

**A-Engrossed**  
**Senate Bill 757**

Ordered by the Senate April 18  
Including Senate Amendments dated April 18

Sponsored by Senators WALKER, COURTNEY; Senator CARTER, Representative KOMP

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

**Creates Task Force on Oregon School for the Deaf and Oregon School for the Blind. Specifies membership and duties of task force. Sunsets on convening of next regular biennial legislative session.**

Establishes Board of [*Trustees*] **Directors** of Oregon [*State*] School for the Deaf. Specifies membership and duties of board.

[*Removes duties relating to operation of Oregon State School for the Deaf from Superintendent of Public Instruction and delegates those duties to board.*]

**Establishes Board of Directors of Oregon School for the Blind. Specifies membership and duties of board.**

**Authorizes boards to appeal any decision of Superintendent of Public Instruction regarding changes in purposes or uses of schools and selection of school directors, teachers and other personnel.**

**Changes name of Oregon State School for the Deaf to Oregon School for the Deaf and name of Oregon State School for the Blind to Oregon School for the Blind.**

Declares emergency, effective July 1, 2007.

**A BILL FOR AN ACT**

1  
2 Relating to education; creating new provisions; amending ORS 179.210, 179.460, 181.539, 238.350,  
3 240.205, 240.240, 326.603, 327.023, 329.489, 336.790, 336.800, 336.805, 339.370, 339.860, 343.236,  
4 346.010, 346.015, 346.017, 346.019, 346.020, 346.030, 346.041, 346.047, 346.055, 346.080, 351.117 and  
5 656.135; and declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1. (1) There is created the Task Force on the Oregon School for the Deaf and**  
8 **the Oregon School for the Blind, consisting of 19 members appointed as follows:**

9 (a) **The President of the Senate shall appoint two members from among members of the**  
10 **Senate.**

11 (b) **The Speaker of the House of Representatives shall appoint two members from among**  
12 **members of the House of Representatives.**

13 (c) **The President of the Senate and Speaker of the House of Representatives shall jointly**  
14 **appoint the following members:**

15 (A) **One member who has attended the Oregon School for the Deaf or was a staff person**  
16 **at the school;**

17 (B) **One member who has attended the Oregon School for the Blind or was a staff person**  
18 **at the school;**

19 (C) **One member who is deaf;**

20 (D) **One member who is blind;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (E) One member who is a professional with experience working with persons who are  
2 deaf;

3 (F) One member who is a professional with experience working with persons who are  
4 blind;

5 (G) One member who is a professional with experience working with regional programs  
6 for persons who are deaf or blind;

7 (H) One member who is a parent of a child who is deaf or blind;

8 (I) One member who represents consumer groups or advocacy groups of persons who are  
9 deaf or blind;

10 (J) One member who represents a labor organization that represents licensed staff; and

11 (K) One member who represents a labor organization that represents classified staff.

12 (d) The Superintendent of Public Instruction shall appoint one member who represents  
13 the Department of Education.

14 (e) The Governor shall appoint one member who represents the Office of the Governor  
15 or the Oregon Department of Administrative Services.

16 (f) The Board of Directors of the Oregon School for the Deaf shall appoint one member  
17 who is a member of the board.

18 (g) The Board of Directors of the Oregon School for the Blind shall appoint one member  
19 who is a member of the board.

20 (2) The task force shall study:

21 (a) The governance of the Oregon School for the Deaf;

22 (b) The governance of the Oregon School for the Blind;

23 (c) The role of the Superintendent of Public Instruction, the Department of Education  
24 and the State Board of Education in the operation of those schools;

25 (d) The governance structure of schools in other states that are operated for children  
26 who are deaf or blind; and

27 (e) The role of the Oregon School for the Deaf and the Oregon School for the Blind in  
28 providing services to school districts and education service districts.

29 (3) The task force shall make recommendations about:

30 (a) The governance structure of the Oregon School for the Deaf and the Oregon School  
31 for the Blind;

32 (b) The role of the Superintendent of Public Instruction, the Department of Education,  
33 the State Board of Education, the Board of Directors of the Oregon School for the Deaf and  
34 the Board of Directors of the Oregon School for the Blind in the operation of those schools;  
35 and

36 (c) The role of those schools in providing services to school districts and education ser-  
37 vice districts.

38 (4) A majority of the members of the task force constitutes a quorum for the transaction  
39 of business.

40 (5) Official action by the task force requires the approval of a majority of the members  
41 of the task force.

42 (6) The task force shall elect one of its members to serve as chairperson.

43 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
44 ment to become immediately effective.

