

# Chapter 336

2015 EDITION

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**SCHOOL CALENDAR**

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

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

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

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

(a) Lincoln's Birthday on February 12.

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

(c) Washington's Birthday on February 22.

(d) Columbus Day on October 12.

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

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

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

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

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

**336.012 Twelve-month class schedule optional.** A district school board may adopt a class schedule that operates throughout the year for all or any schools in the district. [1971 c.395 §1; 2012 c.91 §8]

**336.014 Providing programs outside usual classroom hours; rules; fees.** Any district school board may contract for or operate programs providing activities before and after usual classroom hours for school-age children residing in the district. Such programs may be supervised by persons other than persons holding teaching licenses. The district school board shall establish rules of eligibility for participation in such programs and may collect fees for participation therein. The fees shall be used for the support of the programs. [Formerly 336.183]

**336.015** [Formerly 336.350; 1971 c.83 §1; 1983 c.158 §1; repealed by 2012 c.91 §25]

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

**336.023** [1993 c.124 §1; repealed by 2012 c.91 §25]

**336.025** [Formerly 336.370; 1983 c.155 §1; repealed by 2012 c.91 §25]

**336.029 Oregon Civics Day for Teachers; funding.** (1) The first Friday in December is known as the Oregon Civics Day for Teachers.

(2) The purpose of the Oregon Civics Day for Teachers is to give teachers the opportunity to learn about civics in Oregon for the purpose of assisting them in providing high-quality instruction in civics.

(3) School districts are urged to encourage teachers to participate in professional development opportunities that are focused on civics and that are provided on the first Friday in December.

(4)(a) The Department of Education shall administer a process for providing funding for activities related to an annual conference dedicated to Oregon civics and held on Oregon Civics Day for Teachers. Moneys distributed under this subsection must be used to:

(A) Award grants to two public school teachers from each legislative district to assist the teachers with paying expenses incurred to attend the conference.

(B) Assist a nonprofit organization with operating expenses incurred in relation to the conference.

(C) Provide technical and professional assistance to teachers who attended the conference.

(b) The department may enter into a contract with a nonprofit organization for the purpose of awarding grants under this subsection. [2009 c.419 §1; 2015 c.731 §1]

**336.030** [Amended by 1965 c.100 §142; renumbered 332.107]

**REQUIRED COURSES OF STUDY**

**336.035 Required courses of study; supplemental courses; district courses; courses concerning sexually transmitted diseases.** (1) The district school board shall see that the courses of study prescribed by law and by the rules of the State Board of Education are carried out. The board may establish supplemental courses that are not inconsistent with the prescribed courses and may adopt courses of study in lieu of state courses of study upon approval by the Superintendent of Public Instruction.

(2) Any district school board may establish a course of education concerning sexually transmitted diseases including recognition of causes, sources and symptoms, and the availability of diagnostic and treatment centers. Any such course established may be taught to adults from the community served by the individual schools as well as to students enrolled in the school. The board shall cause the parents or guardians of minor students to be notified in advance that the course is to be taught. Any such parent or guardian may direct in writing that the minor child in the care of the parent or guardian be excused from any class within the course. Any parent or guardian may inspect the instructional materials to be used before or during the time the course is taught.

(3) The district school board shall coordinate the course provided in subsection (2) of this section with the officials of the local health department and the Superintendent of Public Instruction. Teachers holding endorsements for health education shall be used where available. No teacher shall be subject to discipline or removal for teaching or refusing to teach courses concerning sexually transmitted diseases. [Formerly 336.225; 1967 c.67 §26; 1967 c.200 §6; 1973 c.565 §1; 1993 c.45 §74; 2005 c.209 §21]

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

**336.045** [Formerly 332.100; renumbered 336.630 and then 339.875 in 1993]

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

**336.055** [Formerly 332.200; 1965 c.100 §229; renumbered 336.105]

**336.057 Courses in Constitution and history of United States.** In all public schools, courses of instruction shall be given in the Constitution of the United States and in the history of the United States. These courses shall:

(1) Begin not later than the opening of the eighth grade and shall continue in grades 9 through 12.

(2) Be required in all public universities listed in ORS 352.002 and in all state and local institutions that provide education for patients or inmates to an extent to be determined by the Superintendent of Public In-

struction. [Formerly 336.230; 1977 c.226 §1; 1999 c.1023 §1; 2011 c.637 §114; 2015 c.27 §35]

**336.059 Child sexual abuse prevention instructional program.** (1) Each school district board shall adopt a child sexual abuse prevention instructional program for students in kindergarten through grade 12.

(2) School districts must include in the program:

(a) Developmentally appropriate, culturally sensitive and evidence-based instruction for each grade level;

(b) A minimum of four instructional sessions per school year, with each year's instruction building on the previous year's instruction;

(c) Age-appropriate curriculum including role-playing, discussion, activities and books to educate students regarding child sexual abuse prevention;

(d) Instruction providing students with the knowledge and tools to communicate incidents of sexual abuse;

(e) Instruction regarding "safe touch," "unsafe touch," "safe secrets," "unsafe secrets," and how to escape and report a sexual abuse situation;

(f) Techniques to recognize child sexual abuse, skills to reduce vulnerability and encouragement to report child sexual abuse;

(g) An evaluation component with measurable outcomes;

(h) A professional training component for administrators, teachers and other school personnel regarding communicating child sexual abuse prevention techniques to students, effects of child sexual abuse on children, receiving child sexual abuse reports and disclosures and mandated reporting; and

(i) A parental involvement component to inform parents about child sexual abuse topics, including characteristics of offenders, "grooming" behaviors and how to discuss child sexual abuse prevention with children.

(3) Program instruction may be delivered by instructors including teachers, school counselors and outside agency prevention educators, provided the instructors have knowledge of and training in child sexual abuse prevention. [2015 c.401 §1]

**336.060** [Amended by 1965 c.100 §230; renumbered 336.115]

**336.065** [1961 c.717 §2; 1963 c.235 §1; 1965 c.100 §235; renumbered 336.165 and then 339.141 in 1993]

**336.067 Topics given special emphasis in instruction.** (1) In public schools special emphasis shall be given to instruction in:

(a) Honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and the

Constitution of the State of Oregon, respect for parents and the home, the dignity and necessity of honest labor and other lessons that tend to promote and develop an upright and desirable citizenry.

(b) Respect for all humans, regardless of race, color, creed, national origin, religion, age, sex or disability.

(c) Acknowledgment of the dignity and worth of individuals and groups and their participative roles in society.

(d) Humane treatment of animals.

(e) The effects of tobacco, alcohol, drugs and controlled substances upon the human system.

(2) The Superintendent of Public Instruction shall prepare an outline with suggestions that will best accomplish the purpose of this section, and shall incorporate the outline in the courses of study for all public schools. [Formerly 336.240; 1975 c.531 §1; 1979 c.744 §13; 1993 c.45 §75; 2005 c.209 §22]

**336.070** [Amended by 1961 c.717 §1; repealed by 1965 c.100 §456]

**336.071 Emergency drills and instruction; maintenance of exit doors.** (1) All schools are required to instruct and drill students on emergency procedures so that the students can respond to an emergency without confusion or panic. The emergency procedures shall include drills and instruction on:

(a) Fires;

(b) Earthquakes, which shall include tsunami drills and instruction in schools in a tsunami hazard zone; and

(c) Safety threats.

(2)(a) Drills and instruction on fire emergencies shall include routes and methods of exiting the school building.

(b) Drills and instruction on earthquake emergencies shall include the earthquake emergency response procedure known as “drop, cover and hold on.” A school may drill earthquake emergency response procedures in addition to “drop, cover and hold on” when the school determines, based on evaluation of specific engineering and structural issues related to a building, that “drop, cover and hold on” may not be the most effective earthquake emergency response procedure to prevent or limit injury or loss of life.

(c) Drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake when appropriate or after a tsunami warning to protect students against inundation by tsunamis.

(d) Drills and instruction on safety threats shall include:

(A) Procedures related to lockdown, lockout, shelter in place and evacuation; and

(B) Other appropriate actions to take when there is a threat to safety.

(3)(a) At least 30 minutes in each school month shall be used to instruct students on the emergency procedures described in subsection (1) of this section.

(b) At least two drills on earthquakes shall be conducted each year.

(c) At least two drills on safety threats shall be conducted each year.

(d) In schools in a tsunami hazard zone, at least three drills on earthquakes and tsunamis shall be conducted each year.

(4) All schools shall maintain all exit doors so that the doors can be opened from the inside without a key during school hours.

(5) Units of local government and state agencies associated with emergency procedures training and planning shall:

(a) Review emergency procedures proposed by schools; and

(b) Assist schools in the instruction and drilling of students in emergency procedures.

(6) As used in this section, “school” means any:

(a) Kindergarten through grade 12 public or private school; or

(b) Educational institution having an average daily attendance of 50 or more students. [1995 c.312 §2 (enacted in lieu of 336.072); 1997 c.521 §9; 2013 c.463 §1; 2015 c.421 §1]

**336.072** [Formerly 336.340; 1991 c.956 §13; 1993 c.45 §76; repealed by 1995 c.312 §1 (336.071 enacted in lieu of 336.072)]

**336.073** [Formerly 332.360; repealed by 1965 c.100 §456]

**336.074 Teaching in English required; exceptions.** Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except:

(1) Instruction in foreign languages.

(2) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities. [1971 c.326 §2]

**336.075** [1955 c.103 §§1,3; repealed by 1965 c.100 §456]

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

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

**336.079 English language learners; statewide plan; report; interventions; rules.** (1) As used in this section, “English language learner” means a student who:

(a) Has limited English language proficiency because English is not the native language of the student or the student comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency; and

(b) Meets any other criteria established by the State Board of Education by rule.

