



PRE-K – 12 SYSTEM OVERVIEW

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

Oregon’s pre-kindergarten through grade 12 education system is governed by federal authority; state constitutional requirements; the state legislature; two executive branch agencies; 19 regional Education Service Districts; 197 school districts; the State Board of Education; the Early Learning Council; the Youth Development Council; the Teacher Standards and Practices Commission; and several smaller boards, councils, or commissions. Each agency, board, and district has statutorily required duties and responsibilities.

FEDERAL AUTHORITY

Congress exercises authority over education through the Spending Clause of the U.S. Constitution, conditioning the receipt of federal funds on compliance with federal education laws. There are numerous federal laws governing education, including:

- The Every Student Succeeds Act (ESSA), which was passed in December 2015 and curtailed federal control that was enacted under No Child Left Behind (NCLB) in 2001. ESSA retains many of the accountability measures first enacted under NCLB, but allows states much more flexibility in determining how to measure and enforce that accountability. Every state was required to write a state plan for compliance and have that plan approved by the U.S. Department of Education. Oregon’s state plan was approved in August 2017.
- The Individuals with Disabilities Education Act (IDEA), which requires that students with disabilities be provided a Free Appropriate Public Education (FAPE).
- Civil rights laws, which prohibit discrimination in education.
- The Americans with Disability Act (ADA), which requires that educational facilities be accessible to people with disabilities.
- The Family Education Rights and Privacy Act (FERPA), which governs the privacy of, and ensures family access to, educational records.

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- The National School Lunch Act, which governs school nutrition programs.
- Federal laws relating to early childhood education, such as the Head Start program, early childhood block grants, and others.

Additionally, the U.S. Department of Education oversees grants to states and individual school districts, as well as establishing policy guidance for implementation of federal programs and laws.

STATE CONSTITUTIONAL REQUIREMENTS

Several sections of the Oregon Constitution govern education:

- Article VIII, section 1 establishes the office of Superintendent of Public Instruction (SPI). The SPI was chosen by statewide election from 1874 until 2012. In 2011, the legislature adopted Senate Bill 552, naming the Governor as SPI.
- Article VIII, section 3 requires the establishment of a uniform and general system of common schools.
- Article VIII, section 8 requires the Legislative Assembly to appropriate sufficient funds to ensure that the state's public schools meet quality goals established by law, or to produce a report explaining why insufficient funds were appropriated.

STATE LEGISLATURE

The legislature has power to make any law governing education policy that does not violate the state or federal constitution. Oregon's education laws are primarily codified in Volume 9 of the Oregon Revised Statutes:

- Chapter 326 covers the state administration of its education system, including the State Board of Education, the Department of Education, the Superintendent of Public Instruction, the Early Learning Council, the STEM Investment Council, intellectual property, real property, the interstate compact for military children, student records, criminal offender processes, youth corrections and juvenile detention education programs, and dyslexia support.
- Chapter 327 covers all aspects of the state's K-12 financing system, including the State School Fund, accounts created under the Student Success Act, grant programs, the Common School Fund, the Quality Education Commission, lottery bonds and Measure 98.
- Chapter 328 covers local financing of education, including county school funds, bonds, and audits.
- Chapter 329 covers educational improvement and reform, including the Oregon Educational Act for the 21st Century (1991), which includes effectiveness assessments of schools and districts, proficiency education, services for children and families, community learning centers, early childhood education, child development and student-parent programs, diplomas and certificates, student assessments, subject-specific requirements, and school counseling programs;

school councils, professional development for educators, improvements in student achievement, and statewide education plans.

- Chapter 330 covers school district mergers and boundary change procedures.
- Chapter 332 covers the local administration of education, including district school board organization and meetings, board powers and duties, elections, district property, school environmental requirements, gifts, transportation, insurance, traffic regulation, personnel, student census requirements, and intellectual property.
- Chapter 334 covers education service districts, including boards of directors, powers and duties, superintendent responsibilities, budget and tax levies, and reorganization procedures.
- Chapter 335 covers high schools and is primarily a remnant from when many high schools were in separate union high school districts.
- Chapter 336 covers the conduct of schools generally, including school calendars, required courses of study, kindergarten, additional programs, disclosure of student information, school nursing services, health examinations, alcohol and drug abuse programs, school nutrition services, health education, student journalists' rights, extracurricular sports, community schools, residential programs, alternative education, traffic safety education, and technology in schools.
- Chapter 337 covers the adoption of books and other instructional materials, including the division of authority between the state board and local boards.
- Chapter 338 pertains to charter schools and includes provisions on their formation, operation, and funding.
- Chapter 339 covers attendance, admission, discipline, and safety. This chapter governs compulsory attendance; admission; residency; tuition and fees; student conduct and discipline; restraint and seclusion; school safety, including suicide prevention and harassment, intimidation, bullying, cyberbullying, abuse and sexual conduct; religious instruction; interscholastic activities; student accounting system; traffic patrol; and student medications.
- Chapter 340 covers dual credit programs, including the Expanded Options Program and accelerated college credit programs.
- Chapter 342 covers teachers, administrators, and other school personnel. This chapter governs licensing and registration, the Teacher Standards and Practices Commission, educator equity, school nurses, contracts, employment conditions, sexual harassment, steroids and other performance enhancing substances, teacher evaluations and grounds for dismissal as well as appeal procedures, and the Educator Advancement Council.
- Chapter 343 covers special education as well as talented and gifted children, early childhood special education, appropriate media for blind students, disadvantaged children, and migrant children.

