

TITLE 30

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Chapter 326

2017 EDITION

State Administration of Education

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CHIEF EDUCATION OFFICE

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

Sec. 1. Chief Education Office; duties; rules. (1) The Chief Education Office is established for the purpose of coordinating with education stakeholders to establish a unified public education system that ensures that all public school students in this state reach the educational goals established for this state.

(2) The duties of the office include:

(a) Coordinating with education stakeholders to streamline and connect early childhood services to public education from kindergarten through grade 12 and to streamline and connect public education from kindergarten through grade 12 to post-secondary education. To fulfill this duty, the office shall collaborate with:

- (A) The Early Learning Council.
- (B) The State Board of Education.
- (C) The Higher Education Coordinating Commission.
- (D) The Teacher Standards and Practices Commission.
- (E) The Youth Development Council.

(b) Coordinating with education stakeholders to provide a seamless education system that:

- (A) Eliminates systemic barriers;
- (B) Provides educational equity for opportunity and success; and
- (C) Meets educational goals established for this state by:
 - (i) Being culturally responsive; and
 - (ii) Identifying existing strengths among collaborating partners and including those strengths in the construction and implementation of state agency initiatives.

(c) Providing an integrated, statewide data system that contains student-level outcomes from all public education institutions in order to allow for longitudinal analysis and research.

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

(e) Collaborating with education stakeholders to develop and review the educational goals established for this state.

(f) Monitoring and reporting on state progress toward achieving the educational goals established for this state, as measured by targets and outcomes.

(3) In accordance with applicable provisions of ORS chapter 183, the office may adopt rules necessary for the administration of the laws that the office is charged with administering. [2011 c.519 §1; 2011 c.519 §8; 2012 c.36 §§20,21; 2015 c.774 §1]

Sec. 2. Chief Education Officer; qualifications; duties. (1) The Governor shall appoint a Chief Education Officer who shall serve at the pleasure of the Governor.

(2) The Chief Education Officer shall serve as the administrative head of the Chief Education Office.

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

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

(b) Assist in carrying out the purposes of the Chief Education Office.

(4) The Chief Education Officer shall:

(a) Have direction and control over the positions identified in paragraph (b) of this subsection for matters related to the design and organization of multiagency planning.

(b) Coordinate with the following persons for matters related to the other duties of the Chief Education Office:

- (A) The Early Learning System Director.
- (B) The Deputy Superintendent of Public Instruction.
- (C) The executive director of the Higher Education Coordinating Commission.
- (D) The executive director of the Teacher Standards and Practices Commission.
- (E) The Youth Development Director. [2011 c.519 §2; 2012 c.36 §1; 2013 c.747 §29; 2015 c.774 §4]

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

(2) Moneys in the Oregon Education Investment Fund are continuously appropriated to the Chief Education Office for the purpose of funding the duties of the office related to early childhood learning and public education from kindergarten through post-secondary education. [2011 c.519 §3; 2015 c.774 §5]

Sec. 11. Transfer of records and property from Chief Education Office. (1) On June 30, 2019, the Chief Education Officer shall deliver to the Early Learning System Director all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Early Learning Council. The Early Learning System Director shall take possession of the records and property.

(2) On June 30, 2019, the Chief Education Officer shall deliver to the Superintendent of Public Instruction all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the State Board of Education. The superintendent shall take possession of the records and property.

(3) On June 30, 2019, the Chief Education Officer shall deliver to the executive director of the Higher Education Coordinating Commission all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Higher Education Coordinating Commission. The executive director shall take possession of the records and property.

(4) On June 30, 2019, the Chief Education Officer shall deliver to the executive director of the Teacher Standards and Practices Commission all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Teacher Standards and Practices Commission. The executive director shall take possession of the records and property.

(5) On June 30, 2019, the Chief Education Officer shall deliver to the Youth Development Director all records and property within the jurisdiction of the Chief Education Officer that relate to the duties, functions and powers of the Youth Development Council. The Youth Development Director shall take possession of the records and property.

(6) The Governor shall resolve any disputes relating to transfers of records and property under this section, and the Governor's decision is final. [2011 c.519 §11; 2012 c.37 §2; 2015 c.774 §6]

Note: Section 72, chapter 774, Oregon Laws 2015, provides:

Sec. 72. Sunset of Chief Education Office. (1)(a) Section 1, chapter 519, Oregon Laws 2011, as amended by section 8, chapter 519, Oregon Laws 2011, sections 20 and 21, chapter 36, Oregon Laws 2012, and section 1, chapter 774, Oregon Laws 2015, is repealed on June 30, 2019.

(b) Section 2, chapter 519, Oregon Laws 2011, as amended by section 1, chapter 36, Oregon Laws 2012, section 29, chapter 747, Oregon Laws 2013, and section 4, chapter 774, Oregon Laws 2015, is repealed on June 30, 2019.

(c) Section 3, chapter 519, Oregon Laws 2011, as amended by section 5, chapter 774, Oregon Laws 2015, is repealed on June 30, 2019.

(2) The amendments to ORS 326.021 by section 42, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(3) The amendments to ORS 326.300 by section 43, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(4) The amendments to ORS 326.425 by section 44, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(5) The amendments to ORS 326.430 by section 45, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(6) The amendments to ORS 326.500 by section 46, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(7) The amendments to ORS 327.380 by section 8, chapter 739, Oregon Laws 2013, become operative on June 30, 2019.

(8) The amendments to ORS 327.800 by section 67a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(9) The amendments to ORS 327.810 by section 68a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(10) The amendments to ORS 327.815 by section 69a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(11) The amendments to ORS 327.820 by section 70a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(12) The amendments to ORS 342.208 by section 53, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(13) The amendments to ORS 342.350 by section 54, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(14) The amendments to ORS 342.410 by section 55, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(15) The amendments to ORS 342.443 by section 56, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(16) The amendments to ORS 342.448 by section 76a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(17) The amendments to ORS 344.059 and 344.141 by sections 13 and 14, chapter 763, Oregon Laws 2015, become operative on June 30, 2019.