(2) Specific courses to teach speaking, reading and writing of the English language shall be provided at kindergarten and each grade level to students who are unable to benefit from classes taught in English. The courses shall be taught at school until the students are able to benefit from classes conducted in English.

(3) The Department of Education shall develop and implement a statewide plan to support students eligible for and enrolled in an English language learner program under this section.

(4) Each school district shall file a report related to students eligible for and enrolled in an English language learner program as provided by ORS 327.016.

(5)(a) Based on the report received under subsection (4) of this section, the department shall identify school districts that are:

(A) Not meeting objectives and the needs of students eligible for and enrolled in an English language learner program, taking into account the specific learning challenges and demographics of the students; or

(B) In need of targeted assistance.

(b) The department, in consultation with a school district identified under paragraph (a) of this subsection, shall establish the expected growth in student progress indicators, and the expected benchmarks for student progress indicators, for English language learners of the school district. The interventions shall be provided for four years after the school district has been identified.

(c) The department, in consultation with a school district identified under paragraph (a)(A) of this subsection, shall design and implement an accountability system of progressive interventions for the school district. The interventions shall be provided for four years after the school district has been identified.

(d) The department shall provide technical assistance to school districts that have been identified under paragraph (a)(B) of this subsection. Technical assistance shall be provided for four years after the school district has been identified.

(e) If a school district has been identified under paragraph (a) of this subsection for four years and has not met the expected

growth in student progress indicators, and the expected benchmarks for student progress indicators, established under paragraph (b) of this subsection, the department shall direct the school district on how to expend moneys received under ORS 327.013 (1)(c)(A)(ii) for up to three years. [1971 c.326 §3; 1993 c.45 §77; 2015 c.604 §8]

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

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

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

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

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

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

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

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

(1) Develop and test nondiscriminatory courses of study or parts of courses which feature predictable student achievement of pre-stated student performance objectives.

(2) Stimulate the implementation of innovative approaches to instruction within the various schools, providing training programs as necessary to familiarize faculty and administrators with newly developed instructional methodology.

(3) Be capable of objective evaluation within two years of commencement. [1975 c.423 §3]

**336.088** [1987 c.417 §§1,2; 1993 c.45 §79; 1995 c.79 §182; repealed by 2011 c.313 §25]

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

**KINDERGARTEN**

**336.092 Definitions for ORS 336.092 and 336.095.** As used in ORS 336.092 and 336.095, unless the context requires otherwise:

(1) “Kindergarten child” means a child five years of age or whose fifth birthday occurs on or before September 1 or who has been admitted by the district school board under ORS 336.095 (3).

(2) “Kindergarten facilities” includes physical facilities, supplies, equipment and personnel suitable for the education and training of kindergarten children.

(3) “Physical facilities” includes but is not limited to public school buildings, rented buildings which meet health and safety standards or homes used in school district sponsored programs. [1973 c.707 §2; 1987 c.283 §1; 1993 c.45 §80; 2011 c.704 §11]

**336.095 Full-day and half-day kindergarten; free kindergarten facilities; rules; admission of underage child.** (1)(a) A school district that is not a union high school district must offer half-day kindergarten and may choose to offer full-day kindergarten.

(b) A public charter school may choose to offer half-day kindergarten or full-day kindergarten.

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

(A) Standards for half-day kindergarten and full-day kindergarten; and

(B) The minimum number of instructional hours required for half-day kindergarten and full-day kindergarten.

(2) Every school district that is not a union high school district must provide kindergarten facilities free of charge for the kindergarten children residing in the district by operating the facilities either singly or jointly with other districts or by contracting with public or private providers that conform to standards adopted by rule by the State Board of Education.

(3) Nothing in this section prevents a district school board from admitting free of charge a child who is a resident of the district and whose needs for cognitive, social and physical development would best be met in the school program, as defined by policies of the district school board, even though the

child has not attained the minimum age requirement.

(4) Kindergarten that is offered as provided by subsection (1) of this section shall be funded in the same manner as other grades of the district are funded, except that the aggregate days membership of children in kindergarten shall be calculated as provided by ORS 327.006.

(5) Kindergarten is an integral part of the public school system of this state. [1973 c.707 §3; 1981 c.543 §1; 1993 c.45 §81; 2005 c.22 §232; 2011 c.704 §3]

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

**336.101 Early Learning Kindergarten Readiness Partnership and Innovation Program; rules.** (1) The Early Learning Kindergarten Readiness Partnership and Innovation Program is established for the purpose of improving the readiness of children for kindergarten. The program shall be administered by the Early Learning Council as provided by this section.

(2) The Early Learning Council shall provide grants under this section based on criteria established by the council by rule. Criteria may include requirements that an applicant must meet one or more of the following criteria:

(a) Form a partnership with at least one provider of early learning services, child care provider or elementary school;

(b) Form partnerships with community-based providers of early childhood services to provide preschool and other early-learning strategies;

(c) Establish ambitious but meaningful targets for kindergarten readiness;

(d) Invest resources in students who meet criteria established by the council by rule;

(e) Align with, and supplement, federal programs to provide moneys for educational purposes; and

(f) Agree to report to, and partner with, any Early Learning Hubs serving the region.

(3) Priority for grants provided under this section may be for programs that:

(a) Assist children in becoming ready for kindergarten or being successful in kindergarten; or

(b) Share professional development strategies and resources with providers of early learning services, child care providers and kindergarten teachers. [2013 c.728 §26]

**336.104 Early Learning Kindergarten Readiness Partnership and Innovation Account.** (1) The Early Learning Kindergarten Readiness Partnership and Innovation Account is established within the Early Learning Division Fund. Separate re-

ords shall be maintained for moneys in the account. Interest earned by the account shall be credited to the account.

(2) Moneys in the account are continuously appropriated to the Early Learning Council for the Early Learning Kindergarten Readiness Partnership and Innovation Program described in ORS 336.101. [2013 c.728 §27]

**336.105** [Formerly 336.055; repealed by 1973 c.707 §7 and 1973 c.750 §13]

### ADDITIONAL PROGRAMS

**336.107 Parenting skills and child development course.** A district school board is encouraged to develop a course of study to instruct high school students on parental skills and child development. [1993 c.257 §1]

**336.109 Policy to reduce gang involvement, violent activities and drug abuse.** (1) After consultation with appropriate agencies and officials including the Department of Education, each school district is encouraged to develop and adopt a comprehensive policy to reduce gang involvement, violent activities and drug abuse by public school students in the school district, including but not limited to:

(a) A statement that evaluates:

(A) The nature and extent of gang involvement, violent activities and drug abuse by public school students of the school district; and

(B) The impact of gang involvement, violent activities and drug abuse on the ability of public schools in the school district to meet curriculum requirements and improve the attendance of public school students.

(b) A statement that emphasizes the need to reduce gang involvement, violent activities and drug abuse by public school students.

(c) Strategies to reduce gang involvement, violent activities and drug abuse by students of the school district considering the needs of the public school students.

(d) Methods to communicate conflict resolution skills to the teachers and public school students of the school district.

(e) Strategies to inform the teachers of the school district, the parents of public school students and the public about the policy the school district developed pursuant to this section.

(2) As used in this section, “gang” means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity. [1993 c.421 §1]

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

**336.113 Multicultural education; advisory committee.** (1) The Superintendent of Public Instruction shall direct the Department of Education to increase efforts to:

(a) Evaluate the distribution of ethnic, racial and cultural backgrounds of the public school students of Oregon and the use of demographic data by school districts for curricula and program planning as reflected in district continuous improvement plans;

(b) Examine strategies to inform school district boards, school administrators, teachers, parents of students and the public about multicultural and diversity laws and policies;

(c) Identify and review exemplary multicultural curricula for different grade levels based on the needs of Oregon’s public school students;

(d) Identify and review strategies to integrate a multicultural education program with other education programs of school districts; and

(e) Evaluate how current laws on diversity and multicultural education are being implemented and applied at the state and school district levels.

(2) The superintendent shall:

(a) Seek federal and other funds to develop and implement multicultural education;

(b) Seek federal and other funds to provide funding and technical support for school districts to develop and implement multicultural curricula and educational programs; and

(c) Report to the State Board of Education on the funds available, the success in obtaining funds, the plans to develop and implement multicultural education and the development of a system for evaluation.

(3) The superintendent may appoint an advisory committee to accomplish the requirements of this section. The superintendent and the advisory committee shall seek and incorporate input from the business community, educators and minority representatives that reflect the demographics and geographic regions of this state. [1999 c.1042 §1; 2007 c.858 §32a]

**336.115** [Formerly 336.060; 1971 c.190 §1; repealed by 1987 c.194 §1]

**336.116** [1999 c.516 §1; repealed by 2011 c.313 §25]

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

**336.125** [Formerly 336.285; repealed by 1993 c.45 §82]

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

**336.135** [1965 c.100 §232; 1993 c.45 §83; 2009 c.94 §8; repealed by 2011 c.313 §25]

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

**336.145 Adult education classes; fees.** (1) Any district school board may provide for the establishment of classes for adult education. The board may employ personnel for the



purpose of establishing and maintaining classes for adults on the fundamental principles of democratic government, English language, citizenship, public affairs, arts and crafts, general cultural subjects, adult recreation and other subjects that the State Board of Education may authorize. The classes shall be conducted in the English language, except as the needs for teaching a foreign language may require otherwise.

(2) The district school board may establish a fee schedule for the classes and collect fees from persons enrolled in the adult education program of the district. The fees shall be used for the support or encouragement of adult education.

