal Head Start program guidelines shall be considered as guidelines for the Oregon prekindergarten program.

(2) In developing rules for the Oregon prekindergarten program, the board shall consult with the advisory committee established under ORS 329.190 and shall consider such factors as coordination with existing programs, the preparation necessary for instructors, qualifications of instructors, training of staff, adequate space and equipment and special transportation needs.

(3) The Department of Education shall review applications for the Oregon prekindergarten program received and designate those programs as eligible to commence operation by July 1 of each year. When approving grant applications, to the extent practicable, the board shall distribute funds regionally based on percentages of unmet needs as identified in the voluntary local early childhood system plans that are part of the local coordinated comprehensive plans developed under ORS 417.775 for the county or region. [Formerly 326.620; 2001 c.831 §20; 2007 c.858 §14]

**329.200 Report on program by state superintendent; department to assess program effectiveness.** (1) The Superintendent of Public Instruction shall report to the Legislative Assembly on the merits of continuing and expanding the Oregon prekindergarten program or instituting other means of providing early childhood development assistance.

(2) The superintendent's report shall include specific recommendations on at least the following issues:

(a) The relationship of the state-funded Oregon prekindergarten program with the common school system;

(b) The types of children and their needs that the program should serve;

(c) The appropriate level of state support for implementing the program for all eligible children, including related projects to prepare instructors and provide facilities, equipment and transportation;

(d) The state administrative structure necessary to implement the program; and

(e) Licensing or endorsement of early childhood teachers.

(3) The Department of Education shall examine, monitor and assess the effectiveness of the Oregon prekindergarten program. The superintendent shall make biennial reports to the Legislative Assembly on the effectiveness of the program. [Formerly 326.625; 2001 c.831 §21; 2005 c.209 §11; 2007 c.858 §15]

**329.210** [Repealed by 1953 c.306 §18]

**329.215** [Formerly 343.415; repealed by 2007 c.858 §40]

**329.220** [Repealed by 1953 c.306 §18]

**329.225** [Formerly 343.425; 2001 c.831 §22; repealed by 2007 c.858 §40]

**329.228 Early Childhood Education Trust Fund.** (1) The Early Childhood Education Trust Fund is established as a fund in the State Treasury, separate and distinct from the General Fund. Interest earned by the trust fund shall be credited to the trust fund. The primary purpose of the trust fund is to assist public school districts in providing programs designed to improve educational services for children enrolled in kindergarten through grade three. For this purpose, the trust fund is continuously appropriated to the Department of Education for programs described in ORS 329.235.

(2) The State Board of Education may solicit and accept money in the form of gifts, contributions and grants to be deposited in the trust fund. The acceptance of federal grants for purposes of ORS 329.235 does not commit state funds nor place an obligation upon the Legislative Assembly to continue the purposes for which the federal funds are made available.

(3) The trust fund may be listed, if otherwise qualified, on the Oregon income tax return for checkoff pursuant to application made to the Oregon Charitable Checkoff Commission under ORS 305.690 to 305.753 by the State Board of Education. [1995 c.636 §2; 2005 c.209 §12; 2007 c.858 §16]

**329.230** [Repealed by 1953 c.306 §18]

**329.235 Provision of early childhood education.** Subject to the approval of the Superintendent of Public Instruction:

(1) The district school board of any school district in which there are resident children who are three years of age or older but who have not attained compulsory attendance age and who are not enrolled in a kindergarten of the district may:

(a) Provide early childhood education for such children as part of the district's educational program; or

(b) When the board considers a contract to be economically feasible and in the interests of the learning opportunities of eligible children, contract for instruction of such children in a school district operating an approved early childhood education program, subject to such reimbursement as the districts may agree.

(2) An education service district may operate an approved early childhood education program in the same manner as programs are provided under ORS 334.175 or 334.185. [Formerly 343.435]

**(Pilot Project for Health Literacy Program)**

**Note:** Sections 1 and 2, chapter 573, Oregon Laws 2009, provide:

**Sec. 1.** (1) The Department of Education may establish a pilot project for the purpose of assisting federal Head Start program providers located in Oregon with adopting and implementing a health literacy program that empowers consumers of health care to better communicate with health care professionals and to more effectively seek appropriate levels of care.

(2) The department may select one or more federal Head Start program providers in Oregon to participate in the pilot project established under this section. The department may establish an application process for the purpose of the selection.

(3) The department may provide assistance to federal Head Start program providers as allowed by this section by:

(a) Seeking contributions of funds and assistance from the United States Government and its agencies or from any other source, public or private; and

(b) Facilitating communication among the participating federal Head Start program providers regarding the adoption and implementation of a health literacy program.

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

(5) The department may use funds received under this section for the costs of administering this section. All remaining funds received by the department under this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the pilot project established under this section. [2009 c.573 §1]

**Sec. 2.** Section 1 of this 2009 Act is repealed on the date of the convening of the next regular biennial legislative session [January 10, 2011]. [2009 c.573 §2]

**329.237** [Formerly 336.435; 1995 c.660 §20; 1999 c.59 §81; 1999 c.1053 §27; repealed by 2007 c.858 §40]

**329.240** [Repealed by 1953 c.306 §18]

**329.245** [Formerly 336.437; repealed by 2007 c.858 §40]

**329.250** [Repealed by 1953 c.306 §18]

**(Child Development and Student-Parent Programs)**

**329.255 Child development specialist program.** (1) The district school board of every school district operating any elementary schools may establish a child development specialist program.

(2) If a district school board establishes a child development specialist program, the school district must meet the following requirements:

(a) The school district shall submit a written plan describing the program to the Department of Education and the program must be approved by the department.

(b) Upon approval of a program, a school district shall submit child development spe-

cialist candidate applications for department approval.

(c) The school district shall conduct an annual review of the program and submit an updated plan to the department for reauthorization of the program.

(d) Each child development specialist employed by a school district shall complete an annual evaluation of the specialist's child development plan to be included with the school district's updated plan.

(3) The department shall review the plans annually.

(4) School districts may provide the child development specialist program by contract with qualified state or local programs. [Formerly 343.125; 1995 c.660 §21; 1999 c.871 §§2,3; 2007 c.858 §17]

**329.260** [Repealed by 1953 c.306 §18]

**329.265** [Formerly 343.135; 2007 c.858 §18; repealed by 2009 c.76 §1]

**329.275 State board guidelines; rules; qualifications for child development specialists.** (1) The State Board of Education by rule shall establish guidelines for implementation of ORS 329.255, including but not limited to qualifications for child development specialists and procedures for community coordination of efforts. Such qualifications and procedures shall not be limited to traditional treatment oriented disciplines or the various disciplines requiring certification.

(2) Exceptions to the qualifications established by the state board may be made if the state board determines after a hearing that an individual is capable of performing the required functions. [Formerly 343.145; 1999 c.871 §§4,5; 2009 c.76 §2]

**329.280** [Repealed by 1953 c.306 §18]

**329.290** [Repealed by 1953 c.306 §18]

**329.300** [Repealed by 1953 c.306 §18]

**329.310** [Repealed by 1953 c.306 §18]

**329.320** [Repealed by 1953 c.306 §18]

**329.330** [Repealed by 1953 c.306 §18]

**329.350** [Repealed by 1953 c.306 §18]

**329.360** [Repealed by 1953 c.306 §18]

**329.385 Child development programs; student-parent programs.** (1) The Department of Education shall prepare operating guides for child development programs and for student-parent programs applicable to programs under this section that are consistent with requirements imposed by the State Board of Education.

(2) The Department of Education shall review applications for approval of child development programs and student-parent programs and may approve up to 20 child development and up to 20 student-parent programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for child development curriculum and in the formulation and initiation of on-site child development centers. Each center must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for student-parent programs, the department shall require that the school district use the contributions described in ORS 315.234 (2003 or earlier edition) for appropriate education for student-parents leading to graduation and in the formulation and development of appropriate on-site child care facilities. Each facility must be able to accommodate not more than 30 full-time equivalent spaces for children, distributed according to the needs of the student-parents.

(5) As used in this section:

(a) "Child development program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of an education component and a child care component.

