

TITLE 30

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Chapter 326

2013 EDITION

State Administration of Education

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OREGON EDUCATION INVESTMENT BOARD

Note: Sections 1 to 3, 10 and 11, chapter 519, Oregon Laws 2011, provide:

Sec. 1. Oregon Education Investment Board; composition; duties. (1) The Oregon Education Investment Board is established for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state. The board shall accomplish this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.

(2)(a) The board consists of 13 members as follows:

(A) The Governor, or the designee of the Governor; and

(B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

(b) When determining who to appoint to the board, the Governor shall:

(A) Ensure that each congressional district of this state is represented by at least one member of the board; and

(B) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Education Investment Board.

(4) The duties of the board include:

(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee:

(A) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011 [326.425].

(B) The Higher Education Coordinating Commission established by ORS 351.715.

(b) Recommending strategic investments in order to ensure that the public education budget is integrated and is targeted to achieve the education outcomes established for the state.

(c) Providing an integrated, statewide, student-based data system that monitors expenditures and outcomes to determine the return on statewide education investments. The board shall provide the data system described in this paragraph by:

(A) Developing the data system or identifying or modifying an existing data system that accomplishes the goals of the data system; and

(B) Ensuring that the data system is maintained.

(d) Entering into achievement compacts and administering sections 14, 15 and 18 of this 2012 Act [sections 14, 15 and 18, chapter 36, Oregon Laws 2012].

(e) Working with the Quality Education Commission to identify best practices for school districts and the costs and benefits of the adoption of those best practices by school districts.

(5) An appointed member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) A majority of the members of the board constitutes a quorum for the transaction of business.

(7) The board shall meet at such times and places specified by the call of the chairperson or of a majority of the members of the board.

(8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering, including any rules necessary for the oversight of the direction and control of the Higher Education Coordinating Commission. [2011 c.519 §1; 2011 c.519 §8; 2012 c.36 §20]

Note: The amendments to section 1, chapter 519, Oregon Laws 2011, by section 21, chapter 36, Oregon Laws 2012, become operative July 1, 2015. See section 22, chapter 36, Oregon Laws 2012. The text that is operative on and after July 1, 2015, is set forth for the user's convenience.

Sec. 1. (1) The Oregon Education Investment Board is established for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state. The board shall accomplish this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.

(2)(a) The board consists of 13 members as follows:

(A) The Governor, or the designee of the Governor; and

(B) Twelve members who are appointed by the Governor, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565, and who serve at the pleasure of the Governor.

(b) When determining who to appoint to the board, the Governor shall:

(A) Ensure that each congressional district of this state is represented by at least one member of the board; and

(B) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(3) The Governor, or the Governor's designee, shall serve as chairperson of the Oregon Education Investment Board.

(4) The duties of the board include:

(a) Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the board shall oversee:

(A) The Early Learning Council established by section 4, chapter 519, Oregon Laws 2011 [326.425].

(B) The Higher Education Coordinating Commission established by ORS 351.715.

(b) Recommending strategic investments in order to ensure that the public education budget is integrated and is targeted to achieve the education outcomes established for the state.

(c) Providing an integrated, statewide, student-based data system that monitors expenditures and outcomes to determine the return on statewide education investments. The board shall provide the data system described in this paragraph by:

(A) Developing the data system or identifying or modifying an existing data system that accomplishes the goals of the data system; and

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(B) Ensuring that the data system is maintained.

(d) Working with the Quality Education Commission to identify best practices for school districts and the costs and benefits of the adoption of those best practices by school districts.

(5) An appointed member of the board is entitled to compensation and expenses as provided in ORS 292.495.

(6) A majority of the members of the board constitutes a quorum for the transaction of business.

(7) The board shall meet at such times and places specified by the call of the chairperson or of a majority of the members of the board.

(8) In accordance with applicable provisions of ORS chapter 183, the board may adopt rules necessary for the administration of the laws that the board is charged with administering, including any rules necessary for the oversight of the direction and control of the Higher Education Coordinating Commission.

Sec. 2. Chief Education Officer. (1) The Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011, shall appoint a Chief Education Officer who shall serve at the pleasure of the board.

(2) The Chief Education Officer shall be a person who, by training and experience, is well qualified to:

(a) Perform the duties of the office, as determined by the board; and

(b) Assist in carrying out the functions of the board, as described in section 1, chapter 519, Oregon Laws 2011.

(3)(a) For the purpose of furthering the mission of the Oregon Education Investment Board to oversee a unified public education system, the Chief Education Officer shall have direction and control over the positions identified in paragraph (b) of this subsection for matters related to the design and organization of the state's education system, including early childhood services provided by the state.

(b) The positions over which the Chief Education Officer shall have direction and control are:

(A) The Early Childhood System Director.

(B) The executive director of the Higher Education Coordinating Commission.

(C) The Deputy Superintendent of Public Instruction.

(c) The authority of the Chief Education Officer granted under paragraph (a) of this subsection does not include the authority to appoint or remove a person from a position identified in paragraph (b) of this subsection.

(d) If a person in a position identified in paragraph (b) of this subsection is appointed by an entity other than the Governor, the Governor shall resolve any dispute between the Chief Education Officer and the appointing authority of the person. The Governor's decision is final. [2011 c.519 §2; 2012 c.36 §1; 2013 c.747 §29]

Note: The amendments to section 2, chapter 519, Oregon Laws 2011, by section 29, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 1, chapter 36, Oregon Laws 2012, is set forth for the user's convenience.

Sec. 2. (1) The Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011, shall appoint a Chief Education Officer who shall serve at the pleasure of the board.

(2) The Chief Education Officer shall be a person who, by training and experience, is well qualified to:

(a) Perform the duties of the office, as determined by the board; and

(b) Assist in carrying out the functions of the board, as described in section 1, chapter 519, Oregon Laws 2011.

(3)(a) For the purpose of furthering the mission of the Oregon Education Investment Board to oversee a unified public education system, the Chief Education Officer shall have direction and control over the positions identified in paragraph (b) of this subsection for matters related to the design and organization of the state's education system, including early childhood services provided by the state.

(b) The positions over which the Chief Education Officer shall have direction and control are:

(A) The Commissioner for Community College Services.

(B) The Chancellor of the Oregon University System.

(C) The executive director of the Oregon Student Access Commission.

(D) The Early Childhood System Director.

(E) The executive director of the Higher Education Coordinating Commission.

(F) The Deputy Superintendent of Public Instruction.

(c) The authority of the Chief Education Officer granted under paragraph (a) of this subsection does not include the authority to appoint or remove a person from a position identified in paragraph (b) of this subsection.

(d) If a person in a position identified in paragraph (b) of this subsection is appointed by an entity other than the Governor, the Governor shall resolve any dispute between the Chief Education Officer and the appointing authority of the person. The Governor's decision is final.

Sec. 3. Oregon Education Investment Fund. (1) The Oregon Education Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Moneys in the Oregon Education Investment Fund may be invested and reinvested. Interest earned by the Oregon Education Investment Fund shall be credited to the fund.

(2) Moneys in the Oregon Education Investment Fund are continuously appropriated to the Oregon Education Investment Board established by section 1 of this 2011 Act for the purpose of funding the duties of the board related to early childhood services and public education from kindergarten through post-secondary education. [2011 c.519 §3]

Sec. 10. Repeal. (1) Sections 1, 2, 3, 5 and 7, chapter 519, Oregon Laws 2011, are repealed on March 15, 2016.

(2) The amendments to section 2 of this 2013 Act [342.208] by section 4 of this 2013 Act [section 4, chapter 286, Oregon Laws 2013] become operative on March 15, 2016.

(3) The amendments to ORS 326.021 by section 88 of this 2013 Act [section 88, chapter 624, Oregon Laws 2013] become operative on March 15, 2016.

(4) The amendments to sections 1, 2, 3 and 4 of this 2013 Act [327.800, 327.810, 327.815 and 327.820] by sections 5, 6, 7 and 8 of this 2013 Act [sections 5, 6, 7 and 8, chapter 660, Oregon Laws 2013] become operative on March 15, 2016.

(5) The amendments to section 1 of this 2013 Act [342.950] by section 2 of this 2013 Act [section 2, chapter 661, Oregon Laws 2013] become operative on March 15, 2016.