(3) The classes shall be subject to the rules of the district school board, shall be organized to meet the needs of the adults in the district and, as far as practicable, shall be held at times and places that are most convenient and accessible to the members of the classes. [1965 c.100 §233; 1967 c.67 §6; 2005 c.209 §23]

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

**336.155** [1965 c.100 §234; 1971 c.513 §87; repealed by 1989 c.216 §1]

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

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

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

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

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

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

**336.176** [2001 c.959 §1; repealed by 2011 c.313 §25]

**336.177** [1989 c.663 §§1,2; repealed by 2011 c.313 §25]

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

(2) Each school district shall determine the activities necessary to qualify for special recognition of student achievement. [1991 c.344 §1; 2005 c.209 §24; 2012 c.91 §9]

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

**336.181** [1999 c.961 §2; repealed by 2011 c.313 §25]

**336.183** [1981 c.74 §1; renumbered 336.014 in 2013]

**DISCLOSURE OF PERSONAL INFORMATION ABOUT STUDENT**

**336.184 Oregon Student Information Protection Act; definitions; prohibitions; exemptions.** (1) This section shall be known and may be cited as the Oregon Student Information Protection Act.

(2) As used in this section:

(a) “Covered information” means personally identifiable information or materials that regard a student in this state and that are in any media or format that meet any of the following:

(A) Are created or provided by a student, or the student’s parent or legal guardian, to an operator in the course of the student’s, parent’s or legal guardian’s use of the operator’s site, service or application for kindergarten through grade 12 purposes;

(B) Are created for an operator or provided to an operator by an employee or agent of the kindergarten through grade 12 school, school district or education service district for kindergarten through grade 12 purposes; or

(C) Are gathered by an operator and personally identify a student, or are linked to information that personally identifies a student, including, but not limited to:

(i) Information in the student’s educational record or electronic mail;

(ii) The student’s first and last name, home address, telephone number, electronic mail address or other information that allows physical or online contact; or

(iii) The student’s discipline records, test results, special education data, juvenile dependency records, grades, evaluations, criminal records, medical records, health records, Social Security number, biometric information, disabilities, socioeconomic information, food purchases, political affiliations, religious information, text messages, documents, student identifiers, search activity, photographs, voice recordings or geolocation information.

(b) “Kindergarten through grade 12 school purposes” means purposes that:

(A) Are directed by, or that customarily take place at the direction of, a kindergarten through grade 12 school, teacher, school district or education service district;

(B) Aid in the administration of school activities, including instruction in the classroom or at home, administrative activities and collaboration between students, school personnel or parents; or

(C) Are primarily for the use and benefit of the school.

(c) “Operator” means the operator of an Internet website, online service, online ap-

plication or mobile application with actual knowledge that the site, service or application:

(A) Is used primarily for kindergarten through grade 12 school purposes; and

(B) Was designed and marketed for kindergarten through grade 12 school purposes, to the extent that the site, service or application is operating in that capacity.

(d) “Student” means a student in any grade from kindergarten through grade 12.

(e)(A) “Targeted advertising” means advertising presented to a student based on information obtained or inferred from the student’s online behavior, usage of applications or covered information.

(B) “Targeted advertising” does not include advertising presented to a student:

(i) At an online location based upon the student’s current visit to that location; or

(ii) As a single search query, as long as the student’s online activities are not collected or retained over time.

(3)(a) An operator may not knowingly engage in any of the following activities with respect to the operator’s site, service or application:

(A) Engage in targeted advertising on the operator’s site, service or application.

(B) Target advertising on any other site, service or application when the targeting of the advertising is based upon any information, including covered information and persistent unique identifiers, that the operator has acquired because of the use of that operator’s site, service or application for kindergarten through grade 12 school purposes.

(C) Use information, including persistent unique identifiers, created or gathered by the operator’s site, service or application, to amass a profile about a student, except in furtherance of kindergarten through grade 12 school purposes.

(D) Sell a student’s information, including covered information. The prohibition of this subparagraph does not apply to the purchase, merger or other type of acquisition of an operator by another entity, provided that the operator or successor entity continues to be subject to the provisions of this section with respect to previously acquired student information that is subject to this section.

(E) Disclose covered information, unless the disclosure is made:

(i) In furtherance of the kindergarten through grade 12 school purposes of the site, service or application, provided the recipient of the covered information:

(I) Does not further disclose covered information, unless the disclosure is to allow or improve the operability and functionality within the student’s classroom or school; and

(II) Is legally required to comply with the requirements of subsection (4) of this section and to not use that covered information in violation of this section;

(ii) To ensure legal and regulatory compliance;

(iii) To respond to or participate in the judicial process;

(iv) To protect the safety of users or others or the security or integrity of the site; or

(v) To a service provider, provided the operator contractually:

(I) Prohibits the service provider from using any covered information for any purpose other than providing the contracted service to, or on behalf of, the operator;

(II) Prohibits the service provider from disclosing any covered information provided by the operator to subsequent third parties, except in furtherance of kindergarten through grade 12 school purposes of the site, service or application or for a purpose permitted by subsection (3)(a), (6) or (7) of this section; and

(III) Requires the service provider to implement and maintain reasonable security procedures and practices as provided by subsection (4) of this section.

(b) Nothing in this subsection shall be construed to prohibit the operator’s use of information for maintaining, developing, supporting, improving or diagnosing the operator’s site, service or application.

(4) An operator shall:

(a) Implement and maintain reasonable security procedures and practices appropriate to the nature of the covered information and appropriate to protect the covered information from unauthorized access, destruction, use, modification or disclosure; and

(b) Delete a student’s covered information within a reasonable time if the school or school district requests deletion of data that is under the control of the school or school district.

(5) Notwithstanding subsections (3)(a)(E) and (6) of this section, an operator may disclose covered information of a student if the disclosure:

(a) Does not violate subsection (3)(a)(A) to (D) of this section;

(b) Is required by federal or state law and the operator complies with the requirements of federal and state law in protecting and disclosing the information;

(c) Is for legitimate research purposes that are:

(A) Required by federal or state law and subject to the restrictions under applicable federal and state law; or

(B) Allowed by federal or state law and made under the direction of a school, school district, education service district or the Department of Education, if the covered information is not used for any purpose in furtherance of advertising or amassing a profile on the student for purposes other than kindergarten through grade 12 school purposes; or

(d) Is made to a state or local educational agency, including schools and school districts, for kindergarten through grade 12 school purposes as permitted by federal or state law.

(6) Nothing in this section prohibits an operator from:

(a) Disclosing deidentified student covered information if the disclosure is:

(A) Within the operator's site, service or application or other sites, services or applications owned by the operator to develop or improve educational products or services; or

(B) Made to demonstrate the effectiveness of the operator's products or services, including marketing for the operator's products or services;

(b) Sharing aggregated deidentified student covered information for the development and improvement of educational sites, services or applications;

(c) Using student data, including covered information, for adaptive learning or customized student learning purposes; or

(d) Responding to a student-initiated request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.

(7) Nothing in this section shall be construed to limit the authority of:

(a) A law enforcement agency to obtain any content or information from an operator as authorized by law or pursuant to an order of a court of competent jurisdiction;

(b) An Internet service provider from providing Internet connectivity to schools or students and their families;

(c) An operator of an Internet website, online service, online application or mobile application from marketing educational products directly to parents or legal guardians, as long as the marketing does not result from the use of covered information obtained by the operator through the provision of services covered under this section; or

(d) Students, or the students' parents or legal guardians, to download, transfer, export or otherwise save or maintain their own student data or documents.

(8) Nothing in this section shall be construed to impose a duty upon:

(a) A provider of an electronic store, gateway, marketplace or other means of purchasing or downloading software or applications to review or enforce compliance with this section by those applications or software; or

(b) A provider of an interactive computer service to review or enforce compliance with this section by third-party content providers. As used in this paragraph, "interactive computer service" means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such services or systems operated or offered by libraries or educational institutions.

(9) This section does not apply to general audience Internet websites, general audience online services, general audience online applications or general audience mobile applications, even if login credentials created for an operator's site, service or application may be used to access those general audience sites, services or applications.

(10) Violation of this section is an unlawful practice under ORS 646.607. [2015 c.528 §2]

**Note:** 336.184 takes effect July 1, 2016. See section 5, chapter 528, Oregon Laws 2015.

**Note:** 336.184 was added to and made a part of 646.605 to 646.652 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

**336.187 When school authorized to disclose information about student; immunity of recipient.**

(1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:

(a) Law enforcement, child protective services and health care professionals in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals; and

(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court's or juvenile justice agency's

ability to serve the needs of a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.

(2) As used in this section, a "health or safety emergency" includes, but is not limited to, law enforcement efforts to locate a child who may be a victim of kidnap, abduction or custodial interference and law enforcement or child protective services efforts to respond to a report of child abuse or neglect pursuant to ORS 419B.005 to 419B.050.

(3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information. [1993 c.806 §9 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.79 §183; 1999 c.620 §7]

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

**336.195** [1971 c.512 §2; 1973 c.827 §30; 1979 c.274 §2; repealed by 1993 c.806 §1 (326.565, 326.575 and 336.187 enacted in lieu of 336.195)]

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

## NURSING SERVICES

**336.201 Nursing services provided by district; report.** (1) As used in this section:

(a) "Licensed practical nurse" means an individual who is licensed as a licensed practical nurse under ORS 678.010 to 678.410.

(b) "Medically complex students" means students who may have an unstable health condition and who may require daily professional nursing services.

(c) "Medically fragile students" means students who may have a life-threatening health condition and who may require immediate professional nursing services.

(d) "Nursing-dependent students" means students who may have an unstable or life-threatening health condition and who may require daily, direct and continuous professional nursing services.

(e) "Registered nurse" means an individual who is licensed as a registered nurse under ORS 678.010 to 678.410.

(f) "School nurse" has the meaning given that term in ORS 342.455.

(2) Each school district shall ensure that the district has access to a sufficient level of nursing services to provide:

(a) One registered nurse or school nurse for every 225 medically complex students.

(b) One registered nurse or school nurse for every 125 medically fragile students.

(c) One registered nurse or school nurse, or one licensed practical nurse under the supervision of a registered nurse or school nurse, for each nursing-dependent student.