(18) The amendments to ORS 350.065 by section 60, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(19) The amendments to ORS 350.075 by section 61, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(20) The amendments to ORS 350.100 by section 75a, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(21) The amendments to ORS 352.018 by section 58, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(22) The amendments to ORS 417.796 by section 62, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(23) The amendments to ORS 417.847 by section 63, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(24) The amendments to ORS 417.852 by section 64, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(25) The amendments to ORS 660.324 by section 65, chapter 774, Oregon Laws 2015, become operative on June 30, 2019.

(26) The amendments to section 1 of this 2017 Act [342.940] by section 25 of this 2017 Act become operative on June 30, 2019.

(27) The amendments to section 9 of this 2017 Act [348.295] by section 26 of this 2017 Act become operative on June 30, 2019.

(28) Section 8, chapter 85, Oregon Laws 2014, becomes operative on June 30, 2019. [2015 c.774 §72; 2015 c.682 §14; 2015 c.763 §20; 2017 c.639 §27]

Note: Section 1, chapter 403, Oregon Laws 2017, provides:

Sec. 1. Study on assisting public school students in poverty families. (1) The Chief Education Office shall conduct a study for the purpose of identifying practices that assist public school students in poverty families.

(2) Through the study, the office shall:

(a) Evaluate locally effective practices that improve the achievement outcomes of students who are in poverty families;

(b) Identify any modifications that will improve the practices evaluated under paragraph (a) of this subsection or that will make the practices more cost-efficient; and

(c) Identify sustainable funding sources for the practices evaluated under paragraph (a) of this subsection.

(3) The office shall conduct the study in collaboration with stakeholders, including educators, school board members and school budget committee members.

(4) The office shall evaluate locally effective practices implemented by a variety of school districts and shall take into account school district variations in size, location and other demographics.

(5) The office shall conduct the study during the 2017-2018 school year and shall submit a report to the interim committees of the Legislative Assembly related to education no later than September 15, 2018. [2017 c.403 §1]

STATE BOARD OF EDUCATION

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

prehensive curriculum best suited to the needs of the students and the public and any other factors consistent with the maintenance of a modern and efficient elementary and secondary school system. [1965 c.100 §1; 1971 c.513 §8; 2013 c.747 §176]

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

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

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

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

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

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

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

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

(5) The board shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011. [1965 c.100 §3 (enacted in lieu of 326.060); 1969 c.695 §4; 1971 c.485 §1; 1985 c.565 §56; 1993 c.45 §2; 2009 c.446 §1; 2013 c.624 §§87,88; 2015 c.774 §12]

Note: The amendments to 326.021 by section 42, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

326.050 [Repealed by 1957 c.124 §3]

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

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

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

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

(c) Prescribe required or minimum courses of study.

(d) Adopt rules regarding school and interscholastic activities.

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

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

(2) The State Board of Education may:

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

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

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

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

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

(c) Adopt rules to administer the United States Department of Agriculture’s National School Lunch Program and School Breakfast Program for public and private prekindergarten through grade 12 schools and residential child care facilities. [1965 c.100 §6; 1965 c.519 §14; 1967 c.67 §24; 1969 c.284 §1; 1971 c.513 §9; 1973 c.707 §1; 1975 c.459 §1; 1975 c.605 §17a; 1981 c.91 §1; 1987 c.404 §2; 1987 c.474 §2; 1989 c.834 §§12,13; 1993 c.45 §§5,6; 2001 c.530 §1; 2003 c.14 §146; 2003 c.151 §1; 2009 c.94 §1; 2011 c.313 §17; 2013 c.747 §37]

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

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

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

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

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

326.063 [Repealed by 1965 c.100 §456]

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

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

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

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

326.080 [Repealed by 1965 c.100 §456]

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

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

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

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

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

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

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

326.110 [Repealed by 1965 c.100 §456]

DEPARTMENT OF EDUCATION

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

(2) The Department of Education shall consist of:

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

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

(3) All administrative functions of the State Board of Education shall be exercised through the Department of Education, and the department shall exercise all administrative functions of the state relating to supervision, management and control of schools not conferred by law on some other agency. [1965 c.100 §10; 1967 c.552 §22; 1989 c.491 §2; 1991 c.757 §1; 1991 c.886 §2; 1993 c.45 §12; 1999 c.39 §3; 2005 c.209 §3]

Note: Sections 1 and 2, chapter 722, Oregon Laws 2017, provide:

Sec. 1. Task Force on Assessments of Children Who Are Deaf or Hard of Hearing. (1) The Task Force on Assessments of Children Who Are Deaf or Hard of Hearing is established.

(2)(a) The task force consists of 12 members appointed as follows:

(A) The President of the Senate shall appoint one member from among members of the Senate.

(B) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(C) The Superintendent of Public Instruction shall appoint 10 members as follows:

(i) One parent of a child who is deaf or hard of hearing and who is bilingual in American Sign Language and English.

(ii) One parent of a child who is deaf or hard of hearing and who uses only spoken English, with or without visual supplements.

(iii) One teacher of deaf and hard-of-hearing children whose expertise is in curriculum and instruction in American Sign Language and English.

(iv) One teacher of deaf and hard-of-hearing children whose expertise is in curriculum and instruction in spoken English, with or without visual supplements.

(v) One early intervention specialist who works with deaf and hard-of-hearing infants and toddlers using American Sign Language and spoken English.

(vi) One administrator of an early intervention or school-age program for deaf and hard-of-hearing children.

(vii) One representative of the Department of Education.