(6) The amendments to section 1 of this 2013 Act [326.500] by section 4 of this 2013 Act [section 4, chapter

739, Oregon Laws 2013] become operative on March 15, 2016.

(7) The amendments to section 7 of this 2013 Act [327.380] by section 8 of this 2013 Act [section 8, chapter 739, Oregon Laws 2013] become operative on March 15, 2016.

(8) The amendments to ORS 342.443 by section 5 of this 2013 Act [section 5, chapter 778, Oregon Laws 2013] become operative on March 15, 2016.

(9) The amendments to section 1 of this 2013 Act [326.500] by section 6 of this 2013 Act [section 6, chapter 739, Oregon Laws 2013] become operative on July 1, 2025. [2011 c.519 §10; 2012 c.37 §1; 2013 c.286 §5; 2013 c.624 §89; 2013 c.660 §9; 2013 c.661 §3; 2013 c.739 §5; 2013 c.747 §194; 2013 c.778 §6]

Note: The amendments to section 10, chapter 519, Oregon Laws 2011, by section 194, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The version operative until July 1, 2014, is substantially similar to the version operative on and after July 1, 2014, and is not set forth.

Sec. 11. Transfer of records and property from Oregon Education Investment Board. (1) On March 15, 2016, the Chief Education Officer of the Oregon Education Investment Board shall deliver to the Chancellor of the Oregon University System all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Oregon Education Investment Board. The Chancellor of the Oregon University System shall take possession of the records and property.

(2) On March 15, 2016, the Chief Education Officer shall deliver to the Early Learning System Director all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Early Learning Council. The Early Learning System Director shall take possession of the records and property.

(3) The Governor shall resolve any dispute between the Chief Education Officer and the Chancellor of the Oregon University System, or the Chief Education Officer and the Early Learning System Director, relating to transfers of records and property under this section, and the Governor's decision is final. [2011 c.519 §11; 2012 c.37 §2]

STATE BOARD OF EDUCATION

326.011 Policy. In establishing policy for the administration and operation of the public elementary and secondary schools in the State of Oregon and in carrying out its duties as prescribed by law, the State Board of Education shall consider the goals of modern education, the requirements of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system. [1965 c.100 §1; 1971 c.513 §8; 2013 c.747 §176]

Note: The amendments to 326.011 by section 176, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

326.011. In establishing policy for the administration and operation of the public elementary and secondary schools and public community colleges in the State of Oregon and in carrying out its duties as prescribed by law, the State Board of Education shall consider the goals of modern education, the require-

ments of a sound, comprehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system and community college program.

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

326.021 State Board of Education membership. (1) The State Board of Education shall consist of:

(a) The State Treasurer, or the designee of the State Treasurer;

(b) The Secretary of State, or the designee of the Secretary of State;

(c) One member of the Oregon Education Investment Board; and

(d) Six members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. A person appointed under this paragraph may not be appointed to serve consecutively more than two full terms as a board member.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and one member from the state at large. An appointed member may not be engaged in teaching or participate in the administration or operation of any school.

(3) The Governor may remove appointed members of the State Board of Education for cause at any time after notice and public hearing.

(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or Secretary of State, are nonvoting, ex officio members of the board. [1965 c.100 §3 (enacted in lieu of 326.060); 1969 c.695 §4; 1971 c.485 §1; 1985 c.565 §56; 1993 c.45 §2; 2009 c.446 §1; 2013 c.624 §87]

Note: The amendments to 326.021 by section 88, chapter 624, Oregon Laws 2013, become operative March 15, 2016. See section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37, Oregon Laws 2012, section 5, chapter 286, Oregon Laws 2013, section 89, chapter 624, Oregon Laws 2013, section 9, chapter 660, Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section 5, chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013, and section 6, chapter 778, Oregon Laws 2013. The text that is operative on and after March 15, 2016, is set forth for the user's convenience.

326.021. (1) The State Board of Education shall consist of:

(a) The State Treasurer, or the designee of the State Treasurer;

(b) The Secretary of State, or the designee of the Secretary of State; and

(c) Seven members, appointed by the Governor for a term of four years beginning July 1 of the year of appointment, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. A person appointed under this paragraph may not be ap-

pointed to serve consecutively more than two full terms as a board member.

(2) In making appointments under subsection (1) of this section, the Governor shall select from residents of Oregon one member from each congressional district and two members from the state at large. An appointed member may not be engaged in teaching or participate in the administration or operation of any school.

(3) The Governor may remove appointed members of the State Board of Education for cause at any time after notice and public hearing.

(4) The State Treasurer and the Secretary of State, or the designee of the State Treasurer or Secretary of State, are nonvoting, ex officio members of the board.

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

326.031 Vacancies. Appointments made to fill vacancies of the State Board of Education occurring prior to expiration of a term of an appointed member shall be for the remainder of the unexpired term. When a vacancy occurs in an appointment made from a congressional district, the successor shall be appointed from the congressional district for which the vacancy exists. [1965 c.100 §4; 1985 c.565 §57; 2009 c.446 §2]

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

326.041 Meetings; election and term of chairperson; compensation and expenses.

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

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

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

326.050 [Repealed by 1957 c.124 §3]

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

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

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

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

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities.

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

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

(2) The State Board of Education may:

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

(b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of the state for the receipt of such funds from the federal government or its agencies for:

(A) Educational purposes, including but not limited to any funds available for the school lunch program;

(B) Career and technical education programs in public elementary and secondary schools; and

(C) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, public elementary schools and public secondary schools and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

(c) Adopt rules to administer the United States Department of Agriculture's National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities. [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975 c.459 §1; 1975 c.605 §17a; 1981 c.91 §1; 1987 c.404 §2; 1987 c.474 §2; 1989 c.834 §§12.13; 1993 c.45 §§5.6; 2001 c.530 §1; 2003 c.14 §146; 2003 c.151 §1; 2009 c.94 §1; 2011 c.313 §17; 2013 c.747 §37]

Note: The amendments to 326.051 by section 37, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

326.051. Subject to ORS 417.300 and 417.305:

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

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

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

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities.

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

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

(2) The State Board of Education may:

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

(b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of the state for the receipt of such funds from the federal government or its agencies for:

(A) Educational purposes, including but not limited to any funds available for the school lunch program;

(B) Career and technical education programs;

(C) Adult education programs;

(D) Workforce training programs; and

(E) Any grants available to the state or its political subdivisions for general federal aid for public kindergartens, public elementary schools, public secondary schools and public community colleges and their auxiliary services, improvement of teacher preparation, teacher salaries, construction of school buildings, administration of the Department of Education and any other educational activities under the jurisdiction of the State Board of Education.

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

(3) The State Board of Education shall provide a separate, identifiable place on its agenda six times a year for community college issues. The state board may also consider matters affecting community colleges at any regular or special meeting.

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

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

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

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

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

326.063 [Repealed by 1965 c.100 §456]

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

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

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

326.075 [1975 c.553 §8; 1993 c.45 §11; 1997 c.652 §20; 2011 c.637 §103; repealed by 2013 c.747 §203]

Note: 326.075 is repealed July 1, 2014. See sections 203 and 204, chapter 747, Oregon Laws 2013. 326.075 (2011 Edition) is set forth for the user's convenience.

326.075 Cooperation with Education and Workforce Policy Advisor; cooperation and compliance with Oregon Student Access Commission decisions.

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

(2) The board shall cooperate with the mediation process administered by the Oregon Student Access Commission pursuant to ORS 348.603 and, if a negotiated resolution cannot be reached by mediation, comply with the decisions of the commission regarding proposed new post-secondary programs and proposed new post-secondary locations.

326.080 [Repealed by 1965 c.100 §456]

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

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

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

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

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

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

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

326.110 [Repealed by 1965 c.100 §456]

DEPARTMENT OF EDUCATION

326.111 Department of Education; composition; functions.

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

(2) The Department of Education shall consist of:

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

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

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

§1; 1991 c.886 §2; 1993 c.45 §12; 1999 c.39 §3; 2005 c.209 §3]

326.113 Employee transfer of unused sick leave. (1) When an employee of the Department of Education leaves the department to become an employee of a school district or an education service district, the employee may transfer any accrued but unused sick leave to the district and may use the transferred sick leave in accordance with the sick leave policy of the district.