- Chapter 344 covers career and technical education as well as youth job training opportunities, vocational rehabilitation and training, rehabilitation facilities, youth apprenticeships, adult literacy, and rehabilitation of workers.
- Chapter 346 covers programs for persons who are blind or deaf and governs education facilities such as the Oregon School for the Deaf, the Commission for the Blind, funding for students who are blind or visually impaired, and vending facilities on public property.

STATE AGENCIES

Table 1 lists the three executive branch agencies responsible for Oregon’s kindergarten through twelfth grade (K-12) education system, as well as the two divisions within the Oregon Department of Education (ODE) that have their own boards and Governor-appointed directors.

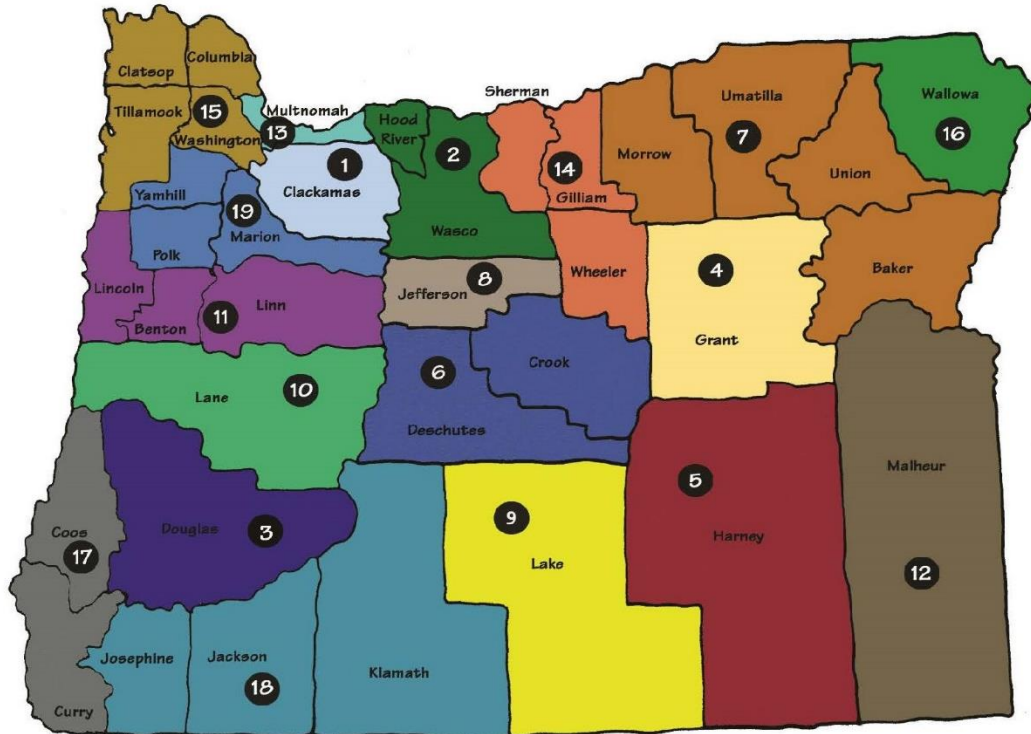
Table 1: Executive Branch K-12 Education Agencies

Oregon Department of Education (ODE), 533.75 FTE ORS 326.111, .300	The department exercises all administrative functions of the State Board of Education.
Early Learning Division (Dept. of Early Learning and Care starting in 2023), 249.6 FTE ORS 326.430	This division of ODE ensures that children enter school ready to succeed. Functions under the control of the Early Learning Council.
Educator Advancement Council, 14.56 FTE ORS 342.940	This office within ODE provides resources related to educator professional learning and other educator supports.
Youth Development Division, 13.63 FTE ORS 417.852	This division of ODE ensures that services are provided to children from school age through age 24 in a manner that supports educational success; focuses on crime prevention; and reduces high-risk behaviors. Functions under the direction and control of the Youth Development Council.
Teacher Standards and Practices Commission, 30.75 FTE ORS 342.410	The agency serving the commission provides services related to licensed educators, including the issuance of teaching and administrative licenses, imposing sanctions, overseeing educator preparation programs.