45 (8) The task force shall meet at times and places specified by the call of the chairperson

1 or by a majority vote of the members of the task force.

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

3 (10) The task force may pre-session file legislation in the manner provided in ORS 171.130  
4 for interim committees. All legislation recommended by official action of the task force must  
5 indicate that it is introduced at the request of the task force.

6 (11) The task force shall report to the Legislative Assembly in the manner provided in  
7 ORS 192.245 at any time within 30 days after its final meeting or at such later time as the  
8 President and Speaker may designate.

9 (12) The Legislative Administrator may employ persons necessary for the performance  
10 of the functions of the task force. The Legislative Administrator shall fix the duties and  
11 amounts of compensation of these employees. The task force shall use the services of per-  
12 manent legislative staff to the greatest extent practicable.

13 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist  
14 the task force in the performance of its duties and, to the extent permitted by laws relating  
15 to confidentiality, to furnish such information and advice as the members of the task force  
16 consider necessary to perform their duties.

17 **SECTION 2.** Section 1 of this 2007 Act is repealed on the date of the convening of the next  
18 regular biennial legislative session.

19 **SECTION 3.** (1) There is established a Board of Directors of the Oregon School for the  
20 Deaf, consisting of seven members of whom at least four are persons who are deaf. The  
21 members shall be appointed by the Governor as follows:

22 (a) One member who has attended the Oregon School for the Deaf;

23 (b) One member who is deaf;

24 (c) One member who is a professional with experience working with persons who are  
25 deaf;

26 (d) One member who is a professional with experience working with regional programs  
27 for persons who are deaf;

28 (e) One member of the business community; and

29 (f) Two members who are parents of a child who is deaf.

30 (2) The term of office of each member is four years, but a member serves at the pleasure  
31 of the Governor. Before the expiration of the term of a member, the Governor shall appoint  
32 a successor whose term begins on July 1 next following. A member is eligible for reappoint-  
33 ment. If there is a vacancy for any cause, the Governor shall make an appointment to be-  
34 come immediately effective for the unexpired term.

35 (3) The appointment of the board is subject to confirmation by the Senate in the manner  
36 prescribed in ORS 171.562 and 171.565.

37 (4) A member of the board is not entitled to compensation but may be reimbursed for  
38 expenses as provided in ORS 292.495.

39 **SECTION 4.** (1) The Board of Directors of the Oregon School for the Deaf shall be ap-  
40 pointed within 60 days of the effective date of this 2007 Act.

41 (2) Notwithstanding the term of office specified by section 3 of this 2007 Act, of the  
42 members first appointed to the board:

43 (a) One shall serve for a term ending July 1, 2008.

44 (b) Two shall serve for terms ending July 1, 2009.

45 (c) Two shall serve for terms ending July 1, 2010.

1 (d) Two shall serve for terms ending July 1, 2011.

2 **SECTION 5.** (1) The Board of Directors of the Oregon School for the Deaf shall select one  
3 of its members as chairperson and another as vice chairperson, for such terms and with  
4 duties and powers necessary for the performance of the functions of such offices as the  
5 board determines.

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

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

10 **SECTION 6.** The Board of Directors of the Oregon School for the Deaf shall:

11 (1) Periodically, in conjunction with the Department of Education, conduct a compre-  
12 hensive review of policies and procedures of the Oregon School for the Deaf and of the state  
13 that relate to programs, services and employment of staff for the school;

14 (2) Make recommendations to the Superintendent of Public Instruction about policies and  
15 procedures of the school that relate to programs, services and employment of staff for the  
16 school;

17 (3) Establish an interview committee as necessary to provide advice to the Superinten-  
18 dent of Public Instruction on the hiring of a director for the school;

19 (4) Make recommendations to the superintendent about candidates for the director posi-  
20 tion;

21 (5) Make recommendations to the department about the school's budget and funding re-  
22 quests; and

23 (6) Make recommendations to the department about the expenditure of private donations  
24 and grants received by the department on behalf of the school.

25 **SECTION 7.** (1) The Board of Directors of the Oregon School for the Deaf shall adopt a  
26 master plan for the Oregon School for the Deaf. The plan shall specify the mission and ob-  
27 jectives of the school.

28 (2) The board shall include the input of stakeholders in the school in the development of  
29 the plan, including school districts, education service districts, students, graduates of the  
30 school and parents and guardians of students at the school.

31 (3) The plan shall include, but not be limited to, recommendations for:

32 (a) Procedures for systematically measuring the school's progress toward meeting its  
33 objectives;

34 (b) Procedures for analyzing changes in student population and modifying school pro-  
35 grams and services to respond to the changes; and

36 (c) The delivery of the school's services to school districts and education service dis-  
37 tricts.