(viii) One speech pathologist with experience working with deaf and hard-of-hearing children on the development of spoken English, with or without the use of visual supplements.

(ix) One representative of an association that advocates to enhance the quality of life for Oregonians who are deaf or hard of hearing.

(x) One school psychologist with experience working with deaf and hard-of-hearing students and with knowledge in conducting and interpreting cognitive assessments for deaf and hard-of-hearing students.

(b) To the extent practicable, a majority of the members appointed as provided by paragraph (a)(C) of this subsection shall be deaf or hard of hearing.

(3) The task force shall analyze and recommend a framework for assessing deaf and hard-of-hearing children to determine the children's competencies in language and literacy skills for the purpose of ensuring the children are able to successfully access the kindergarten curriculum in an equitable manner. When analyzing and recommending the framework, the task force shall be impartial with regard to the language taught to deaf and hard-of-hearing children.

(4) For the purpose of analyzing and recommending a framework as required by subsection (3) of this section, the task force shall:

(a) Review and recommend use of existing and available tools or assessments for educators to use to assess the language and literacy development of deaf and hard-of-hearing children. The tools or assessments must be:

(A) Standardized, norm-referenced and validated;

(B) Able to track deaf and hard-of-hearing children's expressive and receptive language and cognitive abilities compared to the child's language age-appropriate peers who are not deaf or hard of hearing; and

(C) Able to be used to establish or modify individualized education programs or individualized family service plans.

(b) Determine how often the tools or assessments recommended under paragraph (a) of this subsection should be used for children from birth to age eight.

(c) Identify language development milestones for deaf and hard-of-hearing children by consulting with professionals trained in the language development and education of children who are deaf or hard of hearing. The milestones must be:

(A) A resource for use by parents and educators to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and cognitive abilities;

(B) Able to be used to ensure that deaf and hard-of-hearing children meet developmental milestones toward English literacy; and

(C) Evaluated by the use of formalized evidence-based assessments.

(d) Identify procedures and methods for communicating language acquisition, assessment results, milestones, assessment tools used and progress of a child to the parent of the child and to teachers and other professionals involved in the early intervention and education of a child.

(e) Identify reporting requirements for the department to ensure that statutes and administrative rules are adequately addressing the language developmental needs of deaf and hard-of-hearing children.

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

(6) Official action by the task force requires the approval of a majority of the voting members of the task force who are participating in the meeting.

(7) The task force shall elect one of its members to serve as chairperson. The chairperson shall be a non-voting member of the task force and may be elected from among any of the voting or nonvoting members of the task force.

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

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

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

(11) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to education no later than January 1, 2018.

(12) The department shall provide staff support to the task force.

(13) Members of the Legislative Assembly appointed to the task force and the chairperson of the task force are nonvoting members of the task force and may act in an advisory capacity only.

(14) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(15) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the task force's duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties. [2017 c.722 §1]

Sec. 2. Repeal. Section 1 of this 2017 Act is repealed on June 30, 2019. [2017 c.722 §2]

Note: Sections 1, 2 and 4, chapter 501, Oregon Laws 2017, provide:

Sec. 1. Advisory group related to ethnic studies; rules. (1) As used in this section:

(a) "Ethnic minorities" means individuals who are Native American or Americans of African, Asian, Pacific Island, Chicano, Latino or Middle Eastern descent.

(b) "Ethnic studies" means instruction of public school students in kindergarten through grade 12 in the histories, contributions and perspectives of ethnic minorities and social minorities.

(c) "Social minorities" means women, people with disabilities, immigrants, refugees and individuals who are lesbian, gay, bisexual or transgender.

(2) The Department of Education shall convene an advisory group consisting of 13 members as follows:

(a) The Oregon Advocacy Commissions Office shall appoint two representatives who are public school students in grades 7 through 12 or recent high school graduates;

(b) The Commission on Indian Services shall appoint one representative;

(c) The Commission on Asian and Pacific Islander Affairs shall appoint one representative;

(d) The Commission on Black Affairs shall appoint one representative;

(e) The Commission on Hispanic Affairs shall appoint one representative;

(f) The Oregon Disabilities Commission shall appoint one representative;

(g) The Commission for Women shall appoint:

(A) One representative of the commission; and

(B) One representative of the lesbian, gay, bisexual and transgender community;

(h) The Superintendent of Public Instruction shall appoint:

(A) One representative of the department's Education Equity Unit;

(B) One educator of public school students in kindergarten through grade 12 who serves on a committee of the Oregon Education Association dedicated to ethnic minorities or civil rights; and

(C) One Oregon college or university professor of ethnic studies; and

(i) The Governor shall appoint one expert or professor in the field of Middle Eastern studies or Jewish studies.

(3) The advisory group shall:

(a) Identify where current statewide social studies standards fail to recognize the histories, contributions and perspectives of ethnic minorities and social minorities; and

(b) Develop ethnic studies standards to propose for adoption into existing statewide social studies standards for public school students in kindergarten through grade 12 that:

(A) Increase cultural competency for public school students in kindergarten through grade 12; and

(B) Promote critical thinking regarding the interaction between systemic social structures and ethnic minority or social minority status.

(4) The advisory group shall submit a report to the department that, at a minimum, proposes ethnic studies standards for adoption into existing statewide social studies standards for public school students in kindergarten through grade 12.

(5) The department shall adopt ethnic studies standards into existing statewide social studies standards for public school students in kindergarten through grade 12. The department shall consider the report submitted by the advisory group under subsection (4) of this section when determining the standards to adopt.

(6) Subject to rules adopted by the State Board of Education, the department shall:

(a) Determine the number and frequency of meetings to be held by the advisory group prior to sub-

mission of the report required under subsection (4) of this section; and

(b) Direct each school district to implement the ethnic studies standards adopted by the department.

