

## Oregon law regarding Education and Culture Excerpts

The following URL has the complete laws& statutes:

[https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2013ors326.html](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013ors326.html)

The following excerpts may be useful for OMA to know:

### TITLE 30 EDUCATION AND CULTURE

- Chapter 326. State Administration of Education  
327. State Financing of Elementary and Secondary Education  
328. Local Financing of Education  
329. Oregon Educational Act for the 21st Century; Educational Improvement and Reform  
329A. Child Care  
330. Boundary Changes; Mergers  
332. Local Administration of Education  
334. Education Service Districts  
335. High Schools  
336. Conduct of Schools Generally  
337. Books and Instructional Materials  
338. Public Charter Schools  
339. School Attendance; Admission; Discipline; Safety  
340. College Credit Earned in High School  
341. Community Colleges  
342. Teachers and Other School Personnel  
343. Special Education and Other Specialized Education Services  
344. Career and Technical Education; Education Related to Employment  
345. Career Schools  
346. Programs for Persons Who Are Blind or Deaf  
348. Student Aid; Education Stability Fund; Planning  
351. Higher Education Generally  
352. Public Universities and Independent Institutions of Higher Education  
353. Oregon Health and Science University  
354. Educational Television and Radio; Distance Learning; Translator Districts  
357. Libraries; State Archivist; Poet Laureate  
358. Oregon Historical and Heritage Agencies, Programs and Tax Provisions; Museums; Local Symphonies and Bands; Archaeological Objects and Sites  
359. Art and Culture

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New sections of law were enacted by the Legislative Assembly during its 2014 regular session and pertain to or are likely to be compiled in this ORS chapter. See sections in the following 2014 Oregon Laws chapters: [2014 Session Laws 0085](#); [2014 Session Laws 0093](#); [2014 Session Laws 0110](#); [2014 Session Laws 0113](#)

2013 EDITION

STATE ADMINISTRATION OF EDUCATION

EDUCATION AND CULTURE

OREGON EDUCATION INVESTMENT BOARD

(Temporary provisions relating to the Oregon Education Investment Board are compiled as notes preceding ORS 326.011)

STATE BOARD OF EDUCATION

326.011 Policy

326.021 State Board of Education membership

326.031 Vacancies

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

326.051 Board functions; rules

DEPARTMENT OF EDUCATION

326.111 Department of Education; composition; functions

326.113 Employee transfer of unused sick leave

326.115 Department of Education Account

SUPERINTENDENT OF PUBLIC INSTRUCTION

326.300 Governor as Superintendent of Public Instruction; appointment of deputy

326.310 Superintendent's educational duties

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- 326.320 Fees for supplies and publications provided by department
- 326.323 Superintendent's signature on public contracts
- 326.327 Agreement by superintendent to ensure availability of instruction of Chinese language
- 326.340 Disposition of conference fees by superintendent; disbursement of fees
- 326.350 Authority for department staff to serve on education-related organizations; Educational Organizations Fund; disbursements

### EARLY LEARNING COUNCIL

- 326.425 Early Learning Council; purpose; members; rules
- 326.430 Early Learning Division; Early Learning System Director
- 326.435 Early Learning Division Fund

### STEM INVESTMENT COUNCIL

- 326.500 STEM Investment Council; purpose; council director; annual report
- Note Report findings used to develop long-term strategy--2013 c.739 §§2,3

### OREGON EDUCATION INVESTMENT BOARD

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

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

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

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

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

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

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

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

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

(4) The duties of the board include:

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

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

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

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

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

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

(B) Ensuring that the data system is maintained.

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

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

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

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

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

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

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

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

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

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

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

(A) The Early Childhood System Director.

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

(C) The Deputy Superintendent of Public Instruction.

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

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

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

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

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

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

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

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

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**326.051.** Subject to ORS 417.300 and 417.305:

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

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- (a) Establish state standards for public kindergartens and public elementary and secondary schools consistent with the policies stated in ORS 326.011.
- (b) Adopt rules for the general governance of public kindergartens and public elementary and secondary schools and public community colleges.
- (c) Prescribe required or minimum courses of study.
- (d) Adopt rules regarding school and interscholastic activities.
- (e) Adopt rules that provide that no public elementary or secondary school shall discriminate in determining participation in interscholastic activities. As used in this paragraph, “discrimination” has the meaning given that term in ORS 659.850.

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- (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.
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### EARLY LEARNING COUNCIL

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

(2) The council is established to assist the board in overseeing a unified system of early learning services for the purpose of ensuring that children enter school ready to learn. The Early Learning Council shall 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 at least one of the members is an appointed member of the Oregon Education Investment Board;

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

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

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- (i) Demonstrates leadership skills in civics or the member's profession;
- (ii) To the greatest extent practicable, contributes to the council's representation of the geographic, ethnic, gender, racial and economic diversity of this state; and
- (iii) Contributes to the council's expertise, knowledge and experience in early childhood development, early childhood care, early childhood education, family financial stability, populations disproportionately burdened by poor education outcomes and outcome-based best practices; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Amounts donated to the fund;

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(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]