(3) In addition to the requirements of subsection (2) of this section, each school district is encouraged to have one registered nurse or school nurse for every 750 students in the school district.

(4)(a) A school district may satisfy the requirements of subsection (2) of this section by using the most cost-effective means available.

(b) A school district may satisfy the requirements described in subsection (2)(a) of this section and the recommendations described in subsection (3) of this section by:

(A) Providing personnel trained and supervised by a registered nurse or school nurse; and

(B) Complying with the requirements of ORS 678.010 to 678.448.

(5)(a) A registered nurse or school nurse is responsible for coordinating the school nursing services provided to an individual student. The registered nurse or school nurse shall work in partnership with the student's parent or guardian, health care provider and appropriate school staff to the extent allowed by law.

(b) Decisions related to when or where a student receives school nursing services must jointly be made by the registered nurse or school nurse, the parent or guardian of the student and any appropriate school staff. This paragraph does not apply to students who have an individualized education program and for whom special education and related services are determined by an individualized education program team.

(6) The Department of Education shall submit to the State Board of Education and the interim legislative committees related to education an annual report no later than October 1 of each year that is based on the previous school year and that provides information on:

(a) The availability of licensed practical nurses, registered nurses and school nurses in each school district; and

(b) The number of medically complex students, medically fragile students and nursing-dependent students in each school district. [2009 c.843 §2; 2009 c.843 §4]

**Note:** Section 5, chapter 843, Oregon Laws 2009, provides:

**Sec. 5.** For the purpose of fulfilling the recommendations for registered nurses and school nurses in a school district, as described in section 2 (3) and (4)(b)

of this 2009 Act [336.201 (3) and (4)(b)], as amended by section 4 of this 2009 Act, school districts are encouraged to provide:

(1) One registered nurse or school nurse for every 3,500 students by July 1, 2014.

(2) One registered nurse or school nurse for every 2,500 students by July 1, 2016.

(3) One registered nurse or school nurse for every 1,500 students by July 1, 2018.

(4) One registered nurse or school nurse for every 750 students by July 1, 2020. [2009 c.843 §5]

**336.205** [1971 c.512 §5; repealed by 1979 c.274 §4]

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

**HEALTH-RELATED EXAMINATIONS**

**336.211 Vision screenings and eye examinations; rules.** (1) As used in this section:

(a) “Education provider” means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board.

(b) “Eye examination” means an eye examination that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease; and

(B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) “Vision screening” means an eye screening test to identify potential vision health problems that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease;

(C) A health care practitioner acting in accordance with rules adopted by the State Board of Education; or

(D) A school nurse, an employee of an education provider or a person designated by the Department of Education to provide vision screening to students who is acting in accordance with rules adopted by the State Board of Education.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received:

(A) A vision screening or an eye examination; and

(B) Any further examinations or necessary treatments of the eye or assistance of the powers or range of vision of the eye.

(b) The certification required by this subsection must be provided no later than 120 days after the student begins the educational program.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider; or

(b) The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) Ensure that the requirements of this section are met. Failure by a student to meet the requirements of this section may not result in a program’s or school’s prohibiting the student from attending the program or school, but may result in withholding report cards or similar actions.

(b) File in the student’s vision health record any certifications and any results of a vision screening or an eye examination known by the education provider.

(c) Provide the parent or guardian of each student with information about the vision screenings and eye examinations, and information about further examinations or necessary treatments.

(5) The State Board of Education, in consultation with the Oregon Health Policy Board, shall adopt by rule any standards for the implementation of this section. [2013 c.585 §1]

**336.213 Dental screenings; reports; rules.** (1) As used in this section:

(a) “Dental screening” means a dental screening test to identify potential dental health problems that is conducted by:

(A) A dentist licensed under ORS chapter 679;

(B) A dental hygienist licensed under ORS 680.010 to 680.205;

(C) A health care practitioner who is acting in accordance with rules adopted by the State Board of Education; or

(D) A person who:

(i) Is one of the following:

(I) An employee of an education provider; or

(II) Trained in accordance with guidelines established by the dental director appointed by the Oregon Health Authority; and

(ii) Is acting in accordance with rules adopted by the State Board of Education in collaboration with the dental director appointed by the Oregon Health Authority.

(b) "Education provider" means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received a dental screening within the previous 12 months.

(b) The certification required by this subsection:

(A) Must be provided no later than 120 days after the student begins the educational program.

(B) May be provided by a person identified in subsection (1)(a) of this section who conducts the dental screening at a location not associated with the education provider or who conducts regular dental screenings of the student.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider;

(b) The dental screening is contrary to the religious beliefs of the student or the parent or guardian of the student; or

(c) The dental screening is a burden, as defined by the State Board of Education by rule, for the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) File in the student's dental health record any certifications and any results of a dental screening known by the education provider.

(b) Provide the parent or guardian of each student with information about:

(A) The dental screenings;

(B) Further examinations or necessary treatments; and

(C) Preventive care, including fluoride varnish, sealants and daily brushing and flossing.

(5) The dental director appointed by the Oregon Health Authority shall develop standardized information described in subsection (4)(b) of this section for distribution by education providers.

(6)(a) No later than October 1 each year, each school district shall submit to the Department of Education a report that identifies the percentage of students who failed to submit the certification required under this section for the previous school year.

(b) No later than December 1 each year, the department shall summarize the reports received under paragraph (a) of this subsection and submit the summary to the interim legislative committees on education and to the dental director appointed by the Oregon Health Authority.

(7) The State Board of Education, in consultation with the Oregon Health Policy Board and the Oregon Board of Dentistry, shall adopt by rule any standards for the implementation of this section. [2015 c.558 §1]

**Note:** 336.213 becomes operative July 1, 2016. See section 2, chapter 558, Oregon Laws 2015.

**Note:** Section 2, chapter 558, Oregon Laws 2015, provides:

**Sec. 2.** (1) Section 1 of this 2015 Act [336.213] becomes operative on July 1, 2016.

(2) Section 1 of this 2015 Act first applies to the 2016-2017 school year.

(3) For the purpose of section 1 (6) of this 2015 Act:

(a) The first report required under section 1 (6)(a) of this 2015 Act must be submitted to the Department of Education no later than October 1, 2017.

(b) The first report required under section 1 (6)(b) of this 2015 Act must be submitted to the interim legislative committees on education and to the dental director appointed by the Oregon Health Authority no later than December 1, 2017. [2015 c.558 §2]

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

### **336.216 Mental health screenings;**

**rules.** (1) When a school district causes to be conducted a mental health screening of all of the students in one or more classrooms or all of the students in one or more grades, the school district must allow the student or the parents or legal guardians of the student to request that the student not participate in the mental health screening.

(2) At least two weeks prior to a school district causing a mental health screening to be conducted of all of the students in one or more classrooms or all of the students in one or more grades, the school district shall mail written notice of the mental health screening to the last-known address of the family of the student.

(3) The notice provided under subsection (2) of this section must:

(a) Explain that either a student or a parent or a legal guardian of a student has the right to request in writing that the student not participate in the mental health screening;

(b) Explain that, on the day of the mental health screening, a student or a parent or a legal guardian of a student may request, orally or in writing, that the student not participate in the screening;

(c) Explain who will administer the mental health screening and who will have access to the results of the screening; and

(d) Meet any other requirements established by the State Board of Education by rule.

(4) The results of a mental health screening that is described in subsection (1) of this section may not be included in the education records of the student.

(5) Nothing in this section allows a school district to cause a mental health screening to be conducted for an individual student without first receiving the written consent of a parent or legal guardian of the student if the screening is not conducted as part of a screening of all students in one or more classrooms or all students in one or more grades.

(6) Nothing in this section alters the rights of a child with a disability who is eligible for special education or the rights of a child who may have a disability, as those rights are provided in ORS chapter 343. Any evaluations conducted for the purpose of evaluation, reevaluation or placement for special education must meet the consent requirements of ORS 343.164. [2013 c.441 §1]

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

**ALCOHOL AND DRUG ABUSE PROGRAM**

**336.222 District policy and plan; content.** In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

(1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;

(2) The nature and extent of the district's expectation of intervention with students who appear to have drug or alcohol abuse problems;

(3) The extent of the district's alcohol and other drug prevention and intervention programs; and

(4) The district's strategy to gain access to federal funds available for drug abuse prevention programs. [1989 c.1076 §1; 2009 c.595 §208; 2011 c.673 §6]

**336.225** [Formerly 332.340; 1965 c.100 §224; renumbered 336.035]

**336.227 Duties of Oregon Health Authority.** To assist school districts to formulate the programs described in ORS 336.222 (1), the Oregon Health Authority shall:

(1) Devise a public information program directed toward students, parents, teachers, administrators and school board members at the school district level; and

(2) Contact advocacy associations of the target groups described in subsection (1) of this section to facilitate outreach programs and disseminate alcohol and drug abuse prevention information. [1989 c.1076 §2; 2009 c.595 §209]

**336.230** [Amended by 1965 c.100 §225; renumbered 336.057]

**336.235 State board rules.** In order to carry out the duties described in ORS 336.222 and 336.227, the State Board of Education, in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, shall adopt by rule, as a minimum, descriptions of the content of what shall be included in the policy and plan described in ORS 336.222 and 336.227. [1989 c.1076 §4; 2009 c.595 §210; 2011 c.673 §7]

**336.240** [Amended by 1957 c.149 §1; 1965 c.100 §226; renumbered 336.067]

**336.241 Inclusion of marijuana abuse prevention curricula and public information programs in policies and plans; report.** (1) As part of the comprehensive alcohol and drug abuse policy and implementation plan described in ORS 336.222, the Oregon Health Authority, State Board of Education and Alcohol and Drug Policy Commission shall collaborate on developing marijuana abuse prevention curricula and public information programs for students, parents, teachers, administrators and school board members.