(7) Advisory group members may not be reimbursed for lodging expenses that arise by reason of attending a meeting of the advisory group.

(8) The State Board of Education shall adopt rules for the implementation of this section. [2017 c.501 §1]

Sec. 2. Advisory group timelines. (1) The Department of Education shall convene the advisory group described in section 1 (2) of this 2017 Act no later than June 15, 2018.

(2) The report required under section 1 (4) of this 2017 Act must be submitted to the department on or before September 15, 2019.

(3) The department shall adopt ethnic studies standards as required by section 1 (5) of this 2017 Act no later than September 15, 2020.

(4) The department shall fulfill the requirements of section 1 (6) of this 2017 Act on or before July 1, 2021. [2017 c.501 §2]

Sec. 4. Repeal. Sections 1 and 2 of this 2017 Act are repealed on January 2, 2022. [2017 c.501 §4]

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

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

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

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

326.125 Office of School Facilities; rules. For the purpose of assisting school districts with capital costs, the Office of School Facilities is established within the Department of Education. The office shall be responsible for:

(1) Distributing hardship grants to school districts with facility needs. Grants awarded under this section may not exceed \$500,000 and shall be provided to school districts based on the order in which the Department of Education receives the completed applica-

tions for the grants. A school district may be eligible for a grant under this subsection if the school district meets requirements established by the State Board of Education by rule, including any requirements to provide matching funds.

(2) Providing technical assistance and establishing and maintaining standards for facilities assessments and long-range facilities plans for school districts.

(3) Administering a certification program for qualified providers of technical assistance for the purposes described in subsection (2) of this section.

(4) Providing grants to school districts for the cost of technical assistance for the purposes described in subsection (2) of this section. The State Board of Education may establish by rule requirements for a school district to receive a grant under this subsection. Grants for a school district under this subsection may not exceed:

(a) \$20,000 for a facilities assessment;

(b) \$25,000 for a long-range facilities plan;

(c) \$25,000 for an assessment of school district facilities for potential environmental hazards under ORS 332.331; and

(d) \$25,000 for a seismic assessment or other specialized assessment.

(5) Maintaining the Oregon School Facilities Database. The database must include information that:

(a) Assists with analyzing, planning and prioritizing school capital improvement needs for school districts by providing district-to-district and school-to-school comparisons; and

(b) Is required by the State Board of Education by rule.

(6) Administering the grant program described in ORS 286A.801. [2015 c.783 §5; 2017 c.700 §4]

326.130 [Repealed by 1965 c.100 §456]

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

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

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

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

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

SUPERINTENDENT OF PUBLIC INSTRUCTION

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

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

(b) The deputy superintendent shall:

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

(B) Coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011.

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

(4) The deputy superintendent shall receive a salary set by the Governor, and shall be reimbursed for all expenses actually and necessarily incurred by the deputy superintendent in the performance of official duties. [2011 c.731 §2 (enacted in lieu of 326.330); 2012 c.36 §§7,12; 2015 c.774 §13]

Note: The amendments to 326.300 by section 43, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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

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

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

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

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

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

326.310 Superintendent's educational duties. Except as provided by ORS 326.041, 326.051, 341.015, 341.440, 341.455, 341.626, 341.655 and 341.933, the Superintendent of

Public Instruction shall exercise, under the direction of the State Board of Education, a general superintendence of school officers and the public schools. In carrying out the duties of office, the Superintendent of Public Instruction shall:

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

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

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

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

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

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

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

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

(2) The superintendent shall deposit all moneys received under subsection (1) of this

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

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

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

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

326.340 Disposition of conference fees by superintendent; disbursement of fees.

(1) When the Superintendent of Public Instruction has possession or control of conference fees that are made available for training programs sponsored in whole or in part by the Department of Education, the fees shall be deposited with the State Treasurer in the Education Training Revolving Account which is established and which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

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

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

(1) The Superintendent of Public Instruction may authorize staff members of the Department of Education to serve as executive directors of education-related organizations and in so doing manage the funds of those organizations.

(2) The Educational Organizations Fund is established. Moneys received under this section shall be deposited with the State Treasurer in the Educational Organizations

Fund which shall be separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

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

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

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

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

326.375 [1987 c.474 §3; 1991 c.757 §2; 1995 c.67 §38; 1999 c.39 §4; 2012 c.36 §§3,9; 2013 c.747 §§185,186; renumbered 351.762 in 2013]

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

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

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

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

EARLY LEARNING COUNCIL

326.425 Early Learning Council; purpose; members; rules. (1) The Early Learning Council is established.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The council shall coordinate and collaborate with the Chief Education Office as provided by section 1, chapter 519, Oregon Laws 2011. [2011 c.519 §4; 2012 c.36 §§22a,22b; 2012 c.37 §3; 2015 c.774 §§14,14a]

Note: The amendments to 326.425 by section 44, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Note: Section 2, chapter 280, Oregon Laws 2017, provides:

Sec. 2. Evaluation of financing structure and workforce compensation related to early learning programs. (1) The Early Learning Division shall conduct an evaluation to:

(a) Identify methods for structuring the financing of early learning programs to ensure that families have access to the highest quality preschool programs possible.

(b) Determine how teacher and staff compensation, including benefits and professional development, contribute to a well-qualified, stable and high-quality early learning workforce. For purposes of this paragraph, the division shall consider recruitment, hiring, retention and the overall well-being of the early learning workforce and make data-based and equity-informed determinations.

