

# Chapter 337

2005 EDITION

## Books and Instructional Materials

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**337.010** [Repealed by 1965 c.100 §248 (337.011 enacted in lieu of 337.010)]

**337.011** [1965 c.100 §249 (enacted in lieu of 337.010); 1975 c.754 §1; repealed by 1995 c.111 §2]

**337.020** [Amended by 1953 c.526 §1; 1965 c.100 §250; 1969 c.314 §22; repealed by 1995 c.111 §2]

**337.030 Annual circular to school textbook publishers.** The Superintendent of Public Instruction shall, under the direction of the State Board of Education, mail a copy of a circular to all the leading school textbook publishers in the United States. The circular shall contain:

(1) The name and post-office address of the State Board of Education.

(2) The time and place of meeting of the board to review and adopt textbooks.

(3) The general form of the proposal to be followed by publishers in submitting textbooks for review and adoption.

(4) The general form of contract to be entered into between the board and a publisher whose textbooks may be adopted.

(5) The branches of study for which textbooks are to be adopted.

(6) The statutory provisions relating to the review and adoption of textbooks.

(7) Such additional information as may be considered useful. [Amended by 1965 c.100 §251; 1975 c.754 §5; 1991 c.886 §3]

**337.035 Establishment of guidelines and criteria for review and selection of textbooks and instructional materials; rules.** The State Board of Education by rule shall establish guidelines and criteria for the review and selection of textbooks and other instructional materials to be placed on the list adopted under ORS 337.050. [1975 c.754 §3; 2001 c.461 §1]

**337.040** [Amended by 1953 c.526 §2; 1955 c.406 §1; 1965 c.100 §252; 1975 c.754 §6; repealed by 1995 c.111 §2]

**337.050 List of textbooks and instructional materials.** (1) The State Board of Education shall review and adopt, for periods established by the board, a list of textbooks and other instructional materials for use by school districts. The list shall contain, whenever possible:

(a) More than one textbook selection for each grade and subject field in the standard curriculum for which, in its judgment, textbooks are required; and

(b) More than one instructional material selection for each grade and subject field in the standard curriculum for which, in its judgment, instructional materials are required.

(2) The State Board of Education shall consider the best educational interests of the students as well as the most economical method of purchasing textbooks and instruc-

tional materials in setting periods for textbook and instructional material review and adoption.

(3) The board shall refrain from adopting any textbook or instructional material in a subject field whenever it finds that no textbook or instructional material can be documented as meeting, to the degree determined by the board, the guidelines and criteria established by the board for textbooks and instructional materials.

(4) The board may approve the request of a publisher to substitute a more recent edition of any officially adopted textbook or item of instructional material in lieu of the edition or item adopted by the board. [Amended by 1953 c.121 §3; 1953 c.526 §3; 1955 c.406 §2; 1965 c.100 §253; 1967 c.370 §1; 1975 c.754 §7; 1983 c.300 §1; 1991 c.886 §4; 1997 c.115 §1; 2001 c.461 §2]

**337.055** [1975 c.754 §4; repealed by 1995 c.111 §2]

**337.060 Submission of proposals by publishers.** (1) The proposals of each publisher shall be submitted to the Department of Education in writing and shall be responsive to the requirements of ORS 337.030 (3) and (4), and such other information relating to the terms and conditions under which the publisher proposes to furnish textbooks as the State Board of Education may require.

(2) In addition to the material required under subsection (1) of this section, the proposal shall include documentation and analysis on each textbook showing how it conforms to the guidelines and criteria adopted by the State Board of Education for the review and adoption of textbooks. [Amended by 1965 c.100 §254; 1975 c.754 §8; 1991 c.886 §5]

**337.065 Publisher fee.** (1) The Department of Education shall collect from each publisher or other supplier who submits a proposal under ORS 337.060 a fee equal to the retail price, or \$50, whichever is the greater, for each textbook title or item of instructional material proposed by the publisher or supplier for review and adoption by the board. Fees are payable prior to consideration of the proposal.

(2) The moneys received under subsection (1) of this section shall be paid into the State Treasury and placed to the credit of the Department of Education. The moneys are continuously appropriated to meet expenses incurred under this chapter. [1967 c.370 §2, 3; 1975 c.754 §9; 1991 c.886 §6]

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

**337.075 Adoption or rejection of proposals.** (1) The State Board of Education may adopt or reject any textbook contained in any proposal. If the terms and conditions for furnishing a textbook in all proposals relating to that textbook are considered by the board to be unreasonable or the textbook is

considered to be unsuitable pursuant to guidelines and criteria established by the board, the board may reject the textbook.