(2) In the manner provided by ORS 192.245, the authority shall report on the implementation of this section to the Legislative Assembly on or before February 1 of each odd-numbered year. [2015 c.614 §117]

**336.245** [1989 c.1076 §6; 1993 c.45 §90; 2009 c.595 §211; 2011 c.545 §42; repealed by 2011 c.313 §25]

**336.250** [Repealed by 1957 c.149 §2]

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

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

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

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

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

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

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

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

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

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

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

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

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

**336.375** [1965 c.100 §237; repealed by 2011 c.313 §25]

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

**336.390** [Amended by 1965 c.100 §239; 1973 c.827 §31; 1993 c.45 §92; repealed by 2011 c.313 §25]

**336.400** [Amended by 1965 c.100 §240; repealed by 2011 c.313 §25]

**336.410** [Amended by 1965 c.100 §241; repealed by 2011 c.313 §25]

**336.420** [Amended by 1965 c.100 §242; repealed by 2011 c.313 §25]

### FOOD AND BEVERAGE STANDARDS AND PROGRAMS

**336.423 Standards for food and beverages sold to students in schools; exceptions; compliance.** (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(b) An entree item that is sold individually:

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

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

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

(a) If the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may not contain caffeine and may be only:

(A) Water.

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

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

(b) If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may not contain caffeine and may be only:

(A) Water.

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

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



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

(A) Water.

(B) Flavored water, provided the beverage item is not more than 20 ounces and contains no calories.

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

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

(E) A beverage item that is not more than 20 ounces and contains no more than 0.5 calories per ounce.

(F) A beverage item that is not more than 12 ounces and contains no more than five calories per ounce.

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

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

(6) The standards required by this section do not apply to:

(a) Food and beverage items sold as a meal in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program; or

(b) Entree items that:

(A) At a minimum, meet the standards of the federal programs identified in paragraph (a) of this subsection;

(B) Are sold individually in portions allowed under the federal programs identified in paragraph (a) of this subsection; and

(C) Are sold not later than one day after items that are part of a federal program identified in paragraph (a) of this subsection are sold.

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

(8) Each school year, a school district board shall determine whether the school district is in compliance with the standards required by this section and report the results of that determination to the Department of Education. The department may monitor whether school districts are in compliance with the standards required by this section. [2007 c.455 §1; 2015 c.317 §1]

**336.426 Oregon Farm-to-School and School Garden Program; rules.** (1) The Department of Education shall establish the Oregon Farm-to-School and School Garden Program. Through the program, the department shall:

(a) Assist school districts that participate in the United States Department of Agriculture's National School Lunch Program or School Breakfast Program in using Oregon food products and produce from school gardens;

(b) Promote food-based, agriculture-based and garden-based educational activities in school districts;

(c) Provide information to school districts on how farm-to-school and school garden projects may help implement wellness policies mandated by the United States Department of Agriculture;

(d) Assist school districts in incorporating farm-to-school and school garden projects into wellness policies mandated by the United States Department of Agriculture;

(e) Work with the State Department of Agriculture to develop farm-to-school related programs; and

(f) Perform other activities necessary to facilitate the success of the Oregon Farm-to-School and School Garden Program.

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

(3)(a) For the purpose of paying the costs of the Department of Education of administering the Oregon Farm-to-School and School Garden Program, the department may accept contributions of moneys and assistance from any source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the department under this section.

(b) Any moneys received by the department under this subsection shall be placed in the Department of Education Account. [2008 c.21 §1; 2011 c.663 §1]

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

**336.431 Farm-to-School Grant Programs to purchase Oregon food products and to fund certain educational activities; rules; administrative costs.** (1) The Department of Education shall administer a Farm-to-School Grant Program as provided by this section.

(2) A school district may apply to the department for a grant as follows:

(a) As a noncompetitive grant to assist the school district with paying for costs incurred by the school district to purchase food produced or processed in this state; or

(b) As a competitive grant to fund food-based, agriculture-based and garden-based educational activities in the school district.

(3)(a) Based on a noncompetitive process, the department shall provide grants to school districts to assist in paying for costs incurred by the school district to purchase food produced or processed in this state. The amount of a grant awarded as provided by this subsection shall be determined by the department based on the number of lunches served by the school district during the previous school year under the United States Department of Agriculture's National School Lunch Program.

(b) A school district that receives a grant under this subsection shall use the moneys for the costs incurred by the school district to purchase food products that were:

(A) Purchased on or after the date the school district received notification from the Department of Education of the amount to be distributed to the school district as provided by this subsection;

(B) Produced or processed in this state; and

(C) Used for meals that are served as part of the United States Department of Agriculture's child nutrition programs.

(4)(a) Based on a competitive process, the department shall provide grants to school districts or nonprofit organizations, or commodity commissions or councils organized under ORS 576.051 to 576.455 or ORS chapter 577 or 578, to assist in paying the costs incurred to provide food-based, agriculture-based or garden-based educational activities in the school district.

(b) An entity identified in paragraph (a) of this subsection that receives a grant under this subsection shall use the moneys for

costs directly associated with the educational activities, including staff time, travel costs and equipment purchased for the activities.

(c) When awarding grants under this subsection, preference shall be given to entities that propose educational activities that:

(A) Are well designed;

(B) Promote healthy food activities;

(C) Have clear educational objectives;

(D) Involve parents or the community;

(E) Are connected to a school district's farm-to-school procurement activities; and

(F) Are culturally relevant to the students being served by the grant moneys.

(d) The department must ensure that the recipients of grants under this subsection:

(A) Represent a variety of school sizes and geographic locations; and

(B) Serve a high percentage of children who qualify for free or reduced price school meals under the United States Department of Agriculture's National School Lunch Program.

(5) The Department of Education shall consult with the State Department of Agriculture to:

(a) Develop rules and standards related to the grants awarded under this section.

(b) Determine the recipients and amounts of grants awarded under this section.

(6) The Department of Education may expend for the administrative costs incurred under this section no more than two percent of all moneys received by the department for the grant program. [2011 c.663 §2; 2013 c.652 §1; 2015 c.840 §13]

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

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

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

**336.441 Use of alcoholic beverages in culinary arts classes.** (1) As used in this section, "alcoholic beverage" has the meaning given that term in ORS 471.001.

(2) A district school board may adopt a policy that allows the use of alcoholic beverages in the secondary schools of the school district for the following purposes:

(a) As ingredients in cooking or food preparation; and

(b) In a culinary arts class taught at a secondary school of the school district or in preparation for a culinary competition or demonstration by the students of a secondary school of the school district.

(3) A policy adopted under this section must:

(a) Specify the circumstances under which the alcoholic beverages may be used;

(b) Require that the alcoholic beverages be used only while under adult supervision;

(c) Require that the alcoholic beverages be securely stored while not in use;

(d) Require that the parent or legal guardian of each student participating in the culinary arts class provide written consent for the student to use alcoholic beverages in the culinary arts class; and

(e) Allow a student to participate in an alternative project if consent is not provided under paragraph (d) of this subsection or if the student chooses not to participate in a project that requires the use of an alcoholic beverage.

(4) A policy adopted under this section may allow for the use of alcoholic beverages:

(a) At specified culinary competitions or demonstrations while requiring board approval for the use of alcoholic beverages in other culinary competitions or demonstrations; and

(b) In specified culinary arts classes while not allowing for the use of alcoholic beverages in other culinary arts classes. [2011 c.367 §1]

**336.445 Use of polystyrene foam in meal service; rules.** (1) Except as provided in subsection (2) of this section, a school district that provides breakfast or lunch at any school site of the school district may not use polystyrene foam plates, trays, food containers or food packaging in the service of any meal.

(2) A school district may use polystyrene foam plates, trays, food containers or food packaging in the service of meals if the school district participates in a recycling program for the polystyrene foam.

(3) The State Board of Education may adopt any rules necessary for the administration of this section. [2015 c.422 §1]

**Note:** 336.445 becomes operative July 1, 2021. See section 2, chapter 422, Oregon Laws 2015.

**Note:** Section 3, chapter 422, Oregon Laws 2015, provides:

**Sec. 3.** (1) Except as provided by subsection (2) of this section, a school district that used polystyrene foam plates, trays, food containers or food packaging in the service of meals during the 2014-2015 school year must establish a plan to comply with the provisions of section 1 (1) or (2) of this 2015 Act [336.445 (1) or (2)] by the operative date specified in section 2 of this 2015 Act [July 1, 2021].

(2) Using criteria adopted by the State Board of Education by rule, the Department of Education shall provide an extension for compliance to any school district that is able to show a financial hardship experienced from complying with the requirements of subsection (1) of this section. [2015 c.422 §3]

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

## HEALTH EDUCATION

**336.455 Human sexuality education courses; criteria.** (1) Each school district shall provide age-appropriate human sexuality education courses in all public elementary and secondary schools as an integral part of the health education curriculum.

(2) Course material and instruction for all human sexuality education courses shall enhance students' understanding of sexuality as a normal and healthy aspect of human development. Course instruction shall:

(a) Be medically accurate.

(b) Be comprehensive.

(c) Include information about responsible sexual behaviors and hygienic practices that eliminate or reduce the risks of pregnancy and the risks of exposure to human immunodeficiency virus, hepatitis B, hepatitis C and other infectious or sexually transmitted diseases. Information about those risks shall be presented in a manner designed to allay fears concerning risks that are scientifically groundless.

(d) Promote abstinence for school-age youth and mutually monogamous relationships with an uninfected partner for adults as the most effective way to prevent pregnancy and the transmission of sexually transmitted diseases. However, abstinence may not be taught to the exclusion of other material and instruction on contraceptive and disease reduction measures. Human sexuality education courses shall acknowledge the value of abstinence while not devaluing or ignoring those students who have had or are having sexual intercourse.