(b) "Student-parent program" means an educational program that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent's child. [Formerly 336.850; 1995 c.278 §38; 2005 c.94 §113]

**329.390** [Repealed by 1953 c.306 §18]

**329.395 Definitions for ORS 329.395 to 329.425.** As used in ORS 329.395 to 329.425:

(1) "Child development program" means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of an education component and a child care component.

(2) "Teenage parent program" means an educational program funded by ORS 329.395 to 329.425 that conforms to standards adopted by the State Board of Education and that consists of education for the student-parent and child care for the student-parent's child. [Formerly 336.870; 1995 c.278 §39]

**329.400** [Repealed by 1953 c.306 §18]

**329.405** [Formerly 336.875; repealed by 2007 c.858 §40]

**329.415 Operating guides and grant procedures for ORS 329.395 to 329.425.** (1) The Department of Education shall prepare operating guides for child development programs and for teenage parent programs applicable to programs under ORS 329.395 to 329.425 that are consistent with requirements imposed by the State Board of Education.

(2) The department shall review applications for approval of child development programs and teenage parent programs and may approve those programs after considering:

(a) The educational adequacy and type of programs.

(b) The number of students and children who are to be served by the program.

(c) The availability of trained personnel and facilities.

(d) The need for the programs in the applying district.

(3) In approving applications for child development programs, the department shall require that the school district use its grant for child development curriculum and in the formulation and initiation of on-site child development centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to needs of the community.

(4) In approving applications for teenage parent programs, the department shall require that the school district use the grant in connection with appropriate education for teenage parents leading to graduation and in the formulation and development of appropriate on-site child care centers. Each center must be able to accommodate from 15 to 30 full-time equivalent spaces for children, distributed according to the needs of the teenage student-parents. [Formerly 336.880; 2007 c.858 §19]

**329.420** [Repealed by 1953 c.306 §18]

**329.425 Grants under ORS 329.395 to 329.425.** (1) An approved school district child development program shall be entitled to receive a grant not to exceed \$50,000.

(2) An approved school district teenage parent program shall be entitled to receive a grant not to exceed \$25,000.

(3) A district may receive grants under both subsections (1) and (2) of this section but no district is entitled to receive more than \$75,000 for the grant period. [Formerly 336.885]

**329.430** [Repealed by 1953 c.306 §18]

**329.440** [Repealed by 1953 c.306 §18]

**329.445** [Formerly 326.730; 1995 c.660 §22; repealed by 2007 c.858 §40]

**329.447** [1995 c.660 §25; 2003 c.303 §7; repealed by 2007 c.858 §40]

**329.450** [Repealed by 1953 c.306 §18]

**(Diplomas and Certificates)**

**329.451 High school diploma; modified diploma; extended diploma; alternative certificate; grade level advancement.**

(1)(a) At or before grade 12, a school district or public charter school shall award a high school diploma to a student who completes the requirements established by subsection (2) of this section.

(b) A school district or public charter school shall award a modified diploma to a student who satisfies the requirements established by subsection (7) of this section, an extended diploma to a student who satisfies the requirements established by subsection (8) of this section or an alternative certificate to a student who satisfies the requirements established by subsection (9) of this section.

(c) A school district or public charter school may not deny a student who has the documented history described in subsection (7)(b) or (8)(b) and (c) of this section the opportunity to pursue a diploma with more stringent requirements than a modified diploma or an extended diploma for the sole reason that the student has the documented history.

(d) A school district or public charter school may award a modified diploma or extended diploma to a student only upon the consent of the parent or guardian of the student.

(2) In order to receive a high school diploma from a school district or public charter school, a student must satisfy the requirements established by the State Board of Education and the school district or public charter school and, while in grades 9 through 12, must complete at least:

- (a) Twenty-four total credits;
- (b) Three credits of mathematics; and
- (c) Four credits of English.

(3) Notwithstanding subsection (2) of this section, a school district or public charter school may award a high school diploma to a student who does not satisfy the requirements of subsection (2)(b) or (c) of this section if the student:

(a) Has met or exceeded the academic content standards for mathematics or English established by the board, as demonstrated on Oregon state assessments; or

(b) Displays proficiency in mathematics or English at a level established by the board.

(4) A student may satisfy the requirements of subsection (2) of this section in less than four years. If a student satisfies the requirements of subsection (2) of this section and a school district or public charter school has the consent of the student's parent or guardian, the school district or public charter school shall award a high school diploma to the student upon request from the student.

(5) If a school district or public charter school has the consent of a student's parent or guardian, the school district or public charter school may advance the student to the next grade level if the student has satisfied the requirements for the student's current grade level.

(6) The requirement for obtaining the consent of a student's parent or guardian under subsections (4) and (5) of this section does not apply to a student who is:

(a) Emancipated pursuant to ORS 419B.550 to 419B.558; or

(b) 18 years of age or older.

(7) A school district or public charter school shall award a modified diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for a modified diploma, a student must:

(a) Satisfy the requirements for a modified diploma established by the State Board of Education; and

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement.

(8) A school district or public charter school shall award an extended diploma only to students who have demonstrated the inability to meet the full set of academic content standards for a high school diploma with reasonable modifications and accommodations. To be eligible for an extended diploma, a student must:

(a) While in grade nine through completion of high school, complete 12 credits, which may not include more than six credits earned in a self-contained special education classroom and shall include:

(A) Two credits of mathematics;

(B) Two credits of English;

(C) Two credits of science;

(D) Three credits of history, geography, economics or civics;

(E) One credit of health;

(F) One credit of physical education; and

(G) One credit of the arts or a second language;

(b) Have a documented history of an inability to maintain grade level achievement due to significant learning and instructional barriers or have a documented history of a medical condition that creates a barrier to achievement; and

(c)(A) Participate in an alternate assessment beginning no later than grade six and lasting for two or more assessment cycles; or

(B) Have a serious illness or injury that occurs after grade eight, that changes the student's ability to participate in grade level activities and that results in the student participating in alternate assessments.

(9) A school district or public charter school shall award an alternative certificate to a student who does not satisfy the requirements for a high school diploma, a modified diploma or an extended diploma if the student meets requirements established by the board of the school district or public charter school.

(10) A student who receives a modified diploma, an extended diploma or an alternative certificate shall have the option of participating in a high school graduation ceremony with the class of the student.

(11) A school district or public charter school shall:

(a) Ensure that students have access to the appropriate resources to achieve a high school diploma, a modified diploma, an extended diploma or an alternative certificate at each high school in the school district or at the public charter school.

(b) Provide literacy instruction to all students until graduation.

(c) Beginning in grade five, annually provide information to the parents or guardians of a student taking an alternate assessment of the availability of a modified diploma, an extended diploma and an alternative certificate and the requirements for the diplomas and certificate.

(12) The State Board of Education shall submit for review by the legislative committees on education or the interim legislative committees on education, as appropriate, any proposed rules to implement requirements for a high school diploma, a modified diploma, an extended diploma or an alternative certificate prior to the adoption of those rules by the board. [2005 c.827 §1; 2007 c.407 §1; 2007 c.660 §12; 2009 c.618 §1]

**Note:** Section 3, chapter 827, Oregon Laws 2005, provides:

**Sec. 3.** (1)(a) Except as provided in paragraph (b) of this subsection, the requirements of ORS 329.451 (2)

and (3) apply to students who receive a high school diploma from a school district on or after July 1, 2009.

(b) In the case of a student who begins grade nine during the 2005-2006 school year and who attends school during the 2006-2007, 2007-2008 and 2008-2009 school years, the requirements of ORS 329.451 (2) and (3) do not apply if the student receives a high school diploma from a school district prior to July 1, 2010.

(2) ORS 329.451 (4) applies to students who satisfy the requirements for a high school diploma on or after July 1, 2007.

(3) ORS 329.451 (5) first applies to the 2007-2008 school year.

(4)(a) Except as provided in paragraph (b) of this subsection, the requirements of ORS 329.451 (2) and (3) apply to students who receive a high school diploma from a public charter school:

(A) On or after July 1, 2009, if the charter of the public charter school specified that ORS 329.451 applied to the school prior to July 1, 2007; or

(B) On or after July 1, 2011.