REGIONAL COORDINATION

Education Service Districts (ESDs) are established in ORS Chapter 334 and are tasked with assisting school districts and ODE in achieving Oregon's educational goals by providing equitable, high quality, cost-effective, and locally responsive educational services at a regional level. ESDs have locally elected boards and board-appointed superintendents. State law establishes 21 ESDs, although only 19 are currently functioning. Figure 1 is a map of Oregon's ESDs. Typically, ESDs may organize services such as special education services, early learning, or technology improvements on a regional level. ESDs also are responsible for tracking homeschool students. ESDs work with their component districts to establish a local service plan outlining the role of the ESD and the programs for which it takes responsibility.

Figure 1: Map of Oregon's Education Service Districts



Source: Oregon Association of Education Service Districts

LOCAL SCHOOL DISTRICTS

ORS 330.005 divides the states into school districts, and ORS 332.072 tasks those districts with responsibility for educating children residing in the district. Common school districts are those that provide education from kindergarten through grade 12, and union high school districts are those that take responsibility only for high school education.

Oregon has only two union high school districts. County governing bodies are responsible for dividing counties into school districts, and state law governs boundary changes as well as mergers.

ORS 332.011 *et seq.* controls the size of school boards, eligibility for service, and terms of office. Oregon law gives local school boards a great deal of authority, commonly referred to as local control. Among other responsibilities, school boards appoint a district's superintendent, control the school day and year for their district, and control the adoption of textbooks and other instructional materials.

School boards must establish rules for the government of their schools and students consistent with rules established by the State Board of Education. State requirements on districts are established by the legislature and by the state board and govern most aspects of school operation and reporting.

STATE STATUTORY BOARDS, COUNCILS, AND COMMISSIONS

Table 2 lists the major state statutory education-related boards, commissions, and councils as well as the enacting statute, duties, and membership of each.

Table 2: State Statutory Boards, Councils, and Commissions

State Board of Education
326.011, *et seq*

Duties:

- Establishes state standards for K-12
- Adopts rules for K-12
- Prescribes courses of study
- Adopts rules regarding school and interscholastic activities

Membership:

- Seven members appointed by the Governor
- State Treasurer or designee (nonvoting *ex officio*)
- Secretary of State or designee (nonvoting *ex officio*)

Early Learning Council
ORS 326.425

Duties:

- Oversees unified system of early learning services
- Serves as state advisory council for purposes of the federal Head Start Act
- Implements and oversees system that coordinates the delivery of early learning services
- Oversees the Oregon Early Learning System
- Evaluates Early Learning Hubs

Membership:

- Nine voting members appointed by Governor, representing each congressional district and meeting certain requirements
-

Youth Development Council
ORS 417.847

Duties:

- Oversees unified system providing services to school-age children through age 24
- Provides direction to Youth Development Division
- Prioritizes funding for services related to prevention of and intervention in risk factors leading to juvenile delinquency
- Promotes the health and well-being of children and youth
- Prevents gang violence and gang involvement

Membership:

- At least 15 members appointed by Governor
-

Teacher Standards and Practices Commission
342.121, 342.143, 342.350

Duties:

- Issues licenses to teachers and administrators
- Suspends, revokes licenses, or disciplines teachers or administrators
- Investigates teachers upon receipt of a complaint
- Issues letters of informal reproof

Membership:

- 17 members appointed by Governor subject to confirmation; must have been teaching, working, or administering in public schools or approved educator preparation programs for 5 years immediately preceding appointment
-

Fair Dismissal Appeals Board
342.930

Duties:

- Hears appeals on dismissals, contract non-extensions, and contract non-renewals

Membership:

- 24 members appointed by Governor, subject to confirmation
-

STEM Investment Council
ORS 326.500

Duties:

- Assists the Superintendent of Public Instruction and the executive director of HECC in developing and overseeing a long-term strategy related to science, technology, engineering, and mathematics
- Makes recommendations to the Superintendent of Public Instruction regarding administration of grants and distribution of funding

Membership:

- Nine members from the private sector jointly appointed by SPI and executive director of HECC (Higher Education Coordinating Commission)
-

Quality Education Commission
ORS 327.500

Duties:

- Determines the amount of funding sufficient to ensure that the state's K-12 system meets statutory quality goals
- Identifies best practices that lead to high student performance and the costs of implementing those practices
- Issues a report to the Governor and Legislative Assembly prior to August 1 of each even-numbered year identifying current practices, cost of continuing those practices, and expected student performance, best practices for meeting quality goals, and the cost of implementation

Membership:

- 11 members appointed by Governor; no more than five may be employed by a school district

State Interagency Coordinating Council
(early childhood special education services)
ORS 343.499

Duties:

- Advises and assists the Superintendent of Public Instruction, the State Board of Education, the Department of Education, the Early Learning Council and any other state agencies on preschool services and early childhood special education and early intervention programs
- Prepares and submits an annual report on the status of early intervention programs operated within this state

Membership:

- Governor-appointed
- 20 percent parents
- 20 percent public or private providers

STAFF CONTACT

Lisa Gezelter, LPRO Analyst
Legislative Policy and Research Office
503-986-1664
lisa.gezelter@oregonlegislature.gov

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