(e) Include a discussion about the characteristics of the emotional, physical and psychological aspects of a healthy relationship and a discussion about the benefits of delaying pregnancy beyond the adolescent years as a means to better ensure a healthy future for parents and their children. Students shall be provided with statistics based on the latest medical information regarding both the health benefits and the possible side effects of all forms of contraceptives, including the success and failure rates for prevention of pregnancy.

(f) Stress that sexually transmitted diseases are serious possible outcomes of sexual contact. Students shall be provided with statistics based on the latest medical information regarding the efficacy of all methods of sexual protection in preventing human immunodeficiency virus infection and other sexually transmitted diseases.

(g) Provide students with information about Oregon laws that address young people's rights and responsibilities related to childbearing and parenting.

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

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

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

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

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

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

(4) Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses in biology. [1993 c.775 §1; 2009 c.213 §1]

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

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

(a) Give parents, guardians and district residents an opportunity to examine the instructional materials to be used in any class, course, assembly or school-sponsored activity.

(b) Inform parents or guardians in advance of any instruction on human sexuality or human immunodeficiency virus and give them an opportunity to review materials. At the same time, parents or guardians shall be informed that no pupil shall be required to take or participate in any instruction on human sexuality or human immunodeficiency virus if the pupil's parent or guardian, after having reviewed the materials, submits written objection to the school district.

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

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

**336.472 Instruction in cardiopulmonary resuscitation and uses of automated external defibrillators; waiver; exception.**

(1) As an integral part of the health education curriculum or the physical education curriculum for students in grades 7 through 12, each school district must provide instruction in:

(a) Cardiopulmonary resuscitation; and

(b) The uses of automated external defibrillators.

(2) Instruction provided as required by subsection (1) of this section must:

(a) Include hands-on practicing of cardiopulmonary resuscitation; and

(b) Be developed by the American Heart Association, the American Red Cross or another organization that has developed an instructional program based on current, nationally recognized emergency cardiac care guidelines.

(3) Instruction provided as required by subsection (1) of this section may be taught by persons who:

(a) Are not licensed teachers but who are certified to provide the instruction, including volunteers from the community; or

(b) Are licensed teachers but who are not certified to provide the instruction.

(4) A school district may waive the requirement that instruction provided under subsection (1) of this section include hands-on practicing of cardiopulmonary resuscitation for any student who is unable to participate in hands-on practicing by reason of disability.

(5) The requirement that instruction provided under subsection (1) of this section include hands-on practicing of cardiopulmonary resuscitation does not apply to students en-

rolled in a virtual public charter school, as defined in ORS 338.005. [2015 c.338 §1]

**336.475** [1993 c.775 §3; 2011 c.545 §43; repealed by 2012 c.91 §25]

**STUDENT JOURNALISTS**

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

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

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

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

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

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

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

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates federal or state statutes, rules or regulations or state common law; or
- (d) So incites students as to create a clear and present danger of:
  - (A) The commission of unlawful acts on or off school premises;
  - (B) The violation of school policies; or

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

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

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

**EXTRACURRICULAR SPORTS**

**336.479 Physical examination prior to participation in extracurricular sports; rules.** (1) As used in this section, “participation” means participation in sports practices and actual interscholastic sports competition.

(2) Each school district shall require students who participate in extracurricular sports in grades 7 through 12 in the schools of the district to have a physical examination prior to participation. A person conducting the physical examination shall use a form and protocol prescribed by rule of the State Board of Education pursuant to subsection (6) of this section.

(3) A school district shall require students who continue to participate in extracurricular sports in grades 7 through 12 to have a physical examination once every two years.

(4) Notwithstanding subsection (3) of this section, a school district shall require a student who is diagnosed with a significant illness or has had a major surgery to have a physical examination prior to further participation in extracurricular sports.

(5) Any physical examination required by this section shall be conducted by a:

- (a) Physician possessing an unrestricted license to practice medicine;
- (b) Licensed naturopathic physician;

- (c) Licensed physician assistant;
- (d) Certified nurse practitioner; or

(e) Licensed chiropractic physician who has clinical training and experience in detecting cardiopulmonary diseases and defects.

(6) The State Board of Education shall by rule prescribe the form and protocol to be used for physical examinations required by this section. [2001 c.486 §1; 2003 c.323 §1; 2011 c.313 §19]

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

**336.485 Concussions; training of coaches; participation by athletes; rules.**

(1) As used in this section:

(a) “Coach” means a person who instructs or trains members on a school athletic team, as identified by criteria established by the State Board of Education by rule.

(b) “Health care professional” means a medical doctor, osteopathic physician, psychologist, physician assistant or nurse practitioner licensed or certified under the laws of this state.

(2)(a) Each school district shall ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to seek proper medical treatment for a person suspected of having a concussion.

(b) The board shall establish by rule:

(A) The requirements of the training described in paragraph (a) of this subsection, which shall be provided by using community resources to the extent practicable; and

(B) Timelines to ensure that, to the extent practicable, every coach receives the training described in paragraph (a) of this subsection before the beginning of the season for the school athletic team.

(3) Except as provided in subsection (4) of this section:

(a) A coach may not allow a member of a school athletic team to participate in any athletic event or training on the same day that the member:

(A) Exhibits signs, symptoms or behaviors consistent with a concussion following an observed or suspected blow to the head or body; or

(B) Has been diagnosed with a concussion.

(b) A coach may allow a member of a school athletic team who is prohibited from participating in an athletic event or training, as described in paragraph (a) of this subsection, to participate in an athletic event or training no sooner than the day after the

member experienced a blow to the head or body and only after the member:

(A) No longer exhibits signs, symptoms or behaviors consistent with a concussion; and

(B) Receives a medical release form from a health care professional.

(4) A coach may allow a member of a school athletic team to participate in any athletic event or training at any time after an athletic trainer registered by the Board of Athletic Trainers determines that the member has not suffered a concussion. The athletic trainer may, but is not required to, consult with a health care professional in making the determination that the member has not suffered a concussion. [2009 c.661 §1; 2015 c.392 §1]

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

**COMMUNITY SCHOOLS**

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

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

(1) Provide state leadership for community school development;

(2) Assist in the establishment, maintenance and expansion of community schools;

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

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

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

**336.520 Community school program to provide for advisory involvement; local advisory bodies.** (1) The community school program shall provide for the active and

continuous involvement on an advisory basis of institutions, groups and individuals in the community to be served by the program and the active and continuous involvement of local residents in the planning, development and operation of those programs and services deemed appropriate for their community.

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

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

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

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

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

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

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

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

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

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

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

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

**RESIDENTIAL PROGRAMS;  
YOUTH CARE CENTERS;  
DETENTION AND CORRECTIONS  
EDUCATION PROGRAMS**

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

services upon the facilities and program of the district.

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

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

**336.580 Education at youth care centers; rules.** (1) Every child at a youth care center, as defined in ORS 420.855, is entitled to receive appropriate education suited to the needs of the child in the least restrictive environment in which the child can function until the child is no longer of compulsory school age or receives a high school diploma or an equivalent.

(2)(a) Except as provided by paragraph (b) of this subsection, the school district in which the youth care center is located shall develop an educational plan for the children in the youth care center in consultation with the director of the center. The plan shall be approved annually by the school district board.

(b) For children placed at a youth care center within a detention facility, as defined in ORS 419A.004, the children shall receive educational services through the Juvenile Detention Education Program as described in ORS 326.695.

(3) The Superintendent of Public Instruction shall have the authority to enforce the provisions of ORS 336.575 and 339.137 and this section. If a district fails to comply, the superintendent shall find the district deficient and shall apply the penalty provided in ORS 327.103.

(4) The State Board of Education shall adopt rules to implement this section. [Formerly 339.195; 1997 c.20 §1; 2007 c.429 §1; 2015 c.671 §4]

**336.585 Education for children enrolled in Juvenile Detention Education Program; costs; rules; notification to resident district.** (1) As used in this section:

(a) "Juvenile Detention Education Program" means the program defined in ORS 326.695.

(b) "Resident district" means the school district in which the parents or legal guardian, if any, of a child resided at the time of the child's enrollment in the Juvenile De-

tention Education Program. If the child has no parents or legal guardian, or none can be located, the resident district is the school district in which the child is physically located.

(2) The Department of Education shall provide or cause to be provided appropriate education for children enrolled in an educational program under the Juvenile Detention Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Juvenile Detention Education Program.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Juvenile Detention Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Juvenile Detention Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Implement an assessment system as provided by ORS 329.485 (3).

(b) Administer a nationally normed assessment as provided by ORS 329.488.

(c) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(d) Receive funds under ORS chapter 329.

(5) The superintendent shall ensure that the resident district of each child enrolled in an educational program under the Juvenile Detention Education Program is notified, if the resident district can be reasonably identified. The purposes of the notification include, but are not limited to:

(a) Removing the child from the resident district's census;

(b) Facilitating transfers of the child's educational records; and

(c) Facilitating planning for the child's possible return to the resident district. [Formerly 339.205; 2001 c.681 §8; 2011 c.315 §1; 2013 c.1 §31; 2013 c.747 §41]

**336.590 Education for children enrolled in Youth Corrections Education Program; costs; rules.** (1) As used in this section, "Youth Corrections Education Program" means the program defined in ORS 326.695.

(2) The Department of Education shall provide or cause to be provided appropriate

education for children enrolled in an educational program under the Youth Corrections Education Program. The Superintendent of Public Instruction may contract with a school district or education service district to provide or cause to be provided appropriate education to children enrolled in an educational program under the Youth Corrections Education Program.

(3) The superintendent shall pay the costs of providing education to children enrolled in an educational program under the Youth Corrections Education Program from the State School Fund grant allocated for that purpose under ORS 327.026.

(4) The State Board of Education shall adopt by rule standards to be applied to the operation of the Youth Corrections Education Program, including standards that allow a school district or an education service district under contract with the superintendent to:

(a) Award high school diplomas, modified diplomas, extended diplomas and alternative certificates as provided by ORS 329.451 and 339.877.