(2) When an employee of a school district or an education service district leaves the district to become an employee of the Department of Education, the employee may transfer any accrued but unused sick leave to the department and may use the transferred sick leave in accordance with the sick leave policy of the department. [2007 c.119 §1]

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

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

326.130 [Repealed by 1965 c.100 §456]

326.131 [2007 c.839 §11; repealed by 2012 c.91 §25]

326.133 [2007 c.839 §12; repealed by 2012 c.91 §25]

326.136 [2007 c.839 §13; repealed by 2012 c.91 §25]

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

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

SUPERINTENDENT OF PUBLIC INSTRUCTION

326.300 Governor as Superintendent of Public Instruction; appointment of deputy. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is the Superintendent of Public Instruction.

(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Superintendent of Public Instruction. The deputy superintendent must have at least five years of experience in the administration of an elementary school or a secondary school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(b) The deputy superintendent shall:

(A) Perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Gov-

ernor is responsible for any acts of the deputy superintendent.

(B) Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.

(3) The deputy superintendent may be removed from office by the Governor following consultation with the State Board of Education.

(4) The deputy superintendent shall receive a salary set by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the deputy superintendent in the performance of official duties. [2011 c.731 §2 (enacted in lieu of 326.330); 2012 c.36 §7]

Note: The amendments to 326.300 by section 12, chapter 36, Oregon Laws 2012, become operative March 15, 2016. See section 13, chapter 36, Oregon Laws 2012. The text that is operative on and after March 15, 2016, is set forth for the user's convenience.

326.300. (1) As provided by section 1, Article VIII of the Oregon Constitution, the Governor is the Superintendent of Public Instruction.

(2)(a) The Governor, acting as Superintendent of Public Instruction, shall appoint a Deputy Superintendent of Public Instruction. The deputy superintendent must have at least five years of experience in the administration of an elementary school or a secondary school. The appointment of the deputy superintendent shall be subject to confirmation by the Senate as provided by ORS 171.562 and 171.565.

(b) The deputy superintendent shall perform any act or duty of the office of Superintendent of Public Instruction that is designated by the Governor, and the Governor is responsible for any acts of the deputy superintendent.

(3) The deputy superintendent may be removed from office by the Governor following consultation with the State Board of Education.

(4) The deputy superintendent shall receive a salary set by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the deputy superintendent in the performance of official duties.

326.305 [1979 c.190 §397; repealed by 2011 c.731 §25]

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

(1) Act as administrative officer of the State Board of Education.

(2) Act as executive head of the Department of Education and direct and supervise all activities of the department.

(3) Assist all district school boards and education service district boards in answering questions concerning the proper adminis-

tration of the school laws, the rules of the State Board of Education and the ministerial duties of school officers and teachers. The decision of the superintendent shall guide school officers and teachers in the performance of their duties relating to the matters decided. The superintendent may submit any question to the State Board of Education which shall then decide the question.

(4) Obtain and compile such statistical information relative to the condition and operation of the public schools as the superintendent or the state board may consider advisable for the advancement of education and for the information of the state board and the public.

(5) Appoint, subject to the State Personnel Relations Law and with the approval of the State Board of Education, such personnel as may be necessary for the performance of the duties of the office of the superintendent. The Superintendent of Public Instruction may designate one or more suitable persons to sign or countersign warrants, vouchers, certificates or other papers and documents requiring the signature of the superintendent.

(6) Administer and supervise adult education programs in the public elementary and secondary schools.

(7) Perform such other functions as may be necessary to the performance of the duties of the superintendent. [1965 c.100 §11; 1989 c.491 §3; 1993 c.45 §13; 1995 c.67 §37; 1999 c.938 §3; 2003 c.226 §2; 2013 c.747 §38]

Note: The amendments to 326.310 by section 38, chapter 747, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

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

(1) Act as administrative officer of the State Board of Education.

(2) Act as executive head of the Department of Education and direct and supervise all activities of the department.

(3) Assist all district school boards and education service district boards in answering questions concerning the proper administration of the school laws, the rules of the State Board of Education and the ministerial duties of school officers and teachers. The decision of the superintendent shall guide school officers and teachers in the performance of their duties relating to the matters decided. The superintendent may submit any question to the State Board of Education which shall then decide the question.

(4) Obtain and compile such statistical information relative to the condition and operation of the public schools as the superintendent or the state board may consider advisable for the advancement of education and for the information of the state board and the public.

(5) Appoint, subject to the State Personnel Relations Law and with the approval of the State Board of Education, such personnel as may be necessary for the performance of the duties of the office of the superintendent. The Superintendent of Public Instruction may designate one or more suitable persons to sign or countersign warrants, vouchers, certificates or other papers and documents requiring the signature of the superintendent.

(6) Administer and supervise adult education programs in the public elementary and secondary schools.

(7) Perform such other functions as may be necessary to the performance of the duties of the superintendent.

326.320 Fees for supplies and publications provided by department. (1) Except as otherwise provided by law or by rules of the State Board of Education, the Superintendent of Public Instruction shall establish and collect fees for supplies and publications compiled and furnished by the Department of Education and distributed or sold to other persons or groups. The fees may not exceed costs of production plus mailing and other distribution costs.

(2) The superintendent shall deposit all moneys received under subsection (1) of this section in the Education Cash Account established by ORS 327.485. The Department of Education shall keep a record of all moneys deposited in the account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity against which each withdrawal is charged. [1965 c.100 §12; 1979 c.570 §1; 1993 c.45 §14; 2011 c.313 §1]

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

326.327 Agreement by superintendent to ensure availability of instruction of Chinese language. The Superintendent of Public Instruction is authorized to enter into an agreement with another nation or public agency of another nation under ORS 190.485 for the purpose of ensuring that the instruction of the Mandarin dialect of the Chinese language is available to the public school students of this state by facilitating the placement of teachers in public schools who fluently speak the Mandarin dialect of the Chinese language. [2010 c.13 §1]

326.330 [1965 c.100 §13; 1991 c.887 §1; repealed by 2011 c.731 §1 (326.300 enacted in lieu of 326.330)]

326.340 Disposition of conference fees by superintendent; disbursement of fees. (1) When the Superintendent of Public Instruction has possession or control of conference fees that are made available for training programs sponsored in whole or in part by the Department of Education, the

fees shall be deposited with the State Treasurer in the Education Training Revolving Account which is established and which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

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

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

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

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

326.355 [Formerly 332.575; 2003 c.226 §3; renumbered 327.423 in 2013]

326.370 [1999 c.39 §1; 2001 c.684 §1; 2013 c.747 §39; renumbered 351.755 in 2013]

326.373 [2001 c.716 §13; renumbered 351.758 in 2013]

326.375 [1987 c.474 §3; 1991 c.757 §2; 1995 c.67 §38; 1999 c.39 §4; 2012 c.36 §3; 2013 c.747 §185; renumbered 351.762 in 2013]

326.380 [2003 c.798 §1; renumbered 351.764 in 2013]

326.382 [2003 c.798 §2; 2005 c.22 §230; 2005 c.216 §1; renumbered 351.766 in 2013]

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

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

EARLY LEARNING COUNCIL

326.425 Early Learning Council; purpose; members; rules. (1) The Early Learning Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.

(2) The council is established to assist the board in overseeing a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall en-

sure that children enter school ready to learn by:

(a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided by ORS 417.796.

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

(c) Overseeing the Oregon Early Learning System created by ORS 417.727.

(3) The council consists of members appointed as provided by subsections (4) and (5) of this section.

(4)(a) The Governor shall appoint nine voting members who are appointed for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.

(b) When determining whom to appoint to the council under this subsection, the Governor shall:

(A) Ensure that at least one of the members is an appointed member of the Oregon Education Investment Board;

(B) Ensure that each congressional district of this state is represented;

(C) For a member who is not an appointed member of the Oregon Education Investment Board, ensure that the member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(D) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.

(6) The activities of the council shall be directed and supervised by the Early Learning System Director. The director shall:

(a) Be appointed by the Governor and serve at the pleasure of the Governor.