(2) The division shall submit to the interim committees of the Legislative Assembly related to education:

(a) A progress report on the evaluation conducted under this section no later than February 1, 2018; and

(b) A final report on the evaluation conducted under this section, which may include recommendations for legislation, no later than October 15, 2018. [2017 c.280 §2]

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

(2) The division shall function under the direction and control of the Early Learning Council with the Early Learning System Director serving as the administrative officer. The director shall coordinate with the Chief Education Officer as provided by section 2, chapter 519, Oregon Laws 2011. [2013 c.624 §1; 2015 c.774 §15]

Note: The amendments to 326.430 by section 45, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative on and after June 30, 2019, is set forth for the user's convenience.

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

(2) The division shall function under the direction and control of the Early Learning Council with the Early Learning System Director serving as the administrative officer.

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

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

(a) Amounts donated to the fund;

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

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

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

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

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

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

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

(1) The STEM Investment Council is established. The council shall function under the direction and control of the Chief Education Office.

(2)(a) The council is established for the purpose of assisting the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission in jointly developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

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

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

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

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

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

(b) The Superintendent of Public Instruction regarding the distribution of moneys under ORS 327.372; and

(c) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission regarding other investments in science, technology, engineering and mathematics that are made or overseen by the Chief Education Office.

(4) The council consists of nine members from the private sector who are jointly appointed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission and serve at the pleasure of the superintendent and the executive director.

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

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

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

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

(6)(a) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission shall jointly appoint a council director. The council director shall serve at the pleasure of the superintendent and the executive director.

(b) Except as otherwise directed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission, the activities of the council shall be directed and supervised by the council director.

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

(8) The council shall submit an annual report to the Chief Education Office and the Legislative Assembly on the progress made toward achieving the goals described in subsection (2) of this section and the distribution of funds under the STEM Investment Grant Program. [2013 c.739 §1; 2013 c.736 §§4,6; 2015 c.366 §§74,75; 2015 c.763 §§5,6,7; 2015 c.767 §245; 2015 c.774 §16]

Note 1: The amendments to 326.500 by section 46, chapter 774, Oregon Laws 2015, become operative June 30, 2019. See section 72, chapter 774, Oregon Laws 2015, as amended by section 14, chapter 682, Oregon Laws 2015, section 20, chapter 763, Oregon Laws 2015, and section 27, chapter 639, Oregon Laws 2017. The text that is operative from June 30, 2019, until July 1, 2025, is set forth for the user's convenience.

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

(2)(a) The council is established for the purpose of assisting the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission in jointly developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

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

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

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

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

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

(b) The Superintendent of Public Instruction regarding the distribution of moneys under ORS 327.372; and

(c) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission regarding other investments in science, technology, engineering and mathematics that are made or overseen by the State Board of Education or the Higher Education Coordinating Commission.

(4) The council consists of nine members from the private sector who are jointly appointed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission and serve at the pleasure of the superintendent and the executive director.

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

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

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

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

(6)(a) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission shall jointly appoint a council director. The council director shall serve at the pleasure of the superintendent and the executive director.

(b) Except as otherwise directed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission, the activities of the council shall be directed and supervised by the council director.

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

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

Note 2: The amendments to 326.500 by section 47, chapter 774, Oregon Laws 2015, become operative July 1, 2025. See section 48, chapter 774, Oregon Laws 2015. The text that is operative on and after July 1, 2025, including amendments by section 46, chapter 774, Oregon Laws 2015, is set forth for the user's convenience.

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

(2)(a) The council is established for the purpose of assisting the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission in jointly developing and overseeing a long-term strategy that advances the following educational goals related to science, technology, engineering and mathematics:

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

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

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

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

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

(b) The Superintendent of Public Instruction regarding the distribution of moneys under ORS 327.372; and

(c) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission regarding other investments in science, technology, engineering and mathematics that are made or overseen by the State Board of Education or the Higher Education Coordinating Commission.

(4) The council consists of nine members from the private sector who are jointly appointed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission and serve at the pleasure of the superintendent and the executive director.

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

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

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

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

(6)(a) The Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission shall jointly appoint a council director. The council director shall serve at the pleasure of the superintendent and the executive director.

(b) Except as otherwise directed by the Superintendent of Public Instruction and the executive director of the Higher Education Coordinating Commission, the activities of the council shall be directed and supervised by the council director.

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

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

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

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

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

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

INTELLECTUAL PROPERTY

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

(1) By gift.

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

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

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

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

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

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

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

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

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

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

REAL PROPERTY

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

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

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

(c) "Post-secondary institution" means:

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

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

(C) The Oregon Health and Science University.

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

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

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

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

(A) The name of the facility;

(B) The square footage of the facility;

(C) The year the facility was built;

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

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

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

(G) Operations and maintenance costs of the facility;

(H) Technical upgrades needed for the facility;

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

(J) Energy usage of the facility; and

(K) Other publicly available information about the facility.

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

(A) Must be accessible by the public; and

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

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

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

326.549 School facilities advisory group. (1) At least annually, the Superintendent of Public Instruction shall convene a school facilities advisory group.

(2) The advisory group convened under this section shall consist of:

(a) Experts in finance, architecture, engineering and construction; and

(b) Representatives of school districts.

(3) The advisory group shall assist the superintendent in issues related to school facilities. To assist the superintendent, the advisory group shall:

(a) Review the grant program established by ORS 286A.801;

(b) Review the certification program for qualified providers of technical assistance described in ORS 326.125 (3);

(c) Review the maintenance of the Oregon School Facilities Database described in ORS 326.125 (5); and

(d) Advise the superintendent on any needed changes of programs related to school facilities or capital costs of school districts. [2015 c.783 §6]

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

326.551 [2013 c.408 §1; renumbered 350.272 in 2015]

326.554 [2013 c.408 §2; renumbered 350.274 in 2015]

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

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Note: Sections 1 to 6 and 8, chapter 110, Oregon Laws 2014, provide:

Sec. 1. Interstate Compact on Educational Opportunity for Military Children. The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from a previous school district or variations in entrance or age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular academic, athletic and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard or the military reserve forces who are on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 and members described in 32 U.S.C. 502(f).