(b) Implement an assessment system as provided by ORS 329.485 (3).

(c) Administer a nationally normed assessment as provided by ORS 329.488.

(d) Participate in the beginning teacher and administrator mentorship program established by ORS 329.788 to 329.820.

(e) Receive funds under ORS chapter 329. [2011 c.315 §2; 2013 c.1 §32; 2013 c.747 §42]

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

#### ALTERNATIVE EDUCATION PROGRAMS

**336.615 Definition for ORS 336.615 to 336.665.** As used in ORS 336.615 to 336.665, "alternative education program" means a school or separate class group designed to best serve students' educational needs and interests and assist students in achieving the academic standards of the school district and the state. [Formerly 339.605; 2001 c.490 §1]

**336.620** [Formerly 336.430; renumbered 339.880 in 1993]

**336.625 Goals; district responsibility; registration; rules.** (1) In implementing alternative education programs, district school boards shall maintain learning situations that are flexible with regard to environment, time, structure and pedagogy.

(2) Students participating in alternative education programs are considered to be the responsibility of the resident district for purposes of ORS 332.072.

(3) The State Board of Education by rule:



(a) Shall define the accountable activities and allowable credit for these activities in alternative education programs;

(b) Shall adopt a process for registering private alternative education programs that includes, but is not limited to, the requirements of ORS 336.631; and

(c) Shall establish standards for private alternative education programs to ensure a safe educational environment and an instructional program that provides students with the opportunity to make progress toward achieving state academic content and performance standards.

(4) A school district may not waive the right to implement an alternative education program in a collective bargaining agreement. [Formerly 339.615; 1997 c.521 §24; 2001 c.490 §2]

**336.630** [Formerly 332.100 and then 336.045; renumbered 339.875 in 1993]

**336.631 Private alternative programs; requirements; applicability of laws; placement of students.** (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

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

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

(e) ORS 339.122 (advertisement requirements);

(f) Health and safety statutes and rules; and

(g) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the

proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085. [1997 c.521 §11; 1999 c.59 §84; 2001 c.490 §3; 2005 c.730 §15; 2007 c.35 §5; 2007 c.256 §4; 2010 c.72 §7; 2015 c.245 §45]

**Note:** The amendments to 336.631 by section 6, chapter 839, Oregon Laws 2007, become operative July 1, 2017, and first apply to the 2017-2018 school year. See section 9, chapter 839, Oregon Laws 2007. The text that is operative on and after July 1, 2017, including amendments by section 8, chapter 72, Oregon Laws 2010, and section 46, chapter 245, Oregon Laws 2015, is set forth for the user's convenience.

**336.631.** (1) Prior to contracting with or distributing any public funds to a private alternative education program, a district school board shall:

(a) Annually approve the private alternative education program;

(b) Determine that the private alternative education program is registered with the Department of Education; and

(c) Determine that the private alternative education program complies with the requirements of subsection (2) of this section and ORS 336.625 (3)(c).

(2) The following laws apply to private alternative education programs that are registered with the Department of Education under ORS 336.635 in the same manner as the laws apply to school districts and public schools:

(a) Federal law;

(b) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);

(c) ORS 329.496 (physical education);

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

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

(f) ORS 339.122 (advertisement requirements);

(g) Health and safety statutes and rules; and

(h) Any statute, rule or school district policy that is specified in a contract between the school district board and the private alternative education program.

(3) Prior to placement of a student in a private alternative education program, the resident district shall determine whether the proposed placement best serves the student's educational needs and interests and assists the student in achieving the district and state academic standards.

(4) Contracts between a school district and a private alternative education program shall be included in the assessment of effectiveness provided for in ORS 329.085.

**336.635 Enrollment in alternative education program; billing; rules; status of teachers.** (1) The parent or guardian of a student may enroll the student in one of the proposed public alternative education programs or private alternative education programs of instruction or instruction combined with counseling if:

(a) The enrollment is necessary to meet the student's educational needs and interests.

(b) The program is appropriate and accessible to the student.

(c) For a program in a school district in which the student is a resident, the resident school district approves the enrollment.

(d) For a program in a school district in which the student is not a resident, the resident school district and the attending school district approve the enrollment.

(e) For a private alternative education program, the program is registered with the Department of Education.

(2) If the student is eligible for special education under ORS 343.221 to 343.236 and 343.261 to 343.295, the program must be approved by the Department of Education prior to the placement of the student in the program.

(3) A student enrolled pursuant to this section is considered enrolled in the schools of the district offering the program for purposes of the distribution of the State School Fund.

(4) An alternative education program that is offered to a student who is not a resident of the school district may bill tuition to the school district where the student is a resident. The billing may be made annually or at the end of each term or semester of the alternative education program. For each full-time equivalent student enrolled in the alternative education program, the resident school district shall pay the actual cost of the program or an amount at least equivalent to 80 percent of the district's estimated current year's average per student net operating expenditure, whichever is less, in accordance with rules adopted by the State Board of Education. The alternative education program is accountable for the expenditures of all State School Fund moneys and other local school support moneys and shall provide the resident school district with an annual statement of the expenditures.

(5) A private alternative education program that is registered with the department is not required to employ only licensed teachers or administrators. Teachers and administrators in private programs are not considered employees of any school district for purposes of ORS 342.173.

(6) A school district is not required to provide a public alternative education program if the student can be referred to public or approved private alternative education programs that are appropriate for and accessible to the student.

(7) Any preliminary teaching license, professional teaching license or distinguished teacher leader license issued by the Teacher Standards and Practices Commission is valid

for teaching all subjects and grade levels in an alternative education program operated by a school district or education service district. [Formerly 339.620; 1995 c.656 §7; 1996 c.16 §3; 1997 c.164 §1; 1997 c.613 §3; 2001 c.490 §4; 2009 c.252 §1; 2013 c.286 §12; 2015 c.647 §3]

**336.637 Instruction in educational standards required; assessment of students in private alternative education programs.** (1) A private alternative education program shall ensure that students receive instruction in the educational standards adopted by the State Board of Education for the grade level the program serves.

(2) Students enrolled in a private alternative education program shall take the statewide assessment developed by the Department of Education under ORS 329.485. A private alternative education program shall be accountable for determining the progress of its students toward achieving academic content standards as defined in ORS 329.007. The private alternative education program shall report, at least annually, each student's academic progress, including the results of the state assessment to students, parents and the school district. [1997 c.521 §12; 2001 c.490 §5]

**336.640 Rules governing education for pregnant and parenting students.** (1) The State Board of Education shall establish by rule procedures for considering and obtaining special services for pregnant and parenting students. Such rules shall include, but not be limited to, the obligation of the school district to:

(a) Inform pregnant and parenting students and their parents of the availability of such services in the school district, education service district or in the community;

(b) Facilitate the provision of such services, including counseling, life skills and parenting education, child care, transportation, career development and health and nutrition services to pregnant and parenting students;

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

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

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

(2) Each school district shall adopt policies and guidelines for implementation of this section in a manner consistent with the

rules of the state board adopted under subsection (1) of this section.

(3) No pregnant or parenting student shall be excluded from the public schools solely on the basis of pregnancy or parenthood.

(4) For purposes of reporting enrollments, school districts may count eligible students who are receiving individualized programs or services, or both, as described in subsection (1)(e) of this section, in the same category as students eligible for special education as children with disabilities under ORS 343.035. [Formerly 339.623; 2005 c.22 §233]

**336.645 Notification of availability of program; rules.** The State Board of Education shall adopt rules to implement the provisions of ORS 336.615 to 336.665 that shall include rules regarding school district notification to parents and students of the availability of alternative education programs, the law regarding alternative education programs and the procedures for requesting district school boards to establish alternative education programs. [Formerly 339.625; 1997 c.521 §25; 2001 c.490 §6]

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

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

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

(a) A review of the private alternative education program's annual statement of expenditures as required by ORS 336.635 (4);

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

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

(d) A review to ensure that the private alternative education program enhances the ability of the district and its students to achieve district and state standards. [Formerly 339.635; 2001 c.490 §7; 2009 c.252 §2]

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

**336.665 Effect of failure to propose alternative programs.** (1) The Superintendent of Public Instruction shall find a school district to be deficient within the meaning of ORS 327.103 if the district fails to cause the proposal of alternative programs to be made under ORS 339.250 (5)(h) or (7)(c)(B).

(2) The failure to cause the proposal of alternative programs shall not be grounds for a civil action against the school district. [Formerly 339.640; 1995 c.656 §8; 1996 c.16 §4; 2001 c.104 §112; 2013 c.267 §7]

**336.668** [2007 c.846 §2; repealed by 2011 c.313 §25]

**336.670** [2007 c.846 §3; repealed by 2011 c.313 §25]

**336.673** [2007 c.846 §5; repealed by 2011 c.313 §25]

**336.675** [2007 c.846 §6; repealed by 2011 c.313 §25]

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

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

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

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

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

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

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

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

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

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

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

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

**STUDENT TRAFFIC SAFETY EDUCATION**

**336.790 Definitions for ORS 336.790 to 336.820.** As used in ORS 336.790 to 336.820, unless the context requires otherwise:

(1) "Commercial driver training school" means a school operated by a person issued a commercial driver training school certificate by the Department of Transportation under ORS 822.515.

(2) "Private school" means a private or parochial high school.

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

**336.795 Purposes of traffic safety education course.** A traffic safety education course shall be conducted in order to facilitate the policing of the streets and highways of this state and to reduce the direct cost thereof by educating youthful drivers in safe and proper driving practices. [Formerly 343.710; 2001 c.104 §113]

**336.800 School course in traffic safety education; tuition.** (1) Any private school, public school, commercial driver training school or county may offer a course in traffic safety education and charge tuition for the

course. The curriculum for the traffic safety education course shall be established by the Department of Transportation under ORS 336.802.