(b) Serve under the direction and control of the Chief Education Officer appointed under section 2, chapter 519, Oregon Laws 2011, for matters related to the design and organization of the state's education system.

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering. [2011 c.519 §4; 2012 c.36 §22a; 2012 c.37 §3]

Note: Section 4, chapter 37, Oregon Laws 2012, provides:

Sec. 4. Notwithstanding section 4 (4), chapter 519, Oregon Laws 2011 [326.425 (4)], the members serving on the Early Learning Council on the effective date of this 2012 Act [March 6, 2012] shall determine by lot the length of their terms such that:

(1) Four shall serve a term expiring on July 1, 2014; and

(2) Five shall serve a term expiring on July 1, 2015. [2012 c.37 §4]

Note: The amendments to 326.425 by section 22b, chapter 36, Oregon Laws 2012, become operative March 15, 2016. See section 22c, chapter 36, Oregon Laws 2012. The text that is operative on and after March 15, 2016, is set forth for the user's convenience.

326.425. (1) The Early Learning Council is established.

(2) The council is established to oversee a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall ensure that children enter school ready to learn by:

(a) Serving as the state advisory council for purposes of the federal Head Start Act, as provided by ORS 417.796.

(b) Implementing and overseeing a system that coordinates the delivery of early learning services.

(c) Overseeing the Oregon Early Learning System created by ORS 417.727.

(3) The council consists of members appointed as provided by subsections (4) and (5) of this section.

(4)(a) The Governor shall appoint nine voting members who are appointed for a term of four years and serve at the pleasure of the Governor. A person appointed under this subsection may not be appointed to serve more than two consecutive full terms as a council member.

(b) When determining whom to appoint to the council under this subsection, the Governor shall:

(A) Ensure that each congressional district of this state is represented;

(B) Ensure that each member meets the following qualifications:

(i) Demonstrates leadership skills in civics or the member's profession;

(ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and

(iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

(C) Solicit recommendations from the Speaker of the House of Representatives for at least two members and from the President of the Senate for at least two members.

(5) In addition to the members appointed under subsection (4) of this section, the Governor shall appoint voting, ex officio members who represent the state agencies and other entities that are required to be represented on a state advisory council for purposes of the federal Head Start Act and who represent the tribes of this state.

(6) The activities of the council shall be directed and supervised by the Early Learning System Director who is appointed by the Governor and serves at the pleasure of the Governor.

(7) In accordance with applicable provisions of ORS chapter 183, the council may adopt rules necessary for the administration of the laws that the council is charged with administering.

326.430 Early Learning Division; Early Learning System Director. (1) The Early Learning Division is established in the Department of Education. The purpose of the division is to ensure that children enter school ready to succeed.

(2) The division shall function under the direction and control of the Early Learning Council with the Early Learning System Director serving as the administrative officer. [2013 c.624 §1]

326.435 Early Learning Division Fund.

(1) The Early Learning Division Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Early Learning Division Fund shall be credited to the fund.

(2) Moneys in the Early Learning Division Fund consist of:

(a) Amounts donated to the fund;

(b) Moneys transferred to the fund from the federal government, state agencies and local governments;

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(d) Investment earnings received on moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Department of Education for the purpose of fulfilling the duties, functions and powers of the Early Learning Division.

(4) The department may establish accounts and subaccounts within the fund when the department determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund. [2012 c.37 §10; 2013 c.624 §19]

STEM INVESTMENT COUNCIL**326.500 STEM Investment Council; purpose; council director; annual report.**

(1) The STEM Investment Council is established. The council shall function under the direction and control of the Oregon Education Investment Board established by section 1, chapter 519, Oregon Laws 2011.

(2)(a) The council is established for the purpose of assisting the Chief Education Officer in developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

(A) Double the percentage of students in 4th and 8th grades who are proficient or advanced in mathematics and science, as determined using a nationally representative assessment of students' knowledge in mathematics and science; and

(B) Double the number of students who earn a post-secondary degree requiring proficiency in science, technology, engineering or mathematics.

(b) Achievement of the goals described in paragraph (a) of this subsection shall be determined based on a comparison between the 2014-2015 school year or academic year and the 2024-2025 school year or academic year.

(3) To advance the educational goals described in subsection (2) of this section, the council shall make recommendations to the Chief Education Officer regarding:

(a) The administration of the STEM Investment Grant Program established in ORS 327.380; and

(b) Other investments in science, technology, engineering and mathematics that are made or overseen by the Oregon Education Investment Board.

(4) The council consists of nine members from the private sector who are appointed by the Chief Education Officer and serve at the pleasure of the Chief Education Officer.

(5) To aid and advise the council in the performance of the council's duties, the council:

(a) Shall recruit educators and administrators from kindergarten through grade 12 and from post-secondary education to be nonvoting advisory members of the council;

(b) May recruit nonvoting advisory members to the council who are in addition to the members identified in paragraph (a) of this subsection; and

(c) May establish advisory and technical committees that the council considers necessary.

(6)(a) The Chief Education Officer shall appoint a council director. The council di-

rector shall serve at the pleasure of the Chief Education Officer.

(b) Except as otherwise directed by the Chief Education Officer, the activities of the council shall be directed and supervised by the council director.

(7) Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers of the council.

(8) The council shall report annually to the Oregon Education Investment Board and the Legislative Assembly on the progress made toward achieving the goals described in subsection (2) of this section and the distribution of funds under the STEM Investment Grant Program. [2013 c.739 §1]

Note 1: The amendments to 326.500 by section 4, chapter 739, Oregon Laws 2013, become operative March 15, 2016. See section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37, Oregon Laws 2012, section 5, chapter 286, Oregon Laws 2013, section 89, chapter 624, Oregon Laws 2013, section 9, chapter 660, Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section 5, chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013, and section 6, chapter 778, Oregon Laws 2013. The text that is operative from March 15, 2016, until July 1, 2025, is set forth for the user's convenience.

326.500. (1) The STEM Investment Council is established. The council shall function under the joint direction and control of the State Board of Education and the State Board of Higher Education.

(2)(a) The council is established for the purpose of assisting the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System in jointly developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

(A) Double the percentage of students in 4th and 8th grades who are proficient or advanced in mathematics and science, as determined using a nationally representative assessment of students' knowledge in mathematics and science; and

(B) Double the number of students who earn a post-secondary degree requiring proficiency in science, technology, engineering or mathematics.

(b) Achievement of the goals described in paragraph (a) of this subsection shall be determined based on a comparison between the 2014-2015 school year or academic year and the 2024-2025 school year or academic year.

(3) To advance the educational goals described in subsection (2) of this section, the council shall make recommendations to:

(a) The Superintendent of Public Instruction regarding the administration of the STEM Investment Grant Program established in ORS 327.380; and

(b) The Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System regarding other investments in science, technology, engineering and mathematics that are made or overseen by the State Board of Education or the State Board of Higher Education.

(4) The council consists of nine members from the private sector who are jointly appointed by the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the

Oregon University System and serve at the pleasure of the superintendent, commissioner and chancellor.

(5) To aid and advise the council in the performance of the council's duties, the council:

(a) Shall recruit educators and administrators from kindergarten through grade 12 and from post-secondary education to be nonvoting advisory members of the council;

(b) May recruit nonvoting advisory members to the council who are in addition to the members identified in paragraph (a) of this subsection; and

(c) May establish advisory and technical committees that the council considers necessary.

(6)(a) The Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System shall jointly appoint a council director. The council director shall serve at the pleasure of the superintendent, commissioner and chancellor.

(b) Except as otherwise directed by the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System, the activities of the council shall be directed and supervised by the council director.

(7) Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers of the council.

(8) The council shall submit an annual report to the State Board of Education, the State Board of Higher Education and the Legislative Assembly on the progress made toward achieving the goals described in subsection (2) of this section and the distribution of funds under the STEM Investment Grant Program.