B. "Children of military families" means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders though six months after return to their home station.

E. "Education records" means official records, files and data directly related to a student and maintained

by the school or local education agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school, the local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performance, contests, athletic competitions, demonstrations, displays and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this compact, which is generally referred to as the Interstate Commission.

H. "Local education agency" means a local school district.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, home port facility for any ship or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory. The term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought.

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, that implements, interprets or prescribes a policy or provision of this compact, or that is an organizational, procedural or practice requirement of the Interstate Commission, and that has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory.

P. "State education agency" means the Department of Education.

Q. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

R. "Transition" means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

S. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration and the commissioned corps of the United States Public Health Service.

T. "Veteran" means a person who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in Section B of this Article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the National Guard or the military reserve forces who are on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 and members described in 32 U.S.C. 502(f);

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the National Guard or the military reserve forces;

2. Members of the uniformed services now retired, except as provided in Section A of this Article;

3. Veterans of the uniformed services, except as provided in Section A of this Article; and

4. Other Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATION RECORDS AND ENROLLMENT

A. Unofficial or hand-carried education records. In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations. Compacting states shall give 30 days from the date of enrollment, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and first grade entrance age. Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to honors, International Baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

B. Educational program placement. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or based on participation or placement in like programs in the sending state. Such programs include, but are not limited to, talented and gifted programs and English as a second language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services.

1. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

2. In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing section 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility. Local education agency administrative officials shall have flexibility in waiving course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by

this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY

A. Eligibility for enrollment.

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation. State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams. States shall accept exit or end-of-course exams required for graduation from the sending state, national norm-referenced achievement tests or alternative testing that is given in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of Section C of this Article shall apply.

C. Transfers during senior year. Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII
STATE COORDINATION

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership may include at least: the state superintendent of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The Governor of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. The individual appointed to this position must be a member of the uniformed service. The Department of Education of the State of Oregon shall assist the military family education liaison in the performance of the duties of the position.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state. The individual appointed to this position must have experience in the education of military children.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the State Council.

ARTICLE IX
INTERSTATE COMMISSION ON
EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN

The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative may not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rule making, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of this compact, including enforcement and compliance with the provisions of this compact, its bylaws and rules, and other such duties as deemed necessary. The Department of Defense shall serve as an ex officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in this compact. The Interstate Commission and its committees may close a meeting, or portion thereof, when it determines by a two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information that is privileged or confidential;

4. Involve accusing a person of a crime or formally censuring a person;

5. Disclose information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. Cause its legal counselor designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection

with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. Create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of this compact or its rules or when issues subject to the jurisdiction of this compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this compact, its bylaws, rules and actions.

D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission and the bylaws, using all necessary and proper means, including but not limited to the use of the judicial process.

E. To establish and maintain offices that shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire or contract for services of personnel.

H. To establish and appoint committees, including but not limited to an executive committee as required by Article IX, Section E of this compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, judiciary and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate education, training and public awareness regarding this compact, its implementation and operation for officials and parents involved in such activity.

Q. To establish uniform standards for the reporting, collecting and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of this compact, including but not limited to:

1. Establishing the fiscal year of the Interstate Commission;

2. Establishing an executive committee and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of this compact after the payment and reserving of all of its debts and obligations; and

7. Providing start-up rules for initial administration of this compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive committee, officers and personnel.

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

b. Overseeing an organizational structure within, and appropriate procedures for, the Interstate Commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

c. Planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, a member state, the Interstate Commission or the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission

did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking authority. The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking procedure. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p. I (2000), as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt this compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

A. Oversight.

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate this compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of this compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, technical assistance, suspension and termination.

1. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate

Commission shall specify the conditions by which the defaulting state must cure its default.

2. If a member state has defaulted, the Interstate Commission shall provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from this compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

5. The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from this compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

C. Dispute resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to this compact and that may arise among member states and between member and nonmember states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of this compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than 10 of the states. The effective date may be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of this compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of this compact by all states.

C. The Interstate Commission may propose amendments to this compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

1. Once effective, this compact shall continue in force and remain binding upon each and every member state provided that a member state may withdraw from this compact by specifically repealing the statute that enacted this compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting this compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of compact.

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in this compact to one member state.

2. Upon the dissolution of this compact, this compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of this compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

**BINDING EFFECT OF COMPACT
AND OTHER LAWS**

A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

[2014 c.110 §1]

Sec. 2. Annual assessment. (1) If the Interstate Commission levies an annual assessment as described in Article XIV of the Interstate Compact on Educational Opportunity for Military Children under section 1 of

this 2014 Act, the Department of Education shall fund the annual assessment.

(2) For purposes of funding the annual assessment, the department may accept contributions of funds and assistance from any source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of the Interstate Compact on Educational Opportunity for Military Children under section 1 of this 2014 Act. [2014 c.110 §2]

Sec. 3. State Council for Educational Opportunity for Military Children. There is established a State Council for Educational Opportunity for Military Children, as described in Article VIII of the Interstate Compact on Educational Opportunity for Military Children under section 1 of this 2014 Act, consisting of the military family education liaison and the compact commissioner. The Governor may appoint other individuals to the state council and shall make a good faith effort to ensure that other individuals appointed are individuals who are described in Article VIII of the Interstate Compact on Educational Opportunity for Military Children under section 1 of this 2014 Act and who are well informed on the principles of education of military children. [2014 c.110 §3]

Sec. 4. Meetings. The State Council for Educational Opportunity for Military Children shall meet at least once every three months through the use of telephone or other electronic means and in accordance with ORS 192.610 to 192.690 and 192.672. [2014 c.110 §4]