(b) The requirements of ORS 329.451 (2) and (3) do not apply to a student who receives a high school diploma from a public charter school that has a charter that specified that ORS 329.451 applied to the school prior to July 1, 2007, if the student:

(A) Begins grade nine during the 2005-2006 school year;

(B) Attends school during the 2006-2007, 2007-2008 and 2008-2009 school years; and

(C) Receives a high school diploma from a public charter school prior to July 1, 2010.

(5)(a) School districts and public charter schools shall make modified diplomas and alternative certificates as required by ORS 329.451 (7) and (9) first available to students during the 2008-2009 school year.

(b) School districts and public charter schools shall make extended diplomas as required by ORS 329.451 (8) first available to students during the 2009-2010 school year.

(c) On or after July 1, 2009, school districts and public charter schools may not award a modified diploma that does not comply with the provisions of ORS 329.451 (7).

(6) Notwithstanding subsections (4) and (5) of this section, ORS 329.451, as amended by section 12, chapter 660, Oregon Laws 2007, applies to public charter schools that enter into a charter or renew a charter on or after July 1, 2007. [2005 c.827 §3; 2007 c.407 §2; 2007 c.660 §15; 2009 c.55 §1; 2009 c.618 §2]

**Note:** 329.451 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.455** [Formerly 335.125; repealed by 1995 c.660 §50]

**329.460** [Repealed by 1953 c.306 §18]

**329.465** [Formerly 335.140; 1995 c.660 §23; 1999 c.717 §3; 1999 c.1029 §4; 2003 c.303 §8; repealed by 2007 c.858 §40]

**329.467** [1995 c.660 §24a; repealed by 2007 c.858 §40]

**329.470** [Repealed by 1953 c.306 §18]

**329.475** [Formerly 335.150; 1995 c.660 §28; 1995 c.769 §1; 1997 c.353 §1; 2003 c.303 §9; repealed by 2007 c.858 §40]

**329.480** [Repealed by 1953 c.306 §18]



**(Assessment)**

**329.485 Statewide assessment system; types of assessments; subjects; additional services or alternative educational options.** (1) As used in this section:

(a) “Content-based assessment” means testing of the understanding of a student of a predetermined body of knowledge.

(b) “Criterion-referenced assessment” means testing of the knowledge or ability of a student with respect to some standard.

(c) “Performance-based assessment” means testing of the ability of a student to use knowledge and skills to create a complex or multifaceted product or complete a complex task.

(2)(a) The Department of Education shall implement statewide a valid and reliable assessment system for all students that meets technical adequacy standards. The assessment system shall include criterion-referenced assessments including performance-based assessments, content-based assessments, and other valid methods to measure the academic content standards and to identify students who meet or exceed the standards.

(b) The department shall develop the statewide assessment system in mathematics, science, English, history, geography, economics and civics.

(3) In addition to the assessment system implemented under subsection (2) of this section, the department may make available to school districts and public charter schools an assessment system that uses criterion-referenced assessments including performance-based assessments and content-based assessments to:

(a) Measure a student’s progress in achieving the academic content standards for the student’s current grade level;

(b) Determine the grade level of the understanding, knowledge or ability of a student, which shall be determined regardless of the actual grade level of the student and may be determined by adapting the assessment during the assessment process as a result of the performance of the student;

(c) Track and provide reports on the progress of a student based on the information provided under paragraphs (a) and (b) of this subsection; and

(d) Provide predictions of anticipated student progress that are based on the information provided under this subsection and not on the current grade level of the student.

(4)(a) School districts and public charter schools shall implement the statewide assessment system in mathematics, science and English. In addition, school districts and

public charter schools may implement the statewide assessment system in history, geography, economics and civics.

(b) School districts and public charter schools may implement the assessment system described in subsection (3) of this section.

(5) Each year the resident district shall be accountable for determining the student’s progress toward achieving the academic content standards. Progress toward the academic content standards shall be measured in a manner that clearly enables the student and parents to know whether the student is making progress toward meeting or exceeding the academic content standards. In addition, the district shall adopt a grading system based on the local school district board adopted course content of the district’s curriculum. The grading system shall clearly enable the student and parents to know how well the student is achieving course requirements.

(6) If a student has not met or has exceeded all of the academic content standards, the school district shall make additional services or alternative educational or public school options available to the student.

(7) If the student to whom additional services or alternative educational options have been made available does not meet or exceed the academic content standards within one year, the school district, with the consent of the parents, shall make an appropriate placement, which may include an alternative education program or the transfer of the student to another public school in the district or to a public school in another district that agrees to accept the student. The district that receives the student shall be entitled to payment. The payment shall consist of:

(a) An amount equal to the district expenses from its local revenues for each student in average daily membership, payable by the resident district in the same year; and

(b) Any state and federal funds the attending district is entitled to receive payable as provided in ORS 339.133 (2). [Formerly 335.160; 1995 c.660 §29; 2001 c.269 §1; 2003 c.303 §10; 2005 c.220 §1; 2007 c.858 §22; 2009 c.101 §1]

**329.487** [1995 c.660 §26; 1999 c.806 §1; 2001 c.443 §1; repealed by 2003 c.303 §17]

**329.488 Nationally normed assessment; contract; waiver; rules.** (1) The Department of Education shall contract with a nonprofit entity to administer a nationally normed assessment, in collaboration with the department, to all students in grade 10 who are enrolled in a public school. The purpose of the assessment is to predict the success of students on, and provide practice for students taking, college entrance exams.

(2) The department shall base the selection of the contractor under subsection (1) of this section on all of the following criteria:

(a) The contractor must be able to provide to the department statewide data containing the results of the assessment;

(b) The contractor shall provide an assessment that:

(A) Identifies students with high potential to excel in advanced placement (AP) or other honors courses based on a research-based correlation of scores on the grade 10 assessment to advanced placement examinations;

(B) Examines students in mathematics, reading and writing; and

(C) Provides results that can be used by Oregon's higher education institutions to recruit students to attend college;

(c) The contractor must be able to supply schools with an item-by-item analysis of student performance on the assessment; and

(d) The contractor must be able to make available to each student taking the assessment a free career assessment and online exploration of colleges and career opportunities.

(3) Notwithstanding subsection (1) of this section:

(a) The department may, under rules adopted by the State Board of Education, waive the assessment for specific groups of students; and

(b) Upon request from a student who is enrolled in a public school operated by a school district or the parent or guardian of the student, the school district shall waive the assessment for the student. [2007 c.858 §42; 2008 c.20 §1]

**Note:** 329.488 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Sections 1 and 2, chapter 824, Oregon Laws 2009, provide:

**Sec. 1.** (1) Notwithstanding ORS 329.488 and for the purpose of administering a nationally normed assessment to students in a school district who are in grade 10, the Department of Education shall grant a waiver to a school district to enter into a contract with a nonprofit entity other than the contractor selected by the department under ORS 329.488 if:

(a) The district had entered into a contract with the entity for the 2007-2008 school year to administer an assessment to students in the district who are in grade 10;

(b) The entity, in coordination with the district, administered an assessment during the 2007-2008 school year to students in the district who are in grade 10;

(c) For the most recent school year in which the entity administered an assessment, the entity met the criteria established under ORS 329.488 (2) as in effect for

the school year in which the entity administered the assessment; and

(d) The entity plans to meet the criteria established under ORS 329.488 (2) for the school year for which the school district seeks a waiver.

(2) A waiver granted by the department under this section:

(a) Is valid for one school year; and

(b) May be renewed each school year.

(3) The department shall reimburse a school district for the cost of assessments allowed under this section from funds available to the department under ORS 327.008 (10). [2009 c.824 §1]

**Sec. 2.** Section 1 of this 2009 Act is repealed on June 30, 2011. [2009 c.824 §2]

### (Subjects)

#### **329.489 American Sign Language; proficiency; curricula development; teachers.**

(1) Within the State of Oregon's kindergarten through grade 12 education system, proficiency for students in American Sign Language shall be in accordance with rules adopted by the State Board of Education pursuant to ORS chapter 329 and any other applicable state or federal law.