38 (4) The plan shall honor deaf culture.

39 (5) The plan shall be in effect for a period of five years and shall be reviewed for needed  
40 modification every two years.

41 (6) Prior to February 1 of each odd-numbered year, the board shall submit the plan to  
42 the Superintendent of Public Instruction and the Legislative Assembly. The board shall also  
43 include the plan in the presentation to the Joint Legislative Committee on Ways and Means  
44 on the budget of the school.

45 **SECTION 8.** (1) There is established a Board of Directors of the Oregon School for the

1 **Blind, consisting of seven members of whom at least three are persons who are blind. The**  
2 **members shall be appointed by the Governor as follows:**

3 (a) **One member who has attended the Oregon School for the Blind or was a staff person**  
4 **at the school;**

5 (b) **One member who is a professional with experience working with regional programs**  
6 **for persons who are blind;**

7 (c) **One member of the business community;**

8 (d) **One member who is a parent of a child who is blind;**

9 (e) **One member who serves on the Commission for the Blind or who is a staff person**  
10 **of the commission; and**

11 (f) **Two members who represent consumer groups that focus on issues relating to persons**  
12 **who are blind.**

13 (2) **The term of office of each member is four years, but a member serves at the pleasure**  
14 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**  
15 **a successor whose term begins on July 1 next following. A member is eligible for reappoint-**  
16 **ment. If there is a vacancy for any cause, the Governor shall make an appointment to be-**  
17 **come immediately effective for the unexpired term.**

18 (3) **The appointment of the board is subject to confirmation by the Senate in the manner**  
19 **prescribed in ORS 171.562 and 171.565.**

20 (4) **A member of the board is not entitled to compensation but may be reimbursed for**  
21 **expenses as provided in ORS 292.495.**

22 **SECTION 9. (1) The Board of Directors of the Oregon School for the Blind shall be ap-**  
23 **pointed within 60 days of the effective date of this 2007 Act.**

24 (2) **Notwithstanding the term of office specified by section 8 of this 2007 Act, of the**  
25 **members first appointed to the board:**

26 (a) **One shall serve for a term ending July 1, 2008.**

27 (b) **Two shall serve for terms ending July 1, 2009.**

28 (c) **Two shall serve for terms ending July 1, 2010.**

29 (d) **Two shall serve for terms ending July 1, 2011.**

30 **SECTION 10. (1) The Board of Directors of the Oregon School for the Blind shall select**  
31 **one of its members as chairperson and another as vice chairperson, for such terms and with**  
32 **duties and powers necessary for the performance of the functions of such offices as the**  
33 **board determines.**

34 (2) **A majority of the members of the board constitutes a quorum for the transaction of**  
35 **business.**

36 (3) **The board shall meet at times and places specified by the call of the chairperson or**  
37 **of a majority of the members of the board.**

38 **SECTION 11. The Board of Directors of the Oregon School for the Blind shall:**

39 (1) **Periodically, in conjunction the Department of Education, conduct a comprehensive**  
40 **review of policies and procedures of the Oregon School for the Blind and of the state that**  
41 **relate to programs, services and employment of staff for the school;**

42 (2) **Make recommendations to the Superintendent of Public Instruction about policies and**  
43 **procedures of the school that relate to programs, services and employment of staff for the**  
44 **school;**

45 (3) **Establish an interview committee as necessary to provide advice to the Superinten-**

1 **dent of Public Instruction on the hiring of a director for the school;**

2 **(4) Make recommendations to the superintendent about candidates for the director posi-**  
3 **tion;**

4 **(5) Make recommendations to the department about the school's budget and funding re-**  
5 **quests; and**

6 **(6) Make recommendations to the department about the expenditure of private donations**  
7 **and grants received by the department on behalf of the school.**

8 **SECTION 12. (1) The Board of Directors of the Oregon School for the Blind shall adopt**  
9 **a master plan for the Oregon School for the Blind. The plan shall specify the mission and**  
10 **objectives of the school.**

11 **(2) The board shall include the input of stakeholders in the school in the development of**  
12 **the plan, including school districts, education service districts, students, graduates of the**  
13 **school and parents and guardians of students at the school.**

14 **(3) The plan shall include, but not be limited to, recommendations for:**

15 **(a) Procedures for systematically measuring the school's progress toward meeting its**  
16 **objectives;**

17 **(b) Procedures for analyzing changes in student population and modifying school pro-**  
18 **grams and services to respond to the changes; and**

19 **(c) The delivery of the school's services to school districts and education service dis-**  
20 **tricts.**