Sec. 5. Administrative support. The Oregon Military Department shall provide administrative support to the State Council for Educational Opportunity for Military Children. [2014 c.110 §5]

Sec. 6. Authority to adopt policies. The State Council for Educational Opportunity for Military Children may adopt policies to carry out the duties assigned to the state council. [2014 c.110 §6]

Sec. 8. Repeal. This 2014 Act [chapter 110, Oregon Laws 2014] is repealed on December 31, 2019. [2014 c.110 §8]

STUDENT RECORDS

326.565 Standards for student records; rules. (1) The State Board of Education shall adopt by rule standards for the creation, use, custody and disclosure, including access, of student education records held by a school district or another public or private educational entity that provides educational services to students in any grade from kindergarten through grade 12. Consistent with the requirements of applicable state and federal law, the standards:

(a) Shall include requirements under which a school district or other educational entity will transfer student education records pursuant to ORS 326.575.

(b) May be applied differently to persons 18 years of age or older.

(2) The board shall distribute the rules that are adopted under subsection (1) of this section to all school districts and shall make the rules available on the website of the Department of Education.

(3) School districts shall make the rules received under subsection (2) of this section available to the public schools in the district and to the public. [1993 c.806 §3 (326.565, 326.575)]

and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §1; 2015 c.519 §1]

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

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

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

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

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

(b) Any school, institution, program, facility or center receiving a request for a student's education records shall transfer all student education records relating to the particular student to the requesting school, institution, program, facility or center no later than five days after the receipt of the request.

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

Education shall specify by rule the procedure for the hearing.

(5) As used in this section:

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

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

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

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

(e) "Substitute care program" means family foster care, family group home care, parole foster care, family shelter care, adolescent shelter care and professional group care.

(f) "Youth care center" means a center as defined in ORS 420.855. [1993 c.806 §4 (326.565, 326.575 and 336.187 enacted in lieu of 336.185, 336.195 and 336.215); 1995 c.15 §2; 2001 c.681 §1; 2005 c.521 §3; 2011 c.313 §2; 2011 c.701 §4; 2017 c.726 §21]

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

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

(b) A state agency.

(c) A local correctional facility.

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

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

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

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

(a) Shall not be required to forward by mail or other means physical items such as

original documents or photocopies to a receiving educational institution that also is approved for participation in the program. This paragraph does not apply to special education records that are specifically required by federal law to be physically transferred.

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

(c) Shall retain the official student record in compliance with state and federal law. [2001 c.450 §1; 2013 c.585 §4; 2015 c.558 §4]

326.585 [2003 c.776 §1; renumbered 350.276 in 2015]

326.587 [2003 c.776 §2; 2011 c.637 §105; renumbered 350.278 in 2015]

326.589 [2003 c.776 §3; renumbered 350.280 in 2015]

326.591 [2003 c.776 §4; renumbered 350.282 in 2015]

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

CRIMINAL OFFENDER INFORMATION PROCESS

326.603 Authority of school districts and schools to obtain fingerprints and criminal records check of employees and contractors; fee. (1) For the purposes of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Education may require the fingerprints of:

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

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

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

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

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

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

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

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

(3) The Department of Education shall request that the Department of State Police conduct a criminal records check as provided in ORS 181A.195 and may charge the school district or private school a fee as established by rule under ORS 181A.195. The school district or private school may recover its costs or a portion thereof from the person described in subsection (1) of this section. If the person described in subsection (1)(b) or (d) of this section requests, the school district shall and a private school may withhold the amount from amounts otherwise due the person, including a periodic payroll deduction rather than a lump sum payment.

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

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

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

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

(b) If a person described in subsection (1) of this section has been convicted of a crime listed in ORS 342.143 (3), a school district may not employ or contract with the person and a private school may choose not to employ or contract with the person. Notification by the superintendent that the school district may not employ or contract with the

person shall remove the person from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

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

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

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

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

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

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

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

(b) "School district" means:

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

(B) The Oregon School for the Deaf.

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

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

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

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

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

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Education may require the fingerprints of a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) In addition to the authority granted by subsection (2) of this section and for the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Education may require

the fingerprints of a person for the purposes of licensing, certifying, registering or otherwise regulating or administering programs under the authority of the department.

(4) The Department of Education, subject to rules adopted by the Oregon Department of Administrative Services under ORS 181A.215, may make fitness determinations based on criminal offender records and information furnished by the Federal Bureau of Investigation through the Department of State Police as provided by ORS 181A.195. [2009 c.438 §1; 2013 c.624 §79a; 2015 c.758 §15]

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

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

326.607 Background check policy for volunteers; authority of school districts and schools to obtain criminal records check of volunteers and applicants for employment; fee. (1)(a) If a school district or public charter school allows volunteers to have direct, unsupervised contact with school children, the school district board or public charter school governing body must adopt and implement a policy that requires those volunteers to undergo a background check.

(b) If a private school allows volunteers to have direct, unsupervised contact with school children, the governing body of the private school may adopt and implement a policy that requires those volunteers to undergo a background check.

(2) Upon request from a school district, a private school or a public charter school or a school district, private school or public charter school contractor and with consent from the individual, the Department of Education may conduct:

(a) An Oregon criminal records check using the Law Enforcement Data System for screening an individual who is a volunteer for the school district, private school or public charter school and who has direct, unsupervised contact with school children, or for screening applicants for employment.

(b) A state or nationwide criminal records check under ORS 181A.195 for screening an individual who is a volunteer for the school district, private school or public charter school and who has direct, unsupervised contact with school children, or for screening applicants for employment.

(3) The department may charge the requesting school district, private school, public charter school or school district, private school or public charter school contractor a fee not to exceed:

(a) \$5 for each request made under subsection (2) of this section for an Oregon criminal records check using the Law Enforcement Data System.