(2) The State Board of Education is encouraged to continue to:

(a) Coordinate with the State Board of Higher Education and the Oregon School for the Deaf to develop curricula for American Sign Language courses;

(b) Implement programs to locate and prepare qualified teachers and interpreters of American Sign Language; and

(c) Assist public high schools in identifying local and regional needs and resources available for American Sign Language courses. [1995 c.687 §1; 2007 c.858 §64]

**Note:** 329.489 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.490** [Repealed by 1953 c.306 §18]

#### **329.492 Oregon Studies; academic content standards.**

(1) The Department of Education shall develop academic content standards for Oregon Studies. The department shall consult with the Oregon Historical Society in the development of the academic content standards in Oregon Studies and in the preparation of materials to support teacher training and classroom instruction in Oregon Studies. The materials shall include a balanced presentation of the relevant contributions to society by men and women of African-American, Hispanic, Native American, Asian-American and other racial groups in Oregon.

(2) The Oregon Historical Society may use any public funds allocated to the Oregon Historical Society for the purposes of this

section. In addition, the Oregon Historical Society may raise additional funds from private sources for the purposes of this section. [1999 c.1023 §3; 2003 c.303 §11]

**329.495** [Formerly 335.170; repealed by 1995 c.660 §50]

**329.496 Physical education participation; minimum requirements; exceptions; professional development.** (1) Every public school student in kindergarten through grade 8 shall participate in physical education for the entire school year. Students in kindergarten through grade 5 shall participate in physical education for at least 150 minutes during each school week. Students in grades 6 through 8 shall participate in physical education for at least 225 minutes during each school week.

(2) School districts and public charter schools shall offer instruction in physical education that meets the academic content standards for physical education adopted by the State Board of Education under ORS 329.045. The instruction shall be a sequential, developmentally appropriate curriculum that is designed, implemented and evaluated to help students develop the knowledge, motor skills, self-management skills, attitudes and confidence needed to adopt and maintain physical activity throughout their lives.

(3) School districts and public charter schools shall devote at least 50 percent of physical education class time to actual physical activity in each school week, with as much class time as possible spent in moderate physical activity.

(4)(a) Notwithstanding subsections (1) and (3) of this section, a student with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program developed for the student under ORS 343.151.

(b) Notwithstanding subsections (1) and (3) of this section, a student who does not have an individualized education program but has chronic health problems, other disabling conditions or other special needs that preclude the student from participating in regular physical education instruction shall have suitably adapted physical education incorporated as part of an individualized health plan developed for the student by the school district or public charter school.

(5) School districts and public charter schools shall assess school curricula at regular intervals to measure the attainment of the minimum number of minutes that students are required to participate in physical education under this section.

(6) All teachers of physical education for public school students in kindergarten through grade 8 shall be adequately prepared

and shall regularly participate in professional development activities to effectively deliver the physical education program. [2007 c.839 §5]

**Note:** 329.496 becomes operative July 1, 2017, and first applies to the 2017-2018 school year. See section 9, chapter 839, Oregon Laws 2007.

**329.498 Data related to physical education; facilities.** The Department of Education shall collect data from school districts on:

(1) The number of minutes of physical education that are provided to students in kindergarten through grade 8 each school week in each public school within the district;

(2) The physical capacity of public schools to provide students in kindergarten through grade 5 with at least 150 minutes of physical education during each school week and to provide students in grades 6 through 8 with at least 225 minutes of physical education during each school week; and

(3) The additional facilities required by public schools to provide physical education to students as described in subsection (2) of this section. [2007 c.839 §1]

**Note:** 329.498 to 329.501 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.499 Report to Legislative Assembly.** Prior to February 1 of each odd-numbered year, the Department of Education shall report to the Legislative Assembly on the data collected under ORS 329.498 for the prior two school years. [2007 c.839 §2]

**Note:** See note under 329.498.

**329.500** [Repealed by 1953 c.306 §18]

**329.501 Grants for physical education; rules.** (1) The Department of Education shall award grants to school districts and public charter schools for the purpose of meeting the physical education requirements of ORS 329.496.

(2) A district or school that receives a grant may use the grant to:

(a) Hire teachers who specialize in physical education; and

(b) Provide in-service training to teachers on the academic content standards for physical education and the requirements of ORS 329.496.

(3) The department shall determine:

(a) The amount of a grant;

(b) The criteria for awarding a grant; and

(c) The process for awarding grants.

(4) The State Board of Education may adopt any rules necessary to administer this section. [2007 c.839 §10]

**Note:** See note under 329.498.

**329.504 Funding for programs that link physical activity and academic achievement.** (1) For the purpose of implementing programs that link physical activity and academic achievement, the Department of Education shall, to the extent that funding and personnel are available to the department:

(a) Seek public and private funding for programs that link physical activity and academic achievement; and

(b) Provide information to school districts on public and private funding opportunities that are directly available to school districts for programs that link physical activity and academic achievement.

(2) For the purpose of funding programs described in subsection (1) of this section, the department may accept contributions of funds and assistance from the United States Government and its agencies or from any other source, public or private, and agree to conditions placed on funds not inconsistent with the purpose described in subsection (1) of this section.

(3) All funds received by the department under this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the department for the purpose of this section. [2009 c.495 §1]

**Note:** 329.504 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**Note:** Section 2, chapter 495, Oregon Laws 2009, provides:

**Sec. 2.** The Department of Education shall report to the Seventy-sixth Legislative Assembly in the manner described in ORS 192.245 regarding:

(1) Funding applied for and received under section 1 of this 2009 Act [329.504];

(2) Information provided to school districts on direct funding opportunities as described in section 1 of this 2009 Act; and

(3) Programs funded as provided by section 1 of this 2009 Act. [2009 c.495 §2]

**329.505** [Formerly 335.180; repealed by 1995 c.660 §50]

**329.510** [Repealed by 1953 c.306 §18]

**329.520** [Repealed by 1953 c.306 §18]

**329.530** [Repealed by 1953 c.306 §18]

**329.535** [Formerly 336.530; repealed by 1995 c.660 §50]

**329.537** [1991 c.693 §13; 1995 c.660 §49; repealed by 2007 c.858 §40]

**329.540** [Repealed by 1953 c.306 §18]

**329.545** [Formerly 336.535; repealed by 2007 c.858 §40]

**329.555** [Formerly 336.540; 1995 c.278 §40; 1995 c.343 §28; 1995 c.660 §31; repealed by 2007 c.858 §40]

**329.560** [Repealed by 1953 c.306 §18]

**329.565** [Formerly 336.545; repealed by 2007 c.858 §40]

**329.570** [Formerly 336.550; 1995 c.660 §32; repealed by 2007 c.858 §40]

**329.575** [Formerly 336.555; 1997 c.864 §20; 2001 c.448 §2; repealed by 2007 c.858 §40]

**329.585** [Formerly 336.557; 1995 c.660 §33; 1997 c.864 §21; repealed by 2007 c.858 §40]

**329.595** [Formerly 336.560; 1997 c.864 §22; repealed by 2007 c.858 §40]

**329.600** [Formerly 336.565; 1997 c.864 §23; repealed by 2007 c.858 §40]

**329.605** [Formerly 336.570; repealed by 2007 c.858 §40]

**329.610** [Repealed by 1963 c.22 §2]

**329.620** [Repealed by 1963 c.22 §2]

**329.630** [Repealed by 1963 c.22 §2]

**329.640** [Repealed by 1963 c.22 §2]

**329.650** [Repealed by 1963 c.22 §2]

**329.660** [Repealed by 1963 c.22 §2]

**329.670** [Repealed by 1963 c.22 §2]

**329.675** [Formerly 336.705; 1995 c.660 §34; 1997 c.249 §95; 1997 c.383 §7; 2001 c.317 §1; 2007 c.858 §24; 2007 c.863 §1; renumbered 329.788 in 2007]

**329.680** [Repealed by 1963 c.22 §2]

**329.685** [Formerly 336.710; repealed by 2007 c.858 §40]

**329.690** [Formerly 336.715; 1995 c.660 §35; repealed by 2007 c.858 §40]

**329.695** [Formerly 336.720; repealed by 2007 c.858 §40]

**329.700** [Formerly 336.730; 1995 c.660 §36; 2001 c.317 §2; repealed by 2007 c.858 §40]

## SCHOOL COUNCILS AND PROFESSIONAL DEVELOPMENT PROGRAMS

### (School Councils)

**329.704 Local 21st Century Schools Councils; duties; composition; selection; district site committees.** (1) Nothing in this section shall interfere with the duties, responsibilities and rights of duly elected school district boards. There shall be established at each school a 21st Century Schools Council. The duties of a 21st Century Schools Council shall include but not be limited to:

(a) The development of plans to improve the professional growth of the school's staff;

(b) The improvement of the school's instructional program;

(c) The development and coordination of plans for the implementation of programs under this chapter at the school; and

(d) The administration of grants-in-aid for the professional development of teachers and classified district employees.