21 **(4) The plan shall honor blind culture.**

22 **(5) The plan shall be in effect for a period of five years and shall be reviewed for needed**  
23 **modification every two years.**

24 **(6) Prior to February 1 of each odd-numbered year, the board shall submit the plan to**  
25 **the Superintendent of Public Instruction and the Legislative Assembly. The board shall also**  
26 **include the plan in the presentation to the Joint Legislative Committee on Ways and Means**  
27 **on the budget of the school.**

28 **SECTION 13. ORS 179.210 is amended to read:**

29 **179.210. (1) The Department of Human Services, the Department of Corrections and the Super-**  
30 **intendent of Public Instruction may audit, allow and pay a claim for damage to property made by**  
31 **an employee of one of those agencies if:**

32 **(a) The damage to property arises out of the claimant's employment at one of the institutions**  
33 **or facilities operated by the Department of Human Services or the Department of Corrections, or**  
34 **one of the [facilities] schools operated by the Superintendent of Public Instruction under ORS**  
35 **346.010; and**

36 **(b) The employee files a written claim with the employee's employer within 180 days after the**  
37 **employee discovers or should have discovered the damage.**

38 **(2) No claim under subsection (1) of this section shall be paid:**

39 **(a) That exceeds, in the aggregate with payments of other claims, the moneys appropriated for**  
40 **such purpose.**

41 **(b) To the extent that the person incurring damage has been or may be compensated by liability**  
42 **insurance or otherwise.**

43 **(c) If the Department of Human Services, the Department of Corrections or the Superintendent**  
44 **of Public Instruction determines the cause or occasion of the accident resulting in damage is**  
45 **chargeable to the conduct or negligence of the party damaged.**

1        **SECTION 14.** ORS 179.460 is amended to read:

2        179.460. (1) In order to encourage industry and thereby increase productiveness in the insti-  
3        tutions, the Department of Corrections and the Department of Human Services shall prescribe rules  
4        and regulations for the sale and exchange of surplus products of each.

5        (2) The funds derived from the sale of the surplus products shall be paid into the State Treasury  
6        and become a part of a fund to be known as the State Institutional Betterment Fund, which fund  
7        shall be expended by the Department of Corrections and the Department of Human Services, re-  
8        spectively, for the benefit of the institutions in proportion to the amount earned by each.

9        (3) The provisions of this section apply to [*facilities*] **schools** operated under ORS 346.010.

10       **SECTION 15.** ORS 181.539 is amended to read:

11       181.539. (1) For the purpose of requesting a state or nationwide criminal records check under  
12       ORS 181.534, the Teacher Standards and Practices Commission and the Department of Education  
13       may require the fingerprints of:

14       (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as  
15       a teacher, administrator or personnel specialist if the person has not submitted to a criminal records  
16       check by the commission within the previous year.

17       (b) A person who is applying for reinstatement of a license as a teacher, administrator or per-  
18       sonnel specialist whose license has lapsed for at least three years.

19       (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school  
20       nurse.

21       (d) A school district or private school contractor, whether part-time or full-time, or an employee  
22       thereof, whether part-time or full-time, who has direct, unsupervised contact with students as de-  
23       termined by the district or private school.

24       (e) A person newly hired, whether part-time or full-time, by a school district or private school  
25       in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
26       contact with children as determined by the district or private school.

27       (f) A person employed, whether part-time or full-time, by a school district or private school in  
28       a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised  
29       contact with children as determined by the district or private school.

30       (g) A person who is registering with the commission for student teaching, practicum or  
31       internship as a teacher, administrator or personnel specialist, if the person has not submitted to a  
32       criminal records check by the commission within the previous year for student teaching, practicum  
33       or internship as a teacher, administrator or personnel specialist.

34       (h) A person who is a community college faculty member providing instruction at a kindergarten  
35       through grade 12 school site during the regular school day.

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

37       (j) A person who is applying for initial issuance of a registration as a public charter school  
38       teacher under ORS 342.125.

39       (2) Notwithstanding subsection (1) of this section, the commission and the department may not  
40       require fingerprints of a person described in subsection (1)(d), (e), (f), (h) or (i) of this section if the  
41       person or the person's employer was checked in one school district or private school and is cur-  
42       rently seeking to work in another district or private school unless the person lived outside this state  
43       during the interval between the two periods of time of working in the district or private school.

44       (3) Nothing in this section requires a person described in subsection (1)(d), (e) or (i) of this  
45       section to submit to fingerprinting until the person has been offered employment or a contract by

1 a school district or private school. Contractor employees shall not be required to submit to finger-  
2 printing until the contractor has been offered a contract.