(b) The fee established by rule under ORS 181A.195 for each request made under subsection (2) of this section for a state or national criminal records check under ORS 181A.195. [1995 c.446 §3; 1997 c.536 §2; 1999 c.200 §26; 2005 c.730 §14; 2017 c.668 §1]

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

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

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

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

YOUTH CORRECTIONS AND JUVENILE DETENTION EDUCATION PROGRAMS

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

(1) “Juvenile Detention Education Program” means the provision of educational services to:

(a) Youths placed in a youth care center, as defined in ORS 420.855, that is within a detention facility, as defined in ORS 419A.004; and

(b) Youths lodged overnight who receive educational services on consecutive days within a detention facility, as defined in ORS 419A.004.

(2) “Youth Corrections Education Program” means the provision of educational services to youths in youth correction facilities, as defined in ORS 420.005. [2001 c.681 §2; 2015 c.671 §1]

326.700 Purpose of programs; distribution of State School Fund. It is the purpose of ORS 326.712 and 327.026 and this section that youths enrolled in the Youth Corrections Education Program and the Juvenile Detention Education Program administered by the Department of Education be treated as nearly the same as practicable in the distribution of the State School Fund as children enrolled in common and union high school districts in this state. [Formerly 420.405; 2001 c.681 §3]

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

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

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

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

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

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

DYSLEXIA SUPPORT

326.726 Dyslexia specialist; training requirements; screening requirements; rules. (1) The Department of Education shall designate a dyslexia specialist for the department to provide school districts with support and resources that are necessary to:

(a) Assist students with dyslexia and their families; and

(b) Comply with the requirements of this section.

(2) Each school district shall ensure that at least one kindergarten through grade five teacher in each kindergarten through grade five school has received training related to dyslexia. The training must comply with the requirements described in subsection (3) of this section.

(3) For the purpose of subsection (2) of this section, a training opportunity related to dyslexia must:

(a) Comply with the knowledge and practice standards of an international organization on dyslexia;

(b) Enable the teacher to understand and recognize dyslexia; and

(c) Enable the teacher to implement instruction that is systematic, explicit and evidence-based to meet the educational needs of students with dyslexia.

(4) The department shall annually develop a list of training opportunities related to dyslexia that satisfy the requirements described in subsection (3) of this section. The list must:

(a) Be developed in collaboration with the Teacher Standards and Practices Commission to ensure that the training opportunities also satisfy professional development requirements; and

(b) Include at least one opportunity that is provided entirely online.

(5) Each school district shall ensure that every student is screened for risk factors of dyslexia using a screening test identified by the department when the student is in:

(a) Kindergarten, if the student first enrolls at a public school in this state for kindergarten; or

(b) First grade, if the student first enrolls in a public school in this state for first grade.

(6) For the purpose of subsection (5) of this section, the department shall:

(a) Identify screening tests that are cost effective. The tests administered to students in kindergarten must take into account the following factors:

(A) Phonological awareness;

(B) Rapid naming skills;

(C) The correspondence between sounds and letters; and

(D) Family history of difficulty in learning to read, if the student shows risk factors for reading difficulties, including dyslexia.

(b) Provide guidance for notifications to be sent by school districts to parents of students who are identified as having risk factors for reading difficulties, including dyslexia.

(7) The department shall develop guidance regarding best practices for assisting students who are identified through screening or through parental input as showing risk factors or being at risk for reading difficulties, including dyslexia. The department shall make the guidance available to school districts.

(8)(a) A school district that does not comply with the requirements of subsection (2) of this section and that does not secure a waiver from the department within the time required by the State Board of Education by rule is considered nonstandard under ORS 327.103.

(b) The board shall adopt by rule the criteria for a waiver from the requirements of subsection (2) of this section to address instances when noncompliance is outside the control of the school district. [2015 c.790 §1; 2015 c.790 §4; 2017 c.473 §1]

Note: The amendments to 326.726 by section 4, chapter 790, Oregon Laws 2015, and section 1, chapter 473, Oregon Laws 2017, become operative July 1, 2018. See section 5, chapter 790, Oregon Laws 2015, as amended by section 2, chapter 473, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user's convenience.

326.726. (1) The Department of Education shall designate a dyslexia specialist for the department to provide school districts with support and resources that

are necessary to assist students with dyslexia and their families.

(2) The department shall annually develop a list of training opportunities related to dyslexia that satisfy the requirements described in subsection (3) of this section. The list must:

(a) Be developed in collaboration with the Teacher Standards and Practices Commission to ensure that the training opportunities also satisfy professional development requirements; and

(b) Include at least one opportunity that is provided entirely online.

(3) For the purpose of this section, a training opportunity related to dyslexia must:

(a) Comply with the knowledge and practice standards of an international organization on dyslexia;

(b) Enable the teacher to understand and recognize dyslexia; and

(c) Enable the teacher to implement instruction that is systematic, explicit and evidence-based to meet the educational needs of students with dyslexia.

Note: Section 3, chapter 473, Oregon Laws 2017, provides:

Sec. 3. The amendments to ORS 326.726 by section 1 of this 2017 Act first apply to the 2018-2019 school year. [2017 c.473 §3]

Note: Section 4, chapter 473, Oregon Laws 2017, provides:

Sec. 4. No later than September 15, 2018, the Department of Education shall submit a report, including recommendations for legislation, to the interim committees of the Legislative Assembly related to education about best practices for screening students for risk factors of dyslexia and instructional support for students

who show risk for or who are identified as having dyslexia. [2017 c.473 §4]

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

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

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

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

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

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

326.761 [2013 c.747 §202b; repealed by 2015 c.774 §41]

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

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

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

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

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

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

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

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

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

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

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

326.990 [Repealed by 1965 c.100 §456]