(2) A 21st Century Schools Council shall be composed of teachers, parents, classified employees and principals or the principal's designee, as follows:

(a) Not more than half of the members shall be teachers;

(b) Not more than half of the members shall be parents of students attending that school;

(c) At least one member shall be a classified employee; and

(d) One member shall be the principal of the building or the principal's designee.

(3) In addition, other members may be as the school district shall designate, including but not limited to local school committee members, business leaders, students and members of the community at large.

(4) Members of a 21st Century Schools Council shall be selected as follows:

(a) Teachers shall be licensed teachers elected by licensed teachers at the school site;

(b) Classified employees shall be elected by classified employees at the school site;

(c) Parents shall be selected by parents of students attending the school; and

(d) Other representatives shall be selected by the council.

(5) If a school district board determines that a school site is unable to fulfill the requirements of this section or if the needs of a school site require a different composition, the school district board shall establish the 21st Century Schools Council in a manner that best meets the educational needs of the district.

(6) All 21st Century Schools Council meetings shall be subject to the open meetings law pursuant to ORS 192.610 to 192.690.

(7) A school district may establish a district site committee to assist in the administration of grants or in the district-wide coordination of programs. [1995 c.660 §39 (enacted in lieu of 329.705); 2001 c.618 §7; 2007 c.858 §25]

**329.705** [Formerly 336.745; repealed by 1995 c.660 §38 (329.704 enacted in lieu of 329.705)]

**329.709** [Formerly 336.755; repealed by 2007 c.858 §40]

**329.710** [Amended by 1961 c.522 §1; 1963 c.282 §10; 1963 c.544 §23; renumbered 330.080]

**329.715** [Formerly 336.765; 1995 c.343 §29; repealed by 2007 c.858 §40]

**329.720** [Amended by 1961 c.522 §2; 1963 c.544 §24; renumbered 330.085]

**329.725** [Formerly 336.775; repealed by 2001 c.317 §11]

**329.730** [Amended by 1957 c.310 §6; 1959 c.518 §1; 1961 c.522 §3; repealed by 1963 c.282 §16]

**329.735** [Formerly 336.780; repealed by 2007 c.858 §40]

**329.740** [Renumbered 330.115]

**329.745** [Formerly 336.785; repealed by 2007 c.858 §40]

**329.750** [Renumbered 330.125]

**329.753** [Formerly 342.017; repealed by 1995 c.660 §50]

**329.755** [1955 c.22 §1; 1957 c.89 §3; renumbered 330.135]

**(Teacher Corps)**

**329.757 Oregon Teacher Corps.** (1) There is hereby created an Oregon Teacher Corps program within the Oregon Student Assistance Commission to encourage the entry of certain qualified persons into the teaching profession through the use of forgivable student loans for those who complete three years of successful teaching in a public school in this state.

(2) All programs in ORS 329.757 to 329.780 are subject to the availability of funds appropriated therefor. [Formerly 348.120; 1999 c.704 §5]

**329.760** [Amended by 1953 c.538 §2; renumbered 330.145]

**329.765 Administration of corps; rules.**

(1) The Oregon Student Assistance Commission shall administer the Oregon Teacher Corps program insofar as practicable in the same manner as the loan program under ORS 348.050 is administered and make rules for the selection of qualified applicants.

(2) Eligibility for the Oregon Teacher Corps is limited to those prospective teachers whom the Oregon Student Assistance Commission determines to have graduated, or currently rank, in the top 20 percent of their high school or college class. The commission shall assess each applicant's potential for teaching through such means as essays written by the applicant, letters of recommendations from teachers and others, descriptions of relevant teaching experiences, and other appropriate measures. Allowance shall be given for those applicants whom the commission determines to be in at least one of the following categories:

(a) Minority individuals as defined in ORS 200.005;

(b) Prospective teachers in scarce endorsement areas, as defined by the Teacher Standards and Practices Commission; or

(c) Prospective teachers who agree to teach in remote and difficult to serve school districts in this state.

(3) Recipients of loans under ORS 329.757 to 329.780 shall be enrolled at least half-time in an approved teacher education program at an Oregon institution of higher education. [Formerly 348.125; 1999 c.704 §6; 2005 c.209 §13]

**329.770** [Amended by 1953 c.513 §3; renumbered 330.155]

**329.775 Loans; amounts; interest; repayment; waiver of repayment.** (1) Upon approval of the loan application of an eligible student by the Oregon Student Assistance

Commission, the commission may lend an amount from the Oregon Teacher Corps Account to the student in compliance with this section. The loan shall be evidenced by a written obligation but no additional security shall be required. Notwithstanding any provision in this section, the commission may require cosigners on the loans.

(2) Loans granted under this section to eligible students by the commission shall:

(a) Not exceed \$2,000 in a single academic year to an undergraduate student enrolled in a teacher education program leading to a basic or initial license.

(b) Not exceed \$4,000 in a single academic year to a graduate student enrolled in a teacher education program leading to a basic or initial license.

(c) Not exceed \$8,000 for all loans made to a student under this section.

(3) Borrowers are required to pay at least seven percent interest per annum on the unpaid balance from the date of the loan as provided in subsection (4) of this section.

(4)(a) Repayment of the principal and accruing and deferred interest on loans shall be commenced not later than 12 months after the student's completion of the teacher education program or other termination of the student's education. Repayment of loans under ORS 329.765 shall be delayed for the period of time the student is teaching at least half-time in a public school in this state but becomes payable under the usual terms if the student ceases teaching before completing three full years. Repayment of loans shall be delayed up to three years upon application of the borrower showing inability to locate suitable employment.

(b) Repayment shall be completed in a maximum of 120 months from the time repayment is commenced. However, nothing in this section is intended to prevent repayment without penalty at an earlier date than provided in this section or to prohibit the commission from extending the repayment period to a date other than permitted by this subsection.

(5)(a) An eligible student who receives a loan under this section, preparing to be an elementary or secondary school teacher in this state, is not required to repay a loan made under this section if the student completes:

(A) At least three years of equivalent full-time teaching in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state; or

(B) At least three years of teaching under a full-time contract working at least

three-fourths time in classroom teaching and no more than one-fourth time not in classroom teaching duties during regular school hours in a public elementary or secondary school within the five-year period following completion of the teacher education program in this state, as approved by the Oregon Student Assistance Commission upon written request of the borrower.

(b) Repayment of remaining principal and interest shall be waived upon the death or total and permanent disability of the borrower. [Formerly 348.130; 1997 c.383 §8; 1999 c.704 §7]

**329.780 Oregon Teacher Corps Account; use.** (1) There is established in the State Treasury separate from the General Fund an account to be known as the Oregon Teacher Corps Account into which shall be deposited all repayments of loans with interest to the Oregon Student Assistance Commission pursuant to ORS 329.775. Any interest accruing to the account shall be credited thereto.