3 (4) As used in this section:

4 (a) "Private school" means a school that provides educational services as defined in ORS 345.505  
5 and is registered as a private school under ORS 345.505 to 345.575.

6 (b) "School district" means:

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

8 (B) The Oregon [State] School for the Blind.

9 (C) The Oregon [State] School for the Deaf.

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

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

12 (F) An education service district.

13 **SECTION 16.** ORS 238.350 is amended to read:

14 238.350. (1)(a) Upon the request by a public employer that its employees be compensated for  
15 accumulated unused sick leave with pay in the form of increased retirement benefits upon service  
16 or disability retirement, the board shall establish a procedure for adding to the gross amount of  
17 salary used in determining final average salary the monetary value of one-half of the accumulated  
18 unused sick leave with pay of each retiring employee of the requesting public employer and shall  
19 establish benefits of the retiring employee on the basis of a final average salary reflecting that ad-  
20 dition.

21 (b) For employees of a common school district, a union high school district, an education service  
22 district or a community college, or employees of the State Board of Higher Education engaged in  
23 teaching or other school activity at an institution of higher education, or employees of [state]  
24 schools [for the deaf or blind] **operated under ORS 346.010** engaged in teaching or other school  
25 activity, who are employed under contract for a period of less than 12 consecutive months and who  
26 are entitled to sick leave with pay of less than 96 hours for a year, each hour of accumulated unused  
27 sick leave with pay shall be valued on the basis of the actual number of contract hours of employ-  
28 ment during the last year of contributing membership of an employee before retiring and the salary  
29 of the employee during the same period. This paragraph does not apply to any employee who is  
30 employed under contract for 12 consecutive months in any of the three or less years used in deter-  
31 mining the final average salary of the employee.

32 (c) For the purpose of this subsection, accumulated unused sick leave with pay includes unused  
33 sick leave with pay accumulated by an active member of the system while in the service of any  
34 public employer participating in the system that has the request described in paragraph (a) of this  
35 subsection in effect at the time of the member's separation from the service of the employer, whether  
36 that employer is or is not the employer of the member at the time of the member's retirement.

37 (d) The board shall establish rules requiring all public employers participating in the system to  
38 transmit to the board reports of unused sick leave with pay accumulated by their employees who  
39 are members of the system and to provide timely notification to each of those employees of unused  
40 sick leave with pay accumulated by the employee and reported to the board.

41 (2) Accumulated unused sick leave with pay may be considered for the purpose of subsection (1)  
42 of this section only in accordance with the following requirements:

43 (a) Sick leave not credited at the rate actually provided by the public employer may not be  
44 considered. The amount of sick leave exceeding an amount credited at the lowest rate in effect for  
45 any employee of the public employer who is normally entitled to sick leave, and in any event ex-



1 ceeding an amount credited at a rate of eight hours for each full month worked, may not be con-  
2 sidered.

3 (b) Sick leave credited for periods when an employee was absent from employment on sabbatical  
4 leave, educational leave or any leave without pay may not be considered.

5 (c) Any period during which an employee was absent from employment for illness or injury that  
6 was charged against sick leave not qualified for consideration shall be deducted from sick leave  
7 qualified for consideration.

8 (d) Sick leave for any period for which the public employer provides no sick leave with pay for  
9 its employees may not be considered.

10 (e) Sick leave accumulated on and after July 1, 1973, may be considered only to the extent it is  
11 supported by records of accumulation and use pursuant to a plan adopted formally by the public  
12 employer.

13 (f) Accumulated unused sick leave for periods before July 1, 1973, may be considered as follows:

14 (A) If any department, bureau or other organizational unit of a public employer maintained  
15 formal records of accumulation and use even though the public employer did not require that those  
16 records be maintained, the accumulated unused sick leave shall be considered according to those  
17 records.

18 (B) Where the public employer provided sick leave before July 1, 1973, but formal records of  
19 accumulation and use were not required or if required, are unavailable or incomplete, or the sick  
20 leave was subject to administrative limitations on total accumulation or transfer between public  
21 employers, accumulated unused sick leave for periods before July 1, 1973, may be considered as  
22 equal to 2.675 hours for each full month worked or an amount per month equal to the average  
23 monthly accumulation by an employee during the period beginning July 1, 1973, and ending at the  
24 time of retirement, whichever amount is greater, but reduced by the amount of any accumulated  
25 unused sick leave credited to the employee on July 1, 1973.