Note 2: The amendments to 326.500 by section 6, chapter 739, Oregon Laws 2013, become operative July 1, 2025. See section 10, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 37, Oregon Laws 2012, section 5, chapter 286, Oregon Laws 2013, section 89, chapter 624, Oregon Laws 2013, section 9, chapter 660, Oregon Laws 2013, section 3, chapter 661, Oregon Laws 2013, section 5, chapter 739, Oregon Laws 2013, section 194, chapter 747, Oregon Laws 2013, and section 6, chapter 778, Oregon Laws 2013. The text that is operative on and after July 1, 2025, is set forth for the user's convenience.

326.500. (1) The STEM Investment Council is established. The council shall function under the joint direction and control of the State Board of Education and the State Board of Higher Education.

(2)(a) The council is established for the purpose of assisting the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System in jointly developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

(A) Having a specified percentage of students in 4th and 8th grades who are proficient or advanced in mathematics and science, as determined using a nationally representative assessment of students' knowledge in mathematics and science; and

(B) Having a specified number of students who earn a post-secondary degree requiring proficiency in science, technology, engineering or mathematics.

(b) Achievement of the goals described in paragraph (a) of this subsection shall be determined based on percentages and numbers determined by the council.

(3) To advance the educational goals described in subsection (2) of this section, the council shall make recommendations to:

(a) The Superintendent of Public Instruction regarding the administration of the STEM Investment Grant Program established in ORS 327.380; and

(b) The Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System regarding other investments in science, technology, engineering and mathematics that are made or overseen by the State Board of Education or the State Board of Higher Education.

(4) The council consists of nine members from the private sector who are jointly appointed by the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System and serve at the pleasure of the superintendent, commissioner and chancellor.

(5) To aid and advise the council in the performance of the council's duties, the council:

(a) Shall recruit educators and administrators from kindergarten through grade 12 and from post-secondary education to be nonvoting advisory members of the council;

(b) May recruit nonvoting advisory members to the council who are in addition to the members identified in paragraph (a) of this subsection; and

(c) May establish advisory and technical committees that the council considers necessary.

(6)(a) The Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System shall jointly appoint a council director. The council director shall serve at the pleasure of the superintendent, commissioner and chancellor.

(b) Except as otherwise directed by the Superintendent of Public Instruction, the Commissioner for Community College Services and the Chancellor of the Oregon University System, the activities of the council shall be directed and supervised by the council director.

(7) Members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers of the council.

(8) The council shall submit an annual report to the State Board of Education, the State Board of Higher Education and the Legislative Assembly on the progress made toward achieving the goals described in subsection (2) of this section and the distribution of funds under the STEM Investment Grant Program.

Note 3: Sections 2 and 3, chapter 739, Oregon Laws 2013, provide:

Sec. 2. Report findings used to develop long-term strategy. When developing the long-term strategy that advances the educational goals related to science, technology, engineering and mathematics described in section 1 (2) of this 2013 Act [326.500 (2)], the STEM Investment Council shall take into consideration the findings of the report submitted by the Task Force on STEM Access and Success as required by section 1, chapter 94, Oregon Laws 2012. [2013 c.739 §2]

Sec. 3. Section 2 of this 2013 Act is repealed on June 30, 2018. [2013 c.739 §3]

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

INTELLECTUAL PROPERTY

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

(1) By gift.

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

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

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

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

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

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

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

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

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

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

REAL PROPERTY

326.543 Adverse possession. (1) As used in this section:

(a) “Education service district” has the meaning given that term in ORS 334.003.

(b) “Facility” means the school operated under ORS 346.010.

(c) “Post-secondary institution” means:

(A) A community college as defined in ORS 341.005;

(B) A public university listed in ORS 352.002; and

(C) The Oregon Health and Science University.

(d) “School district” has the meaning given that term in ORS 330.005.

(2) The interest or estate of an education service district, a facility, a post-secondary institution or a school district in any real property may not be extinguished or diminished by adverse possession. [2007 c.552 §1; 2009 c.562 §19; 2011 c.637 §104]

326.547 Public education facility information database. (1) The Department of Education shall establish and maintain a public education facility information database as provided by this section.

(2)(a) The database required by this section shall provide information on preschool facilities and facilities serving any grades in kindergarten through grade 12 and any related auxiliary buildings and properties. The department may require school districts and education service districts to provide the following information to the department for inclusion in the database:

(A) The name of the facility;

(B) The square footage of the facility;

(C) The year the facility was built;

(D) The major renovations made to the facility in the preceding 30 years;

(E) The outstanding bonded indebtedness of the school district or education service district;

(F) The year, amount and purpose of the last bond request approved by voters of the school district or education service district;

(G) Operations and maintenance costs of the facility;

(H) Technical upgrades needed for the facility;

(I) Health and safety upgrades needed for the facility;

(J) Energy usage of the facility; and

(K) Other publicly available information about the facility.

(b) In addition to the requirements of paragraph (a) of this subsection, the database required by this section:

(A) Must be accessible by the public; and

(B) May include functions and other options that are available only to the Department of Education and to school districts.

(3) If a school district or education service district is unable to provide any of the information required under subsection (2) of this section from existing data or without acquiring additional resources, the school district or education service district may request a waiver of the requirement for that information from the Superintendent of Public Instruction.

(4) The department may enter into a contract with a public or private entity for the purpose of maintaining the facility information database described in this section. [2013 c.773 §4]

Note: Sections 1 and 2, chapter 773, Oregon Laws 2013, provide:

Sec. 1. Task Force on School Capital Improvement Planning. (1) The Task Force on School Capital Improvement Planning is established.

(2) The task force consists of no more than 12 members appointed by the Governor in consultation with the President of the Senate and the Speaker of the House of Representatives. All appointments to the task force must be completed within 90 days of the effective date of this 2013 Act [August 14, 2013].

(3) The members of the task force shall include representatives of education, business, the community and government and at least one expert on capital construction. The members representing education must represent preschool and kindergarten through grade 12 and shall, if more than one member represents kindergarten through grade 12, reflect a diverse range of school district sizes. To the extent practicable, the members must represent a geographic diversity.

(4)(a) The task force shall research and recommend to the Oregon Education Investment Board:

(A) Programs and funding sources that:

(i) Allow providers of public education to respond to evolving methods for delivering education and for funding and maintaining capital infrastructures; and

(ii) Establish a more efficient and integrated capital infrastructure system for preschool through grade 12.

(B) The types and amounts of technical assistance that may be required by public schools for school capital construction programs.

(b) When recommending the capital infrastructure system described in paragraph (a)(A)(ii) of this subsection and the technical assistance described in paragraph (a)(B) of this subsection, the task force shall recommend the appropriate role of the Department of Education in supporting the capital infrastructure system and providing the technical assistance.

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

(6) Official action by the task force requires the approval of a majority of the members of the task force.

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

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

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

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

(11) The task force shall submit a report in the manner provided in ORS 192.245, and may include recommendations for legislation, to the interim legislative committees on education no later than October 1, 2014.

(12) The Department of Education shall provide staff support to the task force and shall, if requested by the task force, enter into a contract for staff support with a public or private entity.

(13) Members of the task force are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the Department of Education for purposes of the task force.

(14) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties. [2013 c.773 §1]

Sec. 2. Section 1 of this 2013 Act is repealed on the date of the convening of the 2015 regular session of the Legislative Assembly as specified in ORS 171.010 [February 2, 2015]. [2013 c.773 §2]

326.550 [Amended by 1967 c.571 §1; 1979 c.386 §1; 1979 c.570 §2; 1983 c.159 §1; 1989 c.491 §4; 1991 c.703 §5; 1993 c.45 §17; 1997 c.249 §94; 2013 c.747 §40; renumbered 351.768 in 2013]

SOCIAL MEDIA

326.551 Prohibited actions related to access to personal social media accounts.

(1) A public or private educational institution may not:

(a) Require, request or otherwise compel a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name and password, password or other means of authentication that provides access.

(b) Require, request or otherwise compel a student or prospective student to access a personal social media account in the presence of an administrator or other employee of the educational institution in a manner that enables the administrator or employee to observe the contents of the personal social media account.

(c) Take, or threaten to take, any action to discipline or to prohibit from participation in curricular or extracurricular activities a student or prospective student for refusal to disclose the information or take actions specified in paragraph (a) or (b) of this subsection.

(d) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose the information or take actions specified in paragraph (a) or (b) of this subsection.