(2) At the same or subsequent sessions, the board may receive new proposals for a textbook previously rejected and adopt the textbook in the same manner as other textbooks are required to be adopted. No proposal shall be considered unless the publisher has delivered without charge two copies of each textbook contained in the proposal to the Department of Education at least 60 days before the meeting. [1965 c.100 §255; 1975 c.754 §10; 1991 c.886 §7]

**337.080 Report of textbook and instructional material adoptions.** The State Board of Education shall immediately report to the public the textbooks and instructional materials that have been adopted and placed on the list under ORS 337.050. The report shall be signed by the chairperson of the board. [Amended by 1965 c.100 §256; 1975 c.754 §11; 1991 c.886 §8; 2001 c.461 §3]

**337.090 Contract with publisher; terms; security; breach; remedies.** (1) The State Board of Education, as soon as practicable, shall enter into a written contract with each publisher the textbook of which has been adopted. The contract shall require the publisher to maintain at least one depository to be designated by the board, where such textbooks may be purchased and to furnish such textbooks according to law and the conditions named in the proposal.

(2) The board shall take from each publisher entering into a contract a good and sufficient bond, or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008, in such sum as stipulated damages as the board may determine, payable to the State of Oregon for the benefit of the Common School Fund, executed by the publisher as obligor together with a surety company authorized to do business in this state as surety and approved by the board, for the full and faithful performance of the contract.

(3) If any publisher fails to carry out the provisions of the contract on the part of the publisher, or, with intent to evade the provisions of the contract, sells any of the textbooks in this state at prices higher than specified in the contract of the publisher, the board may, on behalf of the state, rescind the contract and notify the publisher thereof, or bring the appropriate action or suit to enforce the provisions of the publisher's bond or letter of credit. [Amended by 1965 c.100 §257; 1975 c.754 §12; 1991 c.331 §57; 1991 c.886 §9; 1997 c.631 §463]

**337.100 Circular of adopted textbooks and instructional materials.** The Superintendent of Public Instruction shall, under the direction of the State Board of Education, issue a circular giving the full title of each textbook and a description of the instructional materials adopted by the board and placed on the list under ORS 337.050. The circular may include such other information as the board may consider useful. [Amended by 1965 c.100 §258; 1975 c.754 §13; 1991 c.886 §10; 2001 c.461 §4]

**337.110 Selection of substitute or additional textbooks and instructional materials.** If at any time during the period for which a textbook or other instructional material is on the approved list adopted under ORS 337.050, it becomes necessary for the State Board of Education to adopt any textbook or other instructional material instead of those regularly adopted, the chairperson of the board may call a special session of the board. It may, upon convening, adopt such textbook or other instructional material in the same manner as other textbooks or other instructional materials are required to be adopted; except the Superintendent of Public Instruction need not in such case cause circulars described in ORS 337.030 to be sent to publishers. [Amended by 1965 c.100 §259; 1967 c.99 §1; 1975 c.754 §14; 1991 c.886 §11; 1997 c.115 §2; 2001 c.461 §5]

**337.120 School board adoption and use of approved textbooks and instructional materials.** (1) Except as otherwise provided by ORS 337.141, the district school board, with the assistance of teachers and administrators of the district, shall adopt textbooks and other instructional materials for each grade and subject field for which instruction is provided by the district school board from the approved list. The district school board shall involve parents and citizens in the process.

(2) The district school board shall cause the books or materials, according to titles, so adopted to be used in its schools at the beginning of the next school year following the state adoption, except when, pursuant to rules of the State Board of Education, the district school board is authorized by the Superintendent of Public Instruction to postpone such use for a reasonable period of time. [Amended by 1953 c.121 §3; 1965 c.100 §260; 1967 c.100 §1; 1975 c.754 §15; 1989 c.491 §27; 1991 c.886 §12; 1997 c.115 §3]

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

**337.140** [Repealed by 1965 c.100 §261 (337.141 enacted in lieu of 337.140)]

**337.141 Textbook and instructional material adoption and use by school boards.** Upon prior notice to the State Board of Education, the district school board

of any school district may adopt and use textbooks or other instructional materials in place of or in addition to those adopted by the State Board of Education provided they meet the guidelines and criteria established by the State Board of Education. [1965 c.100 §262 (enacted in lieu of 337.140); 1975 c.754 §16; 1979 c.273 §2; 1991 c.886 §13; 2001 c.461 §6]

**337.150 School board and charter school duty to provide textbooks.** (1) Subject to ORS 339.155, each district school board shall provide textbooks, prescribed or authorized by law, for free use by all resident public school pupils enrolled in kindergarten through grade 12.