26 (g) The written certification of a member or former member of the Legislative Assembly shall  
27 constitute a formal record of accumulation and use in determining the amount of accumulated un-  
28 used sick leave of an employee of the Legislative Assembly, either of its houses or any of its com-  
29 mittees or officers for periods of employment before July 1, 1981. Sick leave accumulated on and  
30 after July 1, 1981, by employees of the Legislative Assembly, either of its houses or any of its com-  
31 mittees or officers may be considered only to the extent it is supported by records of accumulation  
32 and use maintained by the Legislative Administration Committee, or any statutory, standing, special  
33 or interim committee of the Legislative Assembly or either house thereof, or any constitutional or  
34 statutory office of the Legislative Assembly or either house thereof, pursuant to a plan adopted  
35 formally by the committee or officer.

36 (3)(a) As used in this subsection, "legislative employee" means any person employed by the  
37 Legislative Assembly, either of its houses or any of its committees or officers, but does not include  
38 a regular employee of a statutory committee or statutory office of the Legislative Assembly de-  
39 scribed in ORS 173.005 (1).

40 (b) Upon the request of a retiring legislative employee who is a member of the system, and the  
41 request of the public employer of the legislative employee, that the legislative employee be com-  
42 pensated for accumulated unused vacation with pay for periods of legislative employment in the form  
43 of increased retirement benefits upon service or disability retirement, the board shall add to the  
44 gross amount of salary used in determining final average salary of the legislative employee the  
45 monetary value of one-half of the accumulated unused vacation with pay of the legislative employee

1 and shall establish the benefits of the legislative employee on the basis of a final average salary  
2 reflecting that addition.

3 (c) Accumulated unused vacation with pay may be considered for the purposes of paragraph (b)  
4 of this subsection only in accordance with the following requirements:

5 (A) Vacation not credited at the rate actually provided by the public employer may not be  
6 considered.

7 (B) Amounts of vacation exceeding amounts creditable to employees in the classified service of  
8 the state service pursuant to ORS 240.515 (1), and rules adopted pursuant thereto, in effect on June  
9 30, 1981, shall not be considered.

10 (C) Vacation accumulated before, on and after July 1, 1981, may be considered only to the extent  
11 it is supported by records of accumulation and use pursuant to a plan adopted formally by the public  
12 employer. However, the written certification of a member or former member of the Legislative As-  
13 sembly shall constitute a formal record of accumulation and use in determining the amount of ac-  
14 cumulated unused vacation of a legislative employee for periods of legislative employment before  
15 July 1, 1981.

16 (4) Employers with plans providing payments on account of sickness in lieu of sick leave with  
17 pay may request the board to consider the monetary value of accumulated unused payments on ac-  
18 count of sickness as if such payments were an equivalent amount of accumulated unused sick leave  
19 with pay under the same terms and conditions specified in subsections (1) and (2) of this section.

20 **SECTION 17.** ORS 240.205 is amended to read:

21 240.205. The unclassified service shall comprise:

22 (1) One executive officer and one secretary for each board or commission, the members of which  
23 are elected officers or are appointed by the Governor.

24 (2) The director of each department of state government, each full-time salaried head of a state  
25 agency required by law to be appointed by the Governor and each full-time salaried member of a  
26 board or commission required by law to be appointed by the Governor.

27 (3) The administrator of each division within a department of state government required by law  
28 to be appointed by the director of the department with the approval of the Governor.

29 (4) Principal assistants and deputies and one private secretary for each executive or adminis-  
30 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"  
31 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to  
32 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.  
33 "Principal assistant" means a manager of a major agency organizational component who reports  
34 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or  
35 deputy and who is designated as such by that executive or administrative officer with the approval  
36 of the Director of the Oregon Department of Administrative Services.

37 (5) Employees in the Governor's office and the principal assistant and private secretary in the  
38 Secretary of State's division.

39 (6) The [*deans, professors*] **director**, principals, instructors and teachers in [*facilities*] **schools**  
40 operated under ORS 346.010.

41 (7) Apprentice trainees only during the prescribed length of their course of training.

42 (8) Licensed physicians and dentists employed in their professional capacities and student  
43 nurses, interns, and patient or inmate help in state institutions.

44 (9) Lawyers employed in their professional capacities.

45 (10) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

1 (11) Deputy superintendents and associate superintendents in the Department of Education.

2 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or  
3 harvesting.

4 (13) Any individual employed and paid from federal funds received under the Emergency Job and  
5 Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal pro-  
6 gram intended primarily to alleviate unemployment. However, persons employed under this sub-  
7 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

8 (14) Managers, department heads, directors, producers and announcers of the state radio and  
9 television network.

10 (15) Employees, including managers, of the foreign trade offices of the Economic and Community  
11 Development Department located outside the country.

12 (16) Any other position designated by law as unclassified.