(2) Nothing in this section prohibits an educational institution from:

(a) Conducting an investigation, for the purpose of ensuring compliance with applicable law, regulatory requirements or prohibitions against student misconduct, that is based on the receipt of specific information about activity associated with a personal social media account.

(b) Conducting an investigation authorized under paragraph (a) of this subsection that requires the student to share specific content on a social media account with the educational institution in order for the educational institution to make a factual determination about that content. Student cooperation required under this paragraph does not include providing the student's user name and password, password or other means of authentication that provides access to the student's personal social media account to the educational institution.

(c) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

(3) An educational institution is not liable for obtaining the user name and password, password or other means of authentication that provides access to a student's social media account through the application of the educational institution's policies governing the use of university equipment or computer networks owned or operated by the educational institution. However, the educational institution may not use the information obtained without the voluntary consent of the student.

(4) Nothing in this section applies to social media accounts intended for use solely for educational purposes at an educational institution or to social media accounts that are created by the educational institution and provided to the student if the student has been provided advance notice that the account may be monitored at any time by the educational institution.

(5) As used in this section:

(a) "Educational institution" means an institution that offers participants, students or trainees an organized course of study or training that is academic, technical, trade-oriented or preparatory for gainful employment in a recognized occupation. "Educational institution" includes, but is not limited to, community colleges and the public

universities listed in ORS 352.002 but does not include kindergarten, elementary or secondary schools.

(b) "Social media" means an electronic medium that allows users to create, share and view user-generated content, including, but not limited to, uploading or downloading videos, still photographs, blogs, video blogs, podcasts, instant messages, electronic mail or Internet website profiles or locations. [2013 c.408 §1]

326.554 Cause of action for violation of ORS 326.551. (1) Any person claiming to be aggrieved by a violation of ORS 326.551 may file a civil action in circuit court for equitable relief or, subject to the terms and conditions of ORS 30.265 to 30.300, damages, or both. The court may order such other relief as may be appropriate. Damages shall be \$200 or actual damages, whichever is greater.

(2) The action authorized by this section shall be filed within one year of the filing of a grievance.

(3) An action under this section may not be filed unless, within 180 days of the alleged violation, a grievance has been filed with the governing body of the educational institution against which the violation is alleged.

(4) An action under this section may not be filed until 90 days after filing a grievance unless only injunctive relief is sought pursuant to ORCP 79. The right to temporary or preliminary injunctive relief shall be independent of the right to pursue any administrative remedy available to complainants.

(5) An action under this section may not be filed if the governing body of the educational institution has obtained a conciliation agreement with the person filing the grievance or if a final determination of the grievance has been made except as provided in ORS 183.480.

(6) Notwithstanding the filing of a grievance pursuant to subsection (3) of this section, a person seeking to maintain an action under this section against a public educational institution shall also file a notice of claim within 180 days of the alleged violation in the manner provided by ORS 30.275.

(7) The court shall award reasonable attorney fees to a prevailing plaintiff in any action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court. [2013 c.408 §2]

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

STUDENT RECORDS

326.565 Standards for student records; rules. The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. The state board shall distribute the rules that are adopted to all school districts. The school districts shall make those rules available to the public schools in the district and to the public. The state board may differentiate the standards applicable to persons 18 years of age or older or enrolled in post-secondary institutions. The standards shall include requirements under which public and private schools and education service districts transfer student education records pursuant to ORS 326.575. [1993 c.806 §3 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §1]

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

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

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

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

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

(b) Any school, institution, program, facility or center receiving a request for a student's education records shall transfer all

student education records relating to the particular student to the requesting school, institution, program, facility or center no later than five days after the receipt of the request.

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

(5) As used in this section:

(a) "Day treatment program" means a program described in ORS 343.961.

(b) "Detention facility" has the meaning given that term in ORS 419A.004.

(c) "Educational institution" means a public or private school, education service district, state institution, day treatment program, residential treatment program or youth care center.

(d) "Residential treatment program" means a program described in ORS 343.961.

(e) "Substitute care program" has the meaning given that term in ORS 339.133.

(f) "Youth care center" means a center as defined in ORS 420.855. [1993 c.806 §4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §2; 2001 c.681 §1; 2005 c.521 §3; 2011 c.313 §2; 2011 c.701 §4]

326.580 Electronic student records; rules. (1) As used in this section, "educational institution" means:

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

(b) A state agency.

(c) A local correctional facility.

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

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

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

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

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

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

(c) Shall retain the official student record in compliance with state and federal law. [2001 c.450 §1; 2013 c.585 §4]

Note: The amendments to 326.580 by section 4, chapter 585, Oregon Laws 2013, become operative July 1, 2014. See section 6, chapter 585, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

326.580. (1) As used in this section, "educational institution" means:

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

(b) A state agency.

(c) A local correctional facility.

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

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

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

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

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

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

(c) Shall retain the official student record in compliance with state and federal law.

326.585 Definitions for ORS 326.587 and 326.589. As used in ORS 326.587 and 326.589:

(1) "Disclose" means to make available for review by another person.

(2) "Law enforcement agency" has the meaning given that term in ORS 181.010.

(3) "Wages" has the meaning given that term in ORS 652.210. [2003 c.776 §1]

326.587 Disclosure of Social Security number of student attending public university. (1) A public university listed in ORS 352.002 may not disclose the Social Security number of a student who is attending the public university.

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

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

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

(c) In the payment of wages or benefits;

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

(e) For purposes of statistical analysis. [2003 c.776 §2; 2011 c.637 §105]

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

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

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

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

(c) In the payment of wages or benefits;

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

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

326.591 Action for disclosure of Social Security number. (1) A student who suffers an ascertainable loss of money, personal property or real property as a result of a violation of ORS 326.587 or 326.589 may bring

an action in a circuit court to recover the student's actual damages.

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

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

CRIMINAL OFFENDER INFORMATION PROCESS

326.603 Authority of school districts and schools to obtain fingerprints and criminal records check of employees and contractors; fee. (1) For the purposes of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Education may require the fingerprints of:

(a) A school district or private school contractor, whether part-time or full-time, or an employee of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students as determined by the district or private school.

(b) A person newly hired, whether part-time or full-time, by a school district or private school in a capacity not described in ORS 342.223 (1).

(c) A person who is a community college faculty member providing instruction:

(A) At the site of an early childhood education program or at a school site as part of an early childhood education program; or

(B) At a kindergarten through grade 12 school site during the regular school day.

(d) A person who is an employee of a public charter school.

(2)(a) A school district shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each person described in subsection (1) of this section.

(b) A private school may send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each person described in subsection (1)(a), (b) or (c) of this section.

(3) The Department of Education shall request that the Department of State Police conduct a criminal records check as provided in ORS 181.534 and may charge the school district or private school a fee as established by rule under ORS 181.534. The school district or private school may recover its costs or a portion thereof from the person described in subsection (1) of this section. If the person described in subsection (1)(b) or (d) of this section requests, the school district shall and a private school may withhold

the amount from amounts otherwise due the person, including a periodic payroll deduction rather than a lump sum payment.

(4) Notwithstanding subsection (1) of this section, the Department of Education may not require fingerprints of a person described in subsection (1) of this section if the person or the person's employer was checked in one school district or private school and is currently seeking to work in another district or private school unless the person lived outside this state during the interval between the two periods of time of working in the district or private school.

(5) Nothing in this section requires a person described in subsection (1)(a), (b) or (d) of this section to submit to fingerprinting until the person has been offered employment or a contract by a school district or private school. Contractor employees may not be required to submit to fingerprinting until the contractor has been offered a contract.

(6) If a person described in subsection (1) of this section states on a criminal history form provided by the Department of Education that the person has not been convicted of a crime but the criminal records check indicates that the person has a conviction, the department shall determine whether the person knowingly made a false statement as to the conviction. The department shall develop a process and criteria to use for appeals of a determination under this subsection.

(7)(a) The Superintendent of Public Instruction shall inform a school district or private school if a person described in subsection (1) of this section has been convicted of a crime listed in ORS 342.143 (3) or has knowingly made a false statement on a criminal history form provided by the Department of Education as to the conviction of any crime.