(2) A public school may offer a traffic safety education course to private school pupils or to pupils in neighboring public schools that do not offer traffic safety education courses. A public school offering a traffic safety education course to private school pupils or to pupils in neighboring public schools shall adopt written policies and procedures for the admission of the pupils.

(3) A person employed to teach a traffic safety education course must meet qualifications established by the department under ORS 336.802. [Formerly 343.720; 1997 c.383 §9; 1999 c.328 §8; 2001 c.706 §2; 2007 c.858 §66; 2009 c.394 §2; 2011 c.357 §1]

**336.802 Traffic safety education course; curriculum; rules.** (1) The Department of Transportation, in consultation with the Transportation Safety Committee, shall establish a curriculum for a traffic safety education course under ORS 336.800. The curriculum shall establish standards for a course of instruction to be devoted to the study and practice of rules of the road, the safe and proper operation of motor vehicles, accident prevention and other matters that promote safe and lawful driving habits and reduce the need for intensive highway policing. The course shall include classroom instruction and on-street driving or simulated driving in a driving simulator. No pupil may participate in on-street driving instruction unless the pupil is enrolled in or has completed a course in classroom instruction.

(2) The department shall adopt by rule a procedure to certify that a traffic safety education course meets curriculum standards established under subsection (1) of this section.

(3) The department shall adopt rules establishing qualifications for a person to teach a traffic safety education course.

(4) The department shall adopt rules necessary to administer ORS 336.805 and 336.810. [Formerly 802.345]

**Note:** 336.802 and 336.804 were added to and made a part of 336.790 to 336.820 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**336.804 Unavailability of traffic safety education course.** (1) If the Department of Transportation determines that a traffic safety education course is not available to the inhabitants of a specific geographic area within this state, the department may offer incentives for providers to offer courses to inhabitants of the area, including:

(a) Waiver of conditions and requirements that are otherwise applicable to providers for the purposes of courses offered to inhabitants of the area; and

(b) Reimbursement rates that are higher than those provided for in ORS 336.805 for courses offered to inhabitants of the area.

(2) If the department determines that a traffic safety education course will not be available to the inhabitants of a specific geographic area within this state despite any incentives offered under subsection (1) of this section, the department may provide a traffic safety education course in the area, or contract with any public or private entity to provide the course on behalf of the department within the area. The costs of providing a traffic safety education course under this subsection shall be paid from the Student Driver Training Fund. [2013 c.102 §3]

**Note:** See note under 336.802.

**336.805 Reimbursement to course provider; limitations on tuition; rules.** (1) The Department of Transportation shall reimburse a public school, commercial driver training school or county for the cost of providing a traffic safety education course that is certified by the department. Except as provided in subsection (2) of this section and ORS 336.804, the amount of the reimbursement may not exceed \$210 for each pupil completing the course and shall be made in the manner provided by ORS 336.810.

(2) If a public school, commercial driver training school or county that provides a traffic safety education course certified by the department offers reduced tuition based on the income of the pupil or of the pupil's family, the department may reimburse the provider for the reduction. By rule, the department shall establish one or more levels of reduced tuition, eligibility criteria for receiving reduced tuition and conditions for receiving reimbursement for reduced tuition. Any provider that receives reimbursement under this subsection must give notice of the availability of reduced tuition based on income, in all advertisements and printed informational material for the course and on all websites maintained for the course.

(3) If funds available to the department for the Student Driver Training Fund are not adequate to pay all approved claims in full, public schools, commercial driver training schools and counties shall receive a pro rata reimbursement that is based upon the ratio that the total amount of funds available bears to the total amount of funds required for maximum allowable reimbursement.

(4) A public school, commercial driver training school or county seeking reimburse-

ment under this section may not charge tuition in an amount that is greater than:

(a) For a public school or county, the cost to the public school or county of providing the traffic safety education course less the state reimbursement.

(b) For a commercial driving school, an amount determined by the department by rule.

(5) Each public school, commercial driver training school or county seeking reimbursement under this section must keep accurate records of the cost of the traffic safety education course in the manner required under rules adopted by the department under ORS 336.802. [Formerly 343.730; 1997 c.119 §2; 1999 c.328 §9; 2005 c.699 §1; 2007 c.858 §67; 2009 c.394 §1; 2011 c.357 §2; 2013 c.102 §1]

**336.807 Reimbursement to Department of Human Services.** (1) The Department of Transportation shall reimburse the Department of Human Services for the cost of providing a course of traffic safety education that is:

(a) Certified by the Department of Transportation; and

(b) Provided to children in the legal custody of the Department of Human Services under ORS 419B.337 and in foster homes as defined by ORS 418.625 (3).

(2) Reimbursement may be provided under this section only upon a showing that:

(a) The course is used to comply with the requirements for a provisional driver license issued under ORS 807.065;

(b) The pupil passed the course of traffic safety education; and

(c) The pupil complies with any other requirements established by the Department of Human Services by rule.

(3) Reimbursements made under this section must be made in the manner provided by ORS 336.810. [2009 c.394 §4]

**Note:** 336.807 was added to and made a part of 336.790 to 336.820 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**336.810 Student Driver Training Fund.**

(1) There is created the Student Driver Training Fund, separate and distinct from the General Fund. All payments required under ORS 336.795 to 336.815 and moneys paid into the fund under ORS 802.110 and all expenses incurred in the administration of those sections shall be made to and borne by the fund. Interest earned by the fund shall be credited to the fund.

(2) The Department of Transportation shall annually distribute the funds available in the Student Driver Training Fund in the manner provided in ORS 336.805 and 336.807.

(3) The department shall make periodic studies to determine the effectiveness of traffic safety education courses conducted under authority of ORS 336.790 to 336.820. [Formerly 343.740; 1999 c.328 §10; 2009 c.394 §5]

**336.815 Contract with commercial driver training school.** Any public school or county may contract with a commercial driver training school for the instruction of students enrolled in a traffic safety education course. [Formerly 343.750; 1997 c.119 §1; 1999 c.328 §11; 2001 c.706 §3; 2011 c.357 §3]

**336.820 Sanctions for violation of ORS 336.790 to 336.820.** (1) The Department of Transportation may impose sanctions against the provider of a traffic safety education course certified under ORS 336.802 if the department determines that the provider has violated any provision of ORS 336.790 to 336.820 or any rule adopted by the department under ORS 336.790 to 336.820.

(2) Sanctions that may be imposed under this section include, but are not limited to:

(a) A warning;

(b) Reduction or denial of reimbursement under ORS 336.805; and

(c) Suspension or revocation of certification under ORS 336.802.

(3) For the purpose of deciding appropriate sanctions under this section, the department may consider the severity of the violation, the impact of the violation on pupils and public safety, the number of similar or related violations by the provider, whether the violation was willful and the history of prior sanctions imposed against the provider.

(4) Sanctions under this section are in addition to any other penalty provided by law. [2013 c.102 §4]

**TECHNOLOGY IN SCHOOLS**

**(Personal Electronic Devices)**

**336.840 Policies for personal electronic devices; policies for curricula that use technology.** (1) As used in this section, “independent communication” means communication that does not require assistance or interpretation by an individual who is not part of the communication but that may require the use or assistance of an electronic device.

(2) Each district school board shall adopt policies for the use of personal electronic devices in the schools of the school district as provided by this section.

(3) A district school board shall adopt a policy for the use of personal electronic devices that support academic activities and independent communications. The policy must provide that:

(a) Students may be allowed to use personal electronic devices that support academic activities and independent communications.

(b) Unless otherwise specifically prohibited by the policy, students may not be denied the opportunity to use a personal electronic device that supports academic activities and independent communications.

(4) If a school district implements a curriculum that uses technology, the district school board shall adopt a policy that provides that:

(a) Students may be allowed, but are not required, to use their own personal electronic devices for the curriculum.

(b) Students who use their own personal electronic devices for the curriculum must be granted access to any applications or electronic materials that are available to students who do not use their own personal electronic devices for the curriculum.

(c) Students who use their own personal electronic devices for the curriculum must be granted access to applications and electronic materials free of charge if the applications and electronic materials are provided free of charge to students who do not use their own personal electronic devices for the curriculum.

(5) A policy adopted under subsection (3) or (4) of this section must include a process and timeline for responding to a student's request related to the use of a personal electronic device, including an appeals process.

(6) School districts must ensure that the policies adopted under subsection (3) or (4) of this section are made available to:

(a) School district personnel whose duties may require them to assist students with personal electronic devices; and

(b) Students and parents or guardians of students.

(7) Nothing in the requirements of this section prevents a district school board from prohibiting:

(a) Telephonic or electronic communications during regular school hours or during school events if the communications are not related to academic activities or independent communications;

(b) Communications using access to social media or to nonacademic sites during regular school hours or during school events;

(c) The use of personal electronic devices for any purpose that does not support academic activities or independent communications; or

(d) The use of personal electronic devices for entertainment purposes.

(8) Nothing in this section authorizes a district school board, or any employees or volunteers for the school district or a school of the school district, to request, require or compel access to a student's electronic mail or personal online accounts. [2013 c.98 §1]

**336.850** [1991 c.928 §7; renumbered 329.385 in 1993]

**(Oregon Virtual School District)**

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

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

(3) The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges, public universities listed in ORS 352.002 or any other public entity to provide online courses through the Oregon Virtual School District.

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

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

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

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

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

(d) The student-to-teacher ratio for online courses offered through the Oregon Virtual School District. [Formerly 329.840]

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

gon Virtual School District created under ORS 336.851.

(2) Any moneys received by the department for the purpose of the Oregon Virtual School District shall be deposited in the fund. [Formerly 329.842]

**336.870** [1991 c.871 §1; renumbered 329.395 in 1993]

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

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

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

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