13 **SECTION 18.** ORS 240.240 is amended to read:

14 240.240. (1) The unclassified service or, except as provided in ORS 240.250, the management  
15 service shall not be subject to this chapter, except that employees and officers in the unclassified  
16 or management service shall be subject to the laws, rules and policies pertaining to any type of  
17 leave with pay except as otherwise provided in subsections (4) and (5) of this section, and shall be  
18 subject to the laws, rules and policies pertaining to salary plans except as otherwise provided in  
19 subsections (3) and (5) of this section.

20 (2) With regard to any unclassified or management service position for which the salary is not  
21 fixed by law, and except as otherwise provided in subsections (3) and (5) of this section, the Per-  
22 sonnel Division shall adopt a salary plan which is equitably applied to various categories in the  
23 unclassified or management service and is in reasonable conformity with the general salary struc-  
24 ture of the state. The division shall maintain this unclassified and management salary plan in ac-  
25 cordance with the procedures established for the classified salary plan as provided in ORS 240.235.

26 (3) The Secretary of State and the State Treasurer, for the purpose of maintaining a salary plan  
27 for unclassified and management service positions in their departments, may request the advice and  
28 assistance of the division.

29 (4) With regard to unclassified instructors and teachers under annual teaching contracts for an  
30 academic year in [*facilities*] **schools** operated under ORS 346.010, arrangements for leave with pay  
31 shall be established by the Department of Education.

32 (5) With regard to unclassified positions in the Economic and Community Development Depart-  
33 ment's foreign offices, the salary plan and arrangements for leave with pay shall be established by  
34 the Director of the Economic and Community Development Department.

35 **SECTION 19.** ORS 326.603 is amended to read:

36 326.603. (1)(a) A school district shall send to the Department of Education for purposes of a  
37 criminal records check any information, including fingerprints, for each person described in ORS  
38 181.539 (1)(d), (e), (f), (h) or (i).

39 (b) A private school may send to the Department of Education for purposes of a criminal records  
40 check any information, including fingerprints, for each person described in ORS 181.539 (1)(d), (e),  
41 (f) or (h).

42 (2) The Department of Education shall request that the Department of State Police conduct a  
43 criminal records check as provided in ORS 181.534 and may charge the district or private school a  
44 fee as established by rule under ORS 181.534. The school district or private school may recover its  
45 costs or a portion thereof from the person described in ORS 181.539 (1)(d), (e), (f), (h) or (i). If the

1 person described in ORS 181.539 (1)(e), (f) or (i) requests, the district shall and a private school may  
2 withhold the amount from amounts otherwise due the person, including a periodic payroll deduction  
3 rather than a lump sum payment.

4 (3)(a) If the Superintendent of Public Instruction informs the school district that the person has  
5 been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction  
6 of a crime, the superintendent shall notify the school district of the fact and the district shall not  
7 employ or contract with the person. Notification by the superintendent that the school district shall  
8 not employ or contract with the person shall remove the person from any school district policies,  
9 collective bargaining provisions regarding dismissal procedures and appeals and the provisions of  
10 ORS 342.805 to 342.937.

11 (b) The Superintendent of Public Instruction shall notify the private school if the person has  
12 been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction  
13 of a crime. Based on the notice, the private school may choose not to employ or contract with the  
14 person.

15 (4) If a person described in subsection (1) of this section refuses to consent to the criminal re-  
16 cords check or refuses to be fingerprinted or if the person falsely swears to the nonconviction of a  
17 crime, the district shall terminate the employment or contract status of the person. Termination  
18 under this subsection removes the person from any school district policies, collective bargaining  
19 provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

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

23 (6) As used in this section and ORS 326.607:

24 (a) "Private school" means a school that provides educational services as defined in ORS 345.505  
25 and is registered as a private school under ORS 345.505 to 345.575.

26 (b) "School district" means:

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

28 (B) The Oregon [State] School for the Blind.

29 (C) The Oregon [State] School for the Deaf.

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

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

32 (F) An education service district.

33 **SECTION 20.** ORS 327.023 is amended to read:

34 327.023. In addition to those moneys distributed through the State School Fund, the Department  
35 of Education shall provide from state funds appropriated therefor, grants in aid or support for spe-  
36 cial and compensatory education programs including:

37 (1) [*Special schools for children who are deaf or blind as defined in ORS 346.010*] **The Oregon**  
38 **School for the Blind and the Oregon School for the Deaf.**

39 (2) Medicaid match for administration efforts to secure Medicaid funds for services provided to  
40 children with disabilities.