(2) Subject to ORS 339.155, each public charter school as defined in ORS 338.005 shall provide textbooks, prescribed or authorized by law, for free use by all pupils enrolled in the public charter school. [Amended by 1955 c.486 §2; 1957 c.272 §1; 1965 c.100 §263; 1965 c.272 §1; 1979 c.273 §1; 1989 c.130 §1; 1993 c.45 §303; 1999 c.200 §30]

**337.160** [Amended by 1965 c.100 §264; repealed by 1965 c.272 §2]

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

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

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

**337.200** [Amended by 1955 c.486 §3; repealed by 1965 c.100 §456]

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

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

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

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

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

**337.260 Textbooks on American history and government.** Every district school board, the State Board of Education and every committee or officer responsible for the adoption of textbooks for use in the public schools shall adopt textbooks on American history and government which adequately stress the services rendered by those who achieved our national independence, who established our form of constitutional government and who preserved our federal union. Respect for all people, regardless of race, color, creed, national origin, age, sex, or disability, and their contributions to our history and system of government shall be reflected in the textbooks adopted by the State Board of Education. [Amended by 1965 c.100 §265; 1975 c.754 §17; 1985 c.388 §2; 1985 c.709 §3; 1991 c.886 §14; 1993 c.45 §§304,305]

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

**337.275 Instructional materials on phonics.** (1) The State Board of Education shall include instructional materials on explicit phonics with decodable text on the statewide list of instructional materials adopted for inclusion in the reading instruction programs for kindergarten through grade two.

(2) Each school district shall provide instructional materials on explicit phonics with decodable text from which classroom teachers may select for use as part of the reading instruction program in kindergarten through grade two. [1999 c.265 §1]

**Note:** 337.275 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**337.285 Definitions for ORS 337.288.** As used in ORS 337.288:

(1) “Participating school” means a public school, public charter school or private school that collects donated books from students, civic groups and members of the community for distribution to children who have few books at home.

(2) “Recipient school” means a public school or public charter school that receives donated books for distribution to students attending the school. [2001 c.271 §1]

**Note:** 337.285 and 337.288 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**337.288 Spread the Word Program; purpose; donated books.** (1) There is created the Spread the Word Program in the Department of Education. The purpose of the program is to provide books to elementary school children in kindergarten through grade five who have few books at home. Under the program, participating schools, individuals and civic groups may collect children’s books that shall be donated to recipient schools for distribution to eligible children.

(2) The department shall:

(a) Establish assessment criteria to identify children eligible to receive books under the program; and

(b) Develop an informational brochure on the program and distribute the brochure to public schools and public charter schools in this state.

(3) Participating schools that are not private schools shall:

(a) Conduct book drives;

(b) Review donated books to ensure that they are appropriate for elementary school children and in satisfactory condition for distribution;

(c) Count, sort and pack the books; and

(d) Contact the school district to report the approximate number of books to be collected by the school district for distribution to elementary school children who have few books at home.

(4) Participating schools that are private schools and individuals and civic groups may deliver donated books to a participating school that is a public school or public charter school for review and collection as provided in subsection (3) of this section.

(5) School districts shall:

(a) Collect donated books from participating schools within the district; and

(b) Arrange for the donated books to be transported to the recipient school.

(6) A recipient school shall distribute books to those children identified as eligible under criteria developed by the department under subsection (2) of this section.

(7) Records of children who receive books pursuant to this section are not public records. [2001 c.271 §2; 2005 c.209 §25]

**Note:** See note under 337.285.

**337.300 Animal dissection; refusal by student; alternatives; notification.** (1) A kindergarten through grade 12 public school student may refuse to dissect any vertebrate or invertebrate animal or the parent or legal guardian of a kindergarten through grade 12 public school student may refuse to allow the student to dissect any vertebrate or invertebrate animal.

(2) A school district that includes dissection as part of its coursework shall permit students to demonstrate competency in the coursework through alternative materials or methods of learning that do not include the dissection of animals. These alternative materials and methods may include but are not limited to:

(a) Videotapes, DVDs and CD-ROMs;

(b) Models;

(c) Films;

(d) Books;

(e) Computer programs;

(f) Clay modeling; and

(g) Transparencies.

(3) A kindergarten through grade 12 public school teacher may not discriminate against a student or lower the grade of a student for not participating in the dissection of an animal.

(4) A school district shall notify students who have dissection as part of their coursework and the parents and legal guardians of those students about the provisions of this section. [2005 c.460 §1]

**Note:** 337.300 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 337 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**337.510** [1957 c.642 §1; 1963 c.570 §12; 1965 c.100 §266; repealed by 1989 c.216 §1]

**337.520** [1957 c.642 §2; 1963 c.544 §44; 1965 c.100 §267; 1967 c.67 §7; repealed by 1989 c.216 §1]

**337.530** [1957 c.642 §3; 1963 c.570 §13; 1965 c.100 §268; repealed by 1989 c.216 §1]

**337.540** [1957 c.642 §§5,6,7; 1963 c.544 §45; 1963 c.570 §14; 1965 c.100 §269; repealed by 1989 c.216 §1]

**337.550** [1957 c.642 §10; 1963 c.570 §15; repealed by 1989 c.216 §1]

**337.560** [1957 c.642 §§8,9(1),(2); 1963 c.544 §46; 1963 c.570 §16; 1965 c.100 §270; repealed by 1989 c.216 §1]

**337.570** [1957 c.642 §9(3); 1963 c.570 §17; repealed by 1965 c.100 §456]

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