(2) Amounts in the account established under subsection (1) of this section are continuously appropriated to the Oregon Student Assistance Commission for the purposes of ORS 329.757 to 329.780 and the Oregon Opportunity Grant program under ORS 348.260. [Formerly 348.135; 1997 c.28 §1; 1999 c.704 §8; 1999 c.1070 §10]

#### **(Beginning Teacher and Administrator Program)**

**329.788 Definitions for ORS 329.788 to 329.820.** As used in ORS 329.788 to 329.820:

(1) "Beginning administrator" means a principal or superintendent who:

(a) Possesses an administrative license issued by the Teacher Standards and Practices Commission;

(b) Is employed as a principal or superintendent by a school district; and

(c) Has been assigned for fewer than two school years in the administrator's present position.

(2) "Beginning teacher" means a teacher who:

(a) Possesses a teaching license issued by the Teacher Standards and Practices Commission;

(b) Is employed at least half-time, primarily as a classroom teacher, by a school district; and

(c) Has taught fewer than two school years as a licensed probationary teacher in any public, private or state-operated school.

(3) "Mentor" means an individual who:

(a) Is an acting or retired teacher, principal or superintendent;

(b) Has met established best practice and researched-based criteria as defined by the State Board of Education by rule;

(c) Possesses a teaching or administrative license issued by the Teacher Standards and Practices Commission;

(d) Has successfully served for five or more years as a licensed teacher, principal or superintendent in any public school; and

(e) Has been selected and trained as described in ORS 329.815.

(4) "Mentorship program" means a program provided by a mentor to a beginning teacher or administrator that includes, but is not limited to, direct classroom observation and consultation, assistance in instructional planning and preparation, support in implementation and delivery of classroom instruction, development of school leadership skills and other assistance intended to assist the beginning teacher or administrator to become a confident and competent professional educator who makes a positive impact on student learning. [Formerly 329.675]

**329.790 Findings on teacher and administrator programs.** The Legislative Assembly finds that:

(1) The quality of teaching and administration in the public schools is of vital importance to the future of this state;

(2) This state has a special interest in ensuring that the induction of beginning teachers and administrators into their profession enhances their professional growth and development by making a positive impact on student learning;

(3) The formal assignment of mentors who have demonstrated the appropriate subject matter knowledge and teaching and administrative skills will substantially improve the induction and professional growth of beginning teachers and administrators in this state, as well as provide mentors with additional and valuable opportunities to enhance their own professional growth;

(4) Teachers and administrators who receive research-based, relevant mentoring produce students with a higher rate of achievement;

(5) School districts that have teacher mentoring have a higher rate of retention among teachers; and

(6) Administrators who receive mentoring improve their effectiveness as administrators and continue to improve throughout their careers. [Formerly 342.784; 2001 c.317 §3; 2007 c.863 §2]

**329.795 Beginning teacher and administrator program established; district participation; use of grants.** (1) The State

Board of Education shall establish a beginning teacher and administrator mentorship program to provide eligible beginning teachers and administrators in this state with a continued and sustained mentorship program from a formally assigned mentor.

(2) Any district is eligible to participate in the mentorship program.

(3) A school district may enter into a partnership with another school district, an institution of higher education, an education service district or another organization to operate jointly a mentorship program if:

(a) All moneys received as grants-in-aid for the mentorship program are administered by the participating school district to provide direct services to beginning teachers and administrators; and

(b) All other requirements of ORS 329.788 to 329.820 are met.

(4) All programs in ORS 329.788 to 329.820 are subject to the availability of funds appropriated therefor. [Formerly 342.786; 2001 c.317 §4; 2007 c.863 §3]

**329.800 Application; content.** (1) Each school district that wishes to participate in the beginning teacher and administrator mentorship program shall submit a formal application to the Department of Education. The application shall include:

(a) The names of all eligible beginning teachers and administrators employed by the school district and a description of their assignments; and

(b) A description of the proposed mentorship program, which must provide frequent contact, totaling a minimum of 90 hours, between the mentors and beginning teachers and administrators throughout the school year.

(2) The school district shall certify in the application that no eligible beginning professional educators are or may be under a conditional license, except as provided in rules of the Teacher Standards and Practices Commission. [Formerly 342.788; 2001 c.317 §6; 2007 c.863 §4]

**329.805 Grants-in-aid; amount; distribution; rules.** (1) Subject to ORS 291.232 to 291.260, the Department of Education shall distribute grants-in-aid to qualifying school districts to offset the costs of beginning teacher and administrator mentorship programs. A qualifying district shall receive annually up to \$5,000 for each full-time equivalent beginning teacher and administrator approved for support. Each biennium, the department shall adjust the amount specified for each teacher or administrator based on the Consumer Price Index, as defined in ORS 327.006.

(2) If the funds are insufficient for all eligible proposals, the Department of Education shall award grants on a competitive basis, taking into consideration geographic and demographic diversity.

(3) The State Board of Education may adopt such rules as it considers appropriate for the distribution of grants-in-aid under this section.

(4) A district that is determined by the Department of Education to be in violation of one or more of the requirements of ORS 329.788 to 329.820 may be required to refund all grants-in-aid moneys distributed under ORS 329.788 to 329.820. The amount of penalty shall be determined by the State Board of Education. [Formerly 342.790; 2001 c.317 §7; 2007 c.863 §5]

**329.810 Training for mentors and beginning teachers and administrators.** (1) After consulting with representatives of teachers, administrators, school boards, schools of education, the Oregon University System and such others as it considers appropriate, the Department of Education shall approve training for mentors and beginning teachers and administrators in programs qualifying for grants-in-aid under ORS 329.788 to 329.820.

(2) The training curriculum for mentors shall be based on research and knowledge of the needs of beginning teachers and administrators.

(3) Mentors shall be trained to build relationships of trust and mutual collaboration with beginning teachers and administrators.

(4) Mentors shall receive professional development before the school year begins and throughout the school year. [Formerly 342.792; 2001 c.317 §8; 2001 c.382 §5; 2007 c.863 §6]

**329.815 Mentors; selection; stipend.** (1) Based on the requirements of ORS 329.788 to 329.820, the selection, nature and extent of duties of mentors shall be determined by the school district.

(2) A teacher, principal or superintendent may not be designated as a mentor unless willing to perform in that role.

(3) For purposes of actions taken under ORS 342.805 to 342.937:

(a) A mentor may not participate in the evaluation of a beginning teacher or administrator assigned to the mentor; and

(b) Any written or other reports of a mentor regarding a beginning teacher or administrator assigned to the mentor may not be used in the evaluation of the beginning teacher or administrator.

(4) Each mentor shall complete successfully training provided or approved by the Department of Education while participating

in the beginning teacher and administrator mentorship program.

(5) The stipend received for each beginning teacher or administrator may be used by the school district to compensate mentors or to compensate other individuals assigned duties to provide release time for teachers, principals or superintendents acting as mentors. [Formerly 342.794; 2001 c.317 §9; 2007 c.863 §7]

**329.820 Evaluation of programs; donations.** (1) The Department of Education shall be responsible for the regular and ongoing evaluation of programs under ORS 329.788 to 329.820 and may contract for such evaluation. The department may not expend in a biennium more than 2.5 percent of the total amount of moneys available for the programs on the evaluation of the programs. The evaluation may include assessments of the following:

(a) The effectiveness of the mentorship program in the retention of beginning teachers and administrators in the school district and in the profession; and

(b) Student performance on statewide and other assessments.

(2) The department may accept contributions of moneys and assistance for the purpose of the evaluation of programs from any source, public or private, and agree to conditions placed on the moneys not inconsistent with ORS 329.788 to 329.820. All moneys received by the department under this subsection shall be deposited into the Department of Education Account to be used for the evaluation of programs conducted under this section. [Formerly 342.796; 2001 c.317 §10; 2007 c.863 §8]

#### **(Oregon Educator Professional Development Commission)**

**329.822 Commission established; members.** (1) The Oregon Educator Professional Development Commission is established within the Department of Education for the purpose of providing statewide collaborative leadership for prekindergarten through post-secondary education in the areas of school improvement.

(2) The commission consists of 16 members appointed as follows:

(a) The President of the Senate shall appoint one member of the Senate.

(b) The Speaker of the House of Representatives shall appoint one member of the House of Representatives.

(c) The Governor shall appoint 14 members as follows:

(A) Two members who represent education service districts.



(B) One member who represents the Department of Education.

(C) One member who represents a community college.