(b) If a person described in subsection (1) of this section has been convicted of a crime listed in ORS 342.143 (3), a school district may not employ or contract with the person and a private school may choose not to employ or contract with the person. Notification by the superintendent that the school district may not employ or contract with the person shall remove the person from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

(c) If a person described in subsection (1) of this section has knowingly made a false statement on a criminal history form provided by the Department of Education as to the conviction of a crime not listed in ORS 342.143 (3), a school district or private school

may choose to employ or contract with the person.

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

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

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

(a) "Private school" means a school that:

(A) Offers education in prekindergarten, kindergarten or grades 1 through 12, or any combination of those grade levels; and

(B) Provides instructional programs that are not limited solely to dancing, drama, music, religious or athletic instruction.

(b) "School district" means:

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

(B) The Oregon School for the Deaf.

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

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

(E) An education service district. [1993 c.674 §8; 1995 c.67 §40; 1995 c.446 §7; 1997 c.4 §1; 1997 c.536 §1; 1997 c.753 §2; 1999 c.200 §25; 1999 c.1054 §4; 2001 c.407 §4; 2005 c.730 §13; 2007 c.35 §1; 2007 c.858 §63; 2009 c.437 §1; 2009 c.562 §20; 2011 c.301 §5; 2013 c.26 §1]

326.604 Authority of Department of Education to obtain fingerprints and criminal records check of employees. (1)

As used in this section, "care" means the provision of care, treatment, education, training, instruction, supervision, placement services, recreation or support to children, youth or persons with disabilities.

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Education may require the fingerprints of a person who:

(a)(A) Is employed or applying for employment by the department; or

(B) Provides services or seeks to provide services to the department as a contractor, subcontractor, vendor or volunteer; and

(b) Is, or will be, working or providing services in a position:

(A) In which the person may have unsupervised access to children;

(B) In which the person may have contact with recipients of care;

(C) In which the person has access to confidential or personal information about children, as may be further defined by the State Board of Education by rule;

(D) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(E) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(F) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the department;

(G) That has mailroom duties as the primary duty or job function of the position;

(H) In which the person has responsibility for auditing the department;

(I) That has personnel or human resources functions as one of the position's primary responsibilities; or

(J) In which the person has access to personal information about employees or members of the public, including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information.

(3) In addition to the authority granted by subsection (2) of this section and for the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Education may require the fingerprints of a person for the purposes of licensing, certifying, registering or otherwise regulating or administering programs under the authority of the department.

(4) The Department of Education may make fitness determinations based on criminal offender records and information furnished by the Federal Bureau of Investigation through the Department of State Police as provided by ORS 181.534. [2009 c.438 §1; 2013 c.624 §79a]

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

326.606 Department rulemaking related to criminal records checks. Notwithstanding ORS 183.335 (5), the Department of Education may not adopt a rule related to criminal records checks, as provided by ORS 326.604, without prior notice or hearing or upon abbreviated notice and hearing. [2009 c.438 §2]

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

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

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

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

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

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

YOUTH CORRECTIONS AND JUVENILE DETENTION EDUCATION PROGRAMS

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

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

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

326.700 Purpose of programs; distribution of State School Fund. It is the purpose of ORS 326.712 and 327.026 and this section that youths enrolled in the Youth Corrections Education Program and the Ju-

venile Detention Education Program administered by the Department of Education be treated as nearly the same as practicable in the distribution of the State School Fund as children enrolled in common and union high school districts in this state. [Formerly 420.405; 2001 c.681 §3]

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

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

326.712 Superintendent may contract with district to provide programs. The Superintendent of Public Instruction may contract with an education service district or a school district to provide teachers, counselors or other personnel for the Youth Corrections Education Program and the Juvenile Detention Education Program. However, the programs may not be considered a component district and the students enrolled in the programs may not be counted in determining the number of pupils in average daily membership for purposes of ORS 334.175 (5). [1995 c.798 §1; 1995 c.422 §133b; 2001 c.681 §4; 2005 c.828 §4]

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

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

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

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

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

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

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

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

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

ACHIEVEMENT COMPACTS

Note: Sections 14 to 16 and 19, chapter 36, Oregon Laws 2012, provide:

Sec. 14. Achievement compacts; terms; report.

(1) For the purposes of this section:

(a) “Achievement compact” means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity as described in this section.

(b) “Education entity” means:

(A) A school district, as defined in ORS 332.002;

(B) An education service district operated under ORS chapter 334;

(C) A community college district or community college service district operated under ORS chapter 341;

(D) The Oregon University System established by ORS 351.011;

(E) A public university listed in ORS 352.002; and

(F) The health professions and graduate science programs of the Oregon Health and Science University operated under ORS chapter 353.

(c) “Governing body of an education entity” means:

(A) For a school district, the school district board.

(B) For an education service district, the board of directors of the education service district.

(C) For a community college district or a community college service district, the board of education of the community college district.

(D) For the Oregon University System, the State Board of Higher Education.

(E) For a public university of the Oregon University System, the president of the university.

(F) For a public university with a governing board listed in section 3 of this 2013 Act [352.054], the governing board of the university.

(G) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(2)(a) Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

(b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this section shall enter into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565 and shall submit achievement compacts to the board prior to:

(A) October 15 of each year for governing bodies of education entities identified in subsection (1)(b)(A) or (B) of this section; or

(B) July 1 of each year for governing bodies of education entities identified in subsection (1)(b)(C) of this section.

(c) The board shall specify a process for adoption and a timeline for submission of achievement compacts for education entities identified in subsection (1)(b)(D) to (F) of this section.

(d) The board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506.

(3)(a) The board shall establish the terms for achievement compacts.

(b) The terms of an achievement compact may include:

(A) A description of goals for outcomes that are consistent with the educational goals identified in ORS 329.015, the findings described in ORS 351.003 and the mission of education provided in ORS 351.009.

(B) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(i) Completion rates for:

(I) Critical stages of learning and programs of study;

(II) The attainment of diplomas, certificates and degrees; and

(III) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(ii) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(iii) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will contribute to the workforce, the economy and society as described in state policy.

(C) Other information suggested by the governing body of an education entity and approved by the board.

(c) Notwithstanding the terms described in paragraph (b) of this subsection, for an achievement compact entered into by an education entity identified in subsection (1)(b)(F) of this section, the terms of the achievement compact shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(4)(a) The governing body of each education entity shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year.

(b) The governing body of each education entity shall provide a target number and percentage of students for the aggregate of all disadvantaged subgroups, as defined by federal law or specified by rules adopted by the board. The target number and percentage of students must reflect the education entity's goals of improving education outcomes for disadvantaged student groups and closing any student achievement gaps between disadvantaged student groups and other student groups.

(5) As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives, as appropriate for the type of education entity represented by the governing body of the education entity. The purposes of the open communications are to explain and discuss the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year. The open communications must be provided during each education entity's public budget process.

(6) The board shall specify the format of the achievement compacts and provide model achievement compacts to the governing body of each education entity.

(7) The board may adopt a timeline and method for governing bodies of education entities to provide the board with a report at the end of a fiscal year that describes the achievements made by the education entities during the fiscal year. The report:

(a) Must include disaggregated data for each disadvantaged student group specified by the board; and

(b) May state achievements in numbers and percentages and in relation to the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year. [2012 c.36 §14; 2013 c.434 §4; 2013 c.747 §202d; 2013 c.768 §155]

Note: The amendments to section 14, chapter 36, Oregon Laws 2012, by section 155, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 434, Oregon Laws 2013, and section 202d, chapter 747, Oregon Laws 2013, is set forth for the user's convenience.

Sec. 14. (1) For the purposes of this section:

(a) "Achievement compact" means an agreement entered into between the Oregon Education Investment Board and the governing body of an education entity as described in this section.

(b) "Education entity" means:

(A) A school district, as defined in ORS 332.002;

(B) An education service district operated under ORS chapter 334;

(C) A community college district or community college service district operated under ORS chapter 341;

(D) The Oregon University System established by ORS 351.011;

(E) A public university of the Oregon University System, as listed in ORS 352.002; and

(F) The health professions and graduate science programs of the Oregon Health and Science University operated under ORS chapter 353.