41 (3) Hospital programs for education services to children who are hospitalized for extended pe-  
42 riods of time or who require hospitalization due to severe disability as described in ORS 343.261.

43 (4) Private agency programs for education services to children who are placed by the state in  
44 long term care or treatment facilities as described in ORS 343.961.

45 (5) Regional services provided to children with low-incidence disabling conditions as described

1 in ORS 343.236.

2 (6) Early childhood special education provided to preschool children with disabilities from age  
3 three until age of eligibility for kindergarten as described in ORS 339.185, 343.035, 343.041, 343.055,  
4 343.065, 343.157 and 343.455 to 343.534.

5 (7) Early intervention services for preschool children from birth until age three as described in  
6 ORS 339.185, 343.035, 343.041, 343.055, 343.065, 343.157 and 343.455 to 343.534.

7 (8) Evaluation services for children with disabilities to determine program eligibility and needs  
8 as described in ORS 343.146.

9 (9) Education services to children residing at state hospitals.

10 (10) Disadvantaged children program under ORS 343.680.

11 (11) Early childhood education under ORS 329.215 to 329.235.

12 (12) Child development specialist under ORS 329.255.

13 (13) Youth care centers under ORS 420.885.

14 (14) Staff development and mentoring.

15 (15) Professional technical education grants.

16 (16) Special science education programs.

17 (17) Talented and Gifted children program under ORS 343.391 to 343.413.

18 **SECTION 21.** ORS 329.489 is amended to read:

19 329.489. (1) Within the State of Oregon’s kindergarten through grade 12 education system, pro-  
20 ficiency for students in American Sign Language shall be in accordance with rules adopted by the  
21 State Board of Education pursuant to ORS chapter 329 and any other applicable state or federal law.

22 (2) The State Board of Education is encouraged to continue to:

23 (a) Coordinate with the State Board of Higher Education and the Oregon [State] School for the  
24 Deaf to develop curricula for American Sign Language courses;

25 (b) Implement programs to locate and prepare qualified teachers and interpreters of American  
26 Sign Language; and

27 (c) Assist public high schools in identifying local and regional needs and resources available for  
28 American Sign Language courses.

29 **SECTION 22.** ORS 336.790 is amended to read:

30 336.790. As used in ORS 336.790 to 336.815, unless the context requires otherwise:

31 (1) “Commercial driver training school” means a school operated by a person issued a commer-  
32 cial driver training school certificate by the Department of Transportation under ORS 822.515.

33 [(2) “Facility” means any facility for the deaf operated under ORS 346.010.]

34 [(3)] (2) “Private school” means a private or parochial high school.

35 [(4)] (3) “Public school” means a common or union high school district, education service district  
36 [and], a community college district **and the Oregon School for the Deaf.**

37 **SECTION 23.** ORS 336.800 is amended to read:

38 336.800. (1) Any private school, public school[, facility] or commercial driver training school may  
39 offer a course in traffic safety education. The curriculum for the traffic safety education course shall  
40 be established by the Department of Transportation under ORS 802.345.

41 (2) A person employed to teach a traffic safety education course must meet qualifications es-  
42 tablished by the department under ORS 802.345.

43 **SECTION 24.** ORS 336.805 is amended to read:

44 336.805. (1) Each public school [or facility] offering a course in traffic safety education may  
45 charge tuition therefor and shall keep accurate records of the cost thereof in the manner required

1 under rules adopted by the Department of Transportation under ORS 802.345. As provided in ORS  
2 336.810, each public school [*or facility*] shall be reimbursed \$210 per pupil completing the course,  
3 including any private school pupil completing the course in a public school [*or facility*].

4 (2) If funds available to the Department of Transportation for the Student Driver Training Fund  
5 are not adequate to pay all approved claims in full, public schools [*and facilities*] shall receive a pro  
6 rata reimbursement based upon the ratio that the total amount of funds available bears to the total  
7 amount of funds required for maximum allowable reimbursement.

8 (3) Tuition authorized by subsection (1) of this section shall not exceed the cost to the public  
9 school [*or facility*] of providing traffic safety education less the state reimbursement. Tuition may  
10 be reduced or waived by a public school [*or facility*] for low income pupils.

11 (4) A public school may also offer a traffic safety education course to pupils in neighboring  
12 public schools that do not offer traffic safety education.

13 (5) Each public school [*and facility*] offering a course in traffic safety education shall adopt  
14 written policies and procedures regarding reduced or waived tuition for low income pupils.

15 (6) Each public school offering a course in traffic safety education shall adopt written policies  
16 and procedures for the admission of pupils from neighboring public schools.

17 **SECTION 25.** ORS 339.370 is amended to read:

18 