(D) One member who represents a public institution of higher education.

(E) One member who represents a not-for-profit private institution of higher education.

(F) One member who represents the Teacher Standards and Practices Commission.

(G) One member who represents the Governor's office.

(H) Six members who represent public schools for kindergarten through grade 12, including:

(i) One superintendent of a school district.

(ii) Two principals of schools.

(iii) Two teachers licensed or certified by the Teacher Standards and Practices Commission.

(iv) One classified employee of a school.

(3) Members of the Legislative Assembly appointed to the commission are nonvoting members of the commission and may act in an advisory capacity only.

(4)(a) The term of office of each member of the commission is three years, but a member serves at the pleasure of the appointing authority.

(b) Before the expiration of the term of a member, the appointing authority shall appoint a successor.

(c) A member is eligible for reappointment.

(d) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(5) Members of the commission who are members of the Legislative Assembly are entitled to mileage expenses and a per diem as provided by ORS 171.072. Other members of the commission are not entitled to compensation but a member may be reimbursed for actual and necessary travel and other expenses incurred by the member in the performance of the member's official duties in the manner and amount provided in ORS 292.495.

(6) The commission shall select from among its members a chairperson, vice chairperson and secretary, for such terms and with such duties and powers necessary for the performance of the functions of the offices.

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

(8) Official action by the commission requires the approval of a majority of the voting members of the commission.

(9) The commission shall meet at least once each calendar quarter at a place, day and hour determined by the commission. The commission may also meet at other times and places specified by the call of the chairperson.

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

(11) All moneys received by the department under subsection (10) of this section shall be paid into the Department of Education Account established in ORS 326.115 to the credit of the commission. The moneys are continuously appropriated to the commission for the purposes of carrying out the duties of the commission.

(12) The Department of Education shall solicit and award a public contract for services provided by the commission, including the maintenance of the public website and the provision of assistance to local school districts. A contract may be procured only as provided by ORS 279B.060 and may not be procured as a sole-source procurement under ORS 279B.075, an emergency procurement under ORS 279B.080 or a special procurement under ORS 279B.085. [2009 c.802 §1]

**Note:** Section 2, chapter 802, Oregon Laws 2009, provides:

**Sec. 2.** Notwithstanding the term of office specified by section 1 of this 2009 Act [329.822], of the members first appointed to the Oregon Educator Professional Development Commission:

(1) Five shall serve for terms ending January 1, 2011.

(2) Five shall serve for terms ending January 1, 2012.

(3) Six shall serve for terms ending January 1, 2013. [2009 c.802 §2]

**Note:** 329.822 and 329.824 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.824 Public website; assistance to local school districts.** (1)(a) The Oregon Educator Professional Development Commission established under ORS 329.822 shall:

(A) Develop and maintain a public website for posting and sharing professional development opportunities.

(B) Assist local school districts in developing professional development plans to meet school improvement objectives.

(b) The commission is not restricted to performing the activities described in paragraph (a) of this subsection.

(2) The website developed and maintained under this section shall:

(a) Display a calendar of professional development programs being offered across the state and be categorized by topics.

(b) Post feedback from users of professional development programs, with an emphasis on identifying successes, challenges and lessons learned.

(c) Provide contact information for professional development programs.

(d) Publish professional development standards adopted by the State Board of Education and relevant national professional associations to ensure that professional development program offerings are aligned with quality standards that support best practices for access to and delivery of professional development. [2009 c.802 §3]

**Note:** See note under 329.822.

#### **(Successful Schools Program)**

**329.825 Policy on successful and innovative schools.** It shall be the policy of the State of Oregon to promote and encourage successful and innovative schools. Success shall be determined by establishing standards of improvement in student learning and measuring each school's performance in meeting those standards. Schools that meet those standards will be rewarded with additional tools to further improve student learning. [1997 c.864 §1]

**Note:** 329.825 and 329.830 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.830 Establishment; application; incentive rewards; rules.** (1) The State Board of Education shall establish a system of determining successful schools and dispensing appropriate incentive rewards to those schools. The system shall be based on a school being the measurement unit to determine success. School success shall be determined by measuring a school's improvement over a specific assessment period. The successful schools program shall be voluntary.

(2) A school may submit an application to the Department of Education for the successful schools program. The application shall include a short statement from the school requesting consideration for the successful schools program. The application shall also include a copy of the district con-

tinuous improvement plan implemented pursuant to ORS 329.095 for the school.

(3) A school may not amend its application after the application is submitted without approval by the state board. A school that has submitted an application may not submit a new application until the assessment period has ended, unless the school withdraws the previous application.

(4) The department shall distribute incentive rewards to schools that are determined to be successful schools. The board shall establish criteria for determining successful schools. The criteria shall include, but not be limited to:

(a) The results from the statewide assessment system developed pursuant to ORS 329.485;

(b) The achievement of measurable academic goals from district continuous improvement plans; and

(c) Other criteria relating to improvement in student learning.

(5) The department shall base the amount of the reward to each successful school on the number of teachers employed by the school. The minimum reward for each full-time teacher shall be \$1,000. Part-time teachers shall receive a percentage of the reward based on the amount of time the part-time teacher worked. Teachers hired during the assessment period shall receive a percentage of the reward based on the length of time the teacher worked at the school during the assessment period.

(6) Each teacher shall individually decide how to use the reward. A reward shall be used by a teacher for classroom enhancements or professional development. As used in this subsection, "classroom enhancements" means items and activities that will improve student learning, including, but not limited to, books, instructional materials, multimedia equipment and software, supplies and field trips.

(7) The State Board of Education shall adopt any rules necessary to implement the successful schools program. [1997 c.864 §2; 2007 c.858 §25a]

**Note:** See note under 329.825.

#### **(Early Success Reading Initiative)**

**329.832 Legislative findings.** The Legislative Assembly finds that:

(1) Reading is the gateway to learning and a key to building a child's self-esteem.

(2) Children who read below grade level after third grade are at significantly greater risk of truancy, school failure, criminal and at-risk behaviors, early pregnancy and substance abuse.

(3) Research shows that children who have academic problems and exhibit at-risk behavior can be helped most effectively through prevention programs designed specifically to strengthen the collaborative and collective decision-making skills of kindergarten through grade three teachers and administrators within each individual school.

(4) Scientifically based assessment methods can identify as early as kindergarten those children needing extra help to successfully learn to read.

(5) Scientifically based instructional reading materials can provide the reading skills children need to successfully learn to read. [2001 c.861 §1]

**Note:** 329.832 to 329.837 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.834 Creation; components; reading sites.** (1) There is created the Early Success Reading Initiative for the State of Oregon.

(2) The purpose of the initiative is to recognize the essential need of elementary schools to effectively use research-based teaching practices and learning strategies.

(3) The components of the Early Success Reading Initiative include, but are not limited to:

(a) Providing research-based assessment systems to administrators, teachers and the public in order to provide the decision-making and accountability information needed to monitor children's progress as they learn to read.

(b) Screening and continuously monitoring the reading progress of all children from kindergarten through the completion of the third grade.

(c) Using scientific, research-based reading systems to create school cultures and processes that enable all children to read successfully, including children with disabilities and children with linguistic and cultural diversity and other learning needs.

(d) Enabling administrators and teachers within each individual school to collect, interpret and use student learning data to:

(A) Guide kindergarten through grade three teachers and administrators in instructional decisions;

(B) Implement a kindergarten through grade three schoolwide reading action plan;

(C) Provide strategies for student groups; and

(D) Provide structured interaction with parents.

(e) Establishing a relationship between school districts and the University of Oregon to provide instructional and research support to assist school administrators, teachers and parents to enable students in kindergarten through grade three to learn to read effectively and successfully through means that are in congruence with state standards for reading and common curriculum goals.

(4) The University of Oregon may design, implement and monitor the Early Success Reading Initiative. The University of Oregon may provide consultation services to school districts that establish early success reading sites.