(c) "Governing body of an education entity" means:

(A) For a school district, the school district board.

(B) For an education service district, the board of directors of the education service district.

(C) For a community college district or a community college service district, the board of education of the community college district.

(D) For the Oregon University System, the State Board of Higher Education.

(E) For a public university of the Oregon University System, the president of the university.

(F) For the Oregon Health and Science University, the Oregon Health and Science University Board of Directors.

(2)(a) Prior to the beginning of each fiscal year, the governing body of each education entity must enter into an achievement compact with the Oregon Education Investment Board for the fiscal year.

(b) Governing bodies of education entities identified in subsection (1)(b)(A) to (C) of this section shall enter into achievement compacts as part of the budgeting process under ORS 294.305 to 294.565 and shall submit achievement compacts to the board prior to:

(A) October 15 of each year for governing bodies of education entities identified in subsection (1)(b)(A) or (B) of this section; or

(B) July 1 of each year for governing bodies of education entities identified in subsection (1)(b)(C) of this section.

(c) The board shall specify a process for adoption and a timeline for submission of achievement compacts for education entities identified in subsection (1)(b)(D) to (F) of this section.

(d) The board shall provide to each school district a number quantifying the district's estimated level of funding for the next fiscal year compared to the determination of funding needed to ensure that the state's system of kindergarten through grade 12 public education meets the quality goals specified under ORS 327.506.

(3)(a) The board shall establish the terms for achievement compacts.

(b) The terms of an achievement compact may include:

(A) A description of goals for outcomes that are consistent with the educational goals identified in ORS 329.015, the findings described in ORS 351.003 and the mission of education provided in ORS 351.009.

(B) A description of the outcomes and measures of progress that will allow each education entity to quantify:

(i) Completion rates for:

(I) Critical stages of learning and programs of study;

(II) The attainment of diplomas, certificates and degrees; and

(III) Achieving the high school and post-secondary education goals established in ORS 351.009 and a projection of the progress needed to achieve those goals by 2025;

(ii) Validations of the quality of knowledge and skills acquired by students of the education entity; and

(iii) The relevance of the knowledge and skills acquired by the students of the education entity and the means by which those skills and knowledge will con-

tribute to the workforce, the economy and society as described in state policy.

(C) Other information suggested by the governing body of an education entity and approved by the board.

(c) Notwithstanding the terms described in paragraph (b) of this subsection, for an achievement compact entered into by an education entity identified in subsection (1)(b)(F) of this section, the terms of the achievement compact shall be limited to the enrollment of, and attainment of degrees by, Oregon residents in programs for which the state provides funding.

(4)(a) The governing body of each education entity shall identify a target number and percentage of students for achievement of the outcomes, measures of progress and goals specified in the achievement compact for the fiscal year.

(b) The governing body of each education entity shall provide a target number and percentage of students for the aggregate of all disadvantaged subgroups, as defined by federal law or specified by rules adopted by the board. The target number and percentage of students must reflect the education entity's goals of improving education outcomes for disadvantaged student groups and closing any student achievement gaps between disadvantaged student groups and other student groups.

(5) As part of the process of entering into an achievement compact, the governing body of an education entity shall ensure that open communications are provided to parents, students, teachers or faculty, employees, exclusive bargaining representatives and community representatives, as appropriate for the type of education entity represented by the governing body of the education entity. The purposes of the open communications are to explain and discuss the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year. The open communications must be provided during each education entity's public budget process.

(6) The board shall specify the format of the achievement compacts and provide model achievement compacts to the governing body of each education entity.

(7) The board may adopt a timeline and method for governing bodies of education entities to provide the board with a report at the end of a fiscal year that describes the achievements made by the education entities during the fiscal year. The report:

(a) Must include disaggregated data for each disadvantaged student group specified by the board; and

(b) May state achievements in numbers and percentages and in relation to the outcomes, measures of progress, goals and targets specified in the achievement compact for the fiscal year.

Sec. 15. Waiver of specified requirements for purpose of entering into achievement compact. (1) For the purpose of entering into achievement compacts under section 14 of this 2012 Act and achieving the outcomes, measures of progress, goals and targets described in achievement compacts, the Oregon Education Investment Board:

(a) Shall direct the State Board of Education to waive for the 2012-2013 fiscal year compliance reporting requirements that are adopted by the State Board of Education pursuant to rules adopted under ORS 327.103 and that are related to standards that school districts are required to meet.

(b) May direct the Department of Education to waive, as permitted by federal law, requirements relating to local district continuous improvement plans specified under ORS 329.095.

(2) If the Oregon Education Investment Board directs that a compliance reporting requirement or a local district continuous improvement plan requirement be

waived as provided by subsection (1) of this section, the Superintendent of Public Instruction, the State Board of Education or the Department of Education may not find a school district deficient or nonstandard or otherwise penalize the school district for failure to comply with the waived requirement. [2012 c.36 §15]

Sec. 16. Achievement compact advisory committee for school district or education service district. (1) Each school district and education service district shall form an achievement compact advisory committee.

(2) An achievement compact advisory committee shall be responsible for developing an achievement compact and ensuring that an achievement compact is implemented.

(3) The governing body of a district shall appoint the members of an achievement compact advisory committee. The members shall consist of teachers, administrators and other appropriate education personnel who are employed by the district. When an employee organization represents educators of a district, the superintendent of the district, at the direction of the governing board of the district, shall collaborate with the local president of the employee organization to recommend the appointment of educators to the achievement compact advisory committee.

(4) An achievement compact advisory committee shall:

(a) Develop plans for achieving the district's outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the district's achievement compact for the next fiscal year.

(5) Each achievement compact advisory committee shall present its recommendations in a report to the governing board of the district no later than May 1 of each year. An achievement compact advisory committee's report and recommendations shall be considered by the governing board of the district when entering into an achievement compact for the next fiscal year. The governing board shall file the achievement compact advisory committee's report with each achievement compact it adopts and forwards to the Oregon Education Investment Board. [2012 c.36 §16; 2013 c.434 §3]

Sec. 19. Repeal. Sections 14 to 18 of this 2012 Act are repealed on July 1, 2015. [2012 c.36 §19]

326.761 Achievement compact advisory committee for community college or public university. (1) The board of education of each community college district and the president of each public university listed in ORS 352.002 shall form an achievement compact advisory committee.

(2) Each achievement compact advisory committee shall be responsible for developing an achievement compact.

(3)(a) The board of education of a community college district or the president of a public university shall appoint the members of an achievement compact advisory committee. The members shall include administrators, faculty, education personnel and students of the community college or public university.

(b) For the purpose of selecting members of the achievement compact advisory com-

mittee, the president of the community college or the president of the public university shall:

(A) Collaborate with any applicable employee associations of the community college or public university to recommend persons who are full-time faculty and persons who are part-time faculty; and

(B) Collaborate with the student body government of the community college or public university to recommend persons who are students of the community college or public university.

(4) Notwithstanding subsection (3) of this section, if a community college or a public university has a standing committee that includes representatives identified in subsection (3) of this section, the board of education of the community college district or the president of the public university may designate the standing committee as the achievement compact advisory committee.

(5) An achievement compact advisory committee shall:

(a) Develop plans for achieving the outcomes, measures of progress, goals and targets expressed in an achievement compact, including methods of assessing and reporting progress toward the achievement of goals and targets; and

(b) Recommend outcomes, measures of progress, goals and targets to be contained in the achievement compact for the next fiscal year.

(6)(a) Each achievement compact advisory committee shall present the recommendations of the committee in a report to:

(A) The board of education of the community college district no later than February 1 of each year; or

(B) The president of the public university no later than a date identified by the president to comply with the timeline for submission of the achievement compact specified by the Oregon Education Investment Board.

(b) An achievement compact advisory committee's report and recommendations shall be considered by the board of education of the community college district or the president of the public university when entering into an achievement compact for the next fiscal year.

(c) The board of education of the community college district or the president of the public university shall file the achievement compact advisory committee's report with each achievement compact that the board or president adopts and forwards to the Oregon Education Investment Board. [2013 c.747 §202b]

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

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

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

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

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

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

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

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

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

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

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

326.990 [Repealed by 1965 c.100 §456]