(5) The goal of the initiative is to enable each school district to establish early success reading sites at individual elementary schools. An elementary school that is initially selected as an early success reading site shall serve as a model and as a resource to other elementary schools within its school district as those schools implement the initiative. [2001 c.861 §2]

**Note:** See note under 329.832.

**329.837 Report.** The University of Oregon shall report annually on the implementation, longitudinal progress and results of the Early Success Reading Initiative to the Governor, the Superintendent of Public Instruction and the appropriate legislative committees. [2001 c.861 §3]

**Note:** See note under 329.832.

## OREGON VIRTUAL SCHOOL DISTRICT

**329.840 Creation; purpose; online course standards; rules.** (1) There is created the Oregon Virtual School District within the Department of Education. The purpose of the Oregon Virtual School District is to provide online courses to kindergarten through grade 12 public school students.

(2) The Oregon Virtual School District shall provide online courses that meet academic content standards as defined in ORS 329.007 and meet other criteria adopted by the State Board of Education. Any person who teaches an online course must be properly licensed or registered as required by ORS 338.135 and 342.173 for a person employed by a school district or public charter school. All school districts and public charter schools may allow students to access the online courses offered by the Oregon Virtual School District.

(3) The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges, state institutions of higher education or any other

public entity to provide online courses through the Oregon Virtual School District.

(4) Statutes and rules that apply to other school districts do not apply to the Oregon Virtual School District except as provided under this section or by rule of the State Board of Education. The Oregon Virtual School District is not considered a school district for purposes of apportionment of the State School Fund and the department may not receive a direct apportionment under ORS 327.008 from the State School Fund for the Oregon Virtual School District.

(5) The board may adopt the rules necessary for the administration of the Oregon Virtual School District and shall adopt rules to establish:

(a) The procedure and criteria to be used for the selection of online courses to be offered through the Oregon Virtual School District;

(b) The qualifications of students who may access online courses through the Oregon Virtual School District;

(c) The number of credits for which students may access online courses through the Oregon Virtual School District; and

(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School District. [2005 c.834 §1]

**Note:** 329.840 and 329.842 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 329 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**329.842 Oregon Virtual School District Fund.** (1) The Oregon Virtual School District Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Virtual School District Fund shall be credited to the fund. All moneys in the fund are continuously appropriated to the Department of Education for the administration of the Oregon Virtual School District created under ORS 329.840.

(2) Any moneys received by the department for the purpose of the Oregon Virtual School District shall be deposited in the fund. [2005 c.834 §3]

**Note:** See note under 329.840.

## MISCELLANEOUS

**329.850 Duties of Education and Workforce Policy Advisor.** (1) The Education and Workforce Policy Advisor, in consultation with the Department of Education, the Department of Community Colleges and Workforce Development, the Bureau of Labor and Industries, the Oregon Business Development Department and the Department of

Human Services, shall propose policies and strategies consistent with this chapter.

(2) The Education and Workforce Policy Advisor's policies and strategies must take into account that:

(a) The state must promote innovative thinking with respect to the curriculum and educational delivery system of Oregon public schools;

(b) The state must require of all youth a level of achievement that prepares them to pursue college, career and technical education programs, apprenticeships, work-based training and school-to-work programs;

(c) Greater employer investment is essential in the ongoing training of all workers to meet workforce needs;

(d) The state must encourage Oregon businesses to improve productivity by creating high performance work organizations that provide high skills and high wage opportunities for youth and adults; and

(e) All employment-related training, education and job placement services and sources of funds must be coordinated among state agencies and boards and must complement the state's overall efforts on behalf of youth and adults. [Formerly 326.830; 1997 c.652 §22; 2009 c.94 §4]

**329.855** [Formerly 326.835; 1995 c.660 §42; 1997 c.652 §23; 2001 c.684 §23; 2003 c.303 §12; repealed by 2007 c.858 §40]

**329.860 Outreach to students no longer attending school.** Education service districts, school districts or schools, or any combination thereof, may contact any eligible elementary or secondary school student and the student's family if the student has ceased to attend school to encourage the student's enrollment in an education program that may include alternative learning options. If the student or the family cannot be located, the name and last-known address shall be reported to the school nearest the address. The school shall attempt to determine if that student or family is being provided services by this state and shall seek to assist the student or family in any appropriate manner. [Formerly 336.157; 1995 c.278 §41; 1995 c.660 §44; 1997 c.652 §24; 2003 c.303 §13; 2007 c.858 §26]

**329.875 District eligibility to receive funds under chapter.** (1) Public school districts or consortia of such districts with education service districts are eligible to receive funds under this chapter.

(2) The Department of Education shall evaluate the programs that receive grants under this chapter and report the results of the evaluation to the Legislative Assembly in the manner prescribed in ORS 192.245. [1993 c.45 §94a]

**329.885 School-to-work transitions and work experience programs; funding; eligibility for grants.** (1) It is the policy of the State of Oregon to encourage educational institutions and businesses to develop, in partnership, models for programs related to school-to-work transitions and work experience internships.

(2) From funds available, the Department of Education may allocate to any education service district, school district, individual secondary school or community college grants to develop programs such as those described in subsection (1) of this section.

(3) To receive a grant to operate a program described in subsection (1) of this section, a business shall demonstrate to the satisfaction of the department that the program shall:

(a) Identify groups that have been traditionally underrepresented in the programs and internships, particularly in health care, business and high technology employment positions.

(b) Encourage students who belong to groups identified in paragraph (a) of this subsection, particularly students in secondary schools and community colleges, to apply for consideration and acceptance into a model program described in subsection (1) of this section.

(c) Promote an awareness of career opportunities in the school-to-work transition and the work experience internships among students sufficiently early in their educational careers to permit and encourage students to apply for the model programs.

(d) Promote cooperation among businesses, school districts and community colleges in working toward the goals of the Oregon Educational Act for the 21st Century.

(e) Develop academic skills, attitudes and self-confidence necessary to allow students to succeed in the work environment, including attitudes of curiosity and perseverance and the feelings of positive self-worth that result from sustained effort.

(f) Provide a variety of experiences that reinforce the attitudes needed for success in the business world.

(4) The department shall direct fund recipients to adopt rules establishing standards for approved programs under this section, including criteria for eligibility of organizations to receive grants, and standards to determine the amount of grants.

(5) The department may seek and receive gifts, grants, endowments and other funds from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the school-to-work transition and the work experience internship programs and may expend the same or any income therefrom according to the terms of such gifts, grants, endowments or other funds. [1993 c.765 §46; 1999 c.59 §82; 2001 c.104 §108; 2007 c.858 §27]

**329.900** [1993 c.765 §9; 1995 c.660 §45; repealed by 1997 c.652 §63]

**329.905** [Formerly 285.200; 2005 c.209 §14; repealed by 2007 c.858 §40]

**329.910** [1993 c.765 §21; repealed by 1997 c.652 §63]

**329.915** [Formerly 285.203; repealed by 2007 c.858 §40]

**329.920** [1993 c.765 §5; 1997 c.652 §25; repealed by 2007 c.858 §40]

**329.925** [Formerly 285.205; repealed by 2007 c.858 §40]

**329.930** [1993 c.765 §18; 2005 c.209 §15; repealed by 2007 c.858 §40]

**329.935** [Formerly 285.207; repealed by 1995 c.660 §50]

**329.940** [1993 c.765 §10; repealed by 1997 c.652 §63]

**329.945** [Formerly 285.213; 2001 c.104 §109; repealed by 2001 c.684 §38]

**329.950** [Formerly 285.225; repealed by 2007 c.858 §40]

**329.955** [Formerly 285.230; 1997 c.652 §26; 2001 c.525 §2; renumbered 657.736 in 2001]

**329.960** [1993 c.765 §19; 1997 c.652 §27; repealed by 2001 c.684 §38]

**329.965** [1993 c.765 §19a; 1997 c.61 §8; 1997 c.652 §28; 2001 c.524 §2; 2001 c.684 §24; renumbered 657.732 in 2001]

**329.970** [Formerly 285.243; repealed by 1997 c.652 §63]

**329.975** [Formerly 285.247; 1997 c.652 §29; 2001 c.684 §25; repealed by 2007 c.858 §40]

**329.990** [Amended by 1963 c.22 §1; renumbered as part of 330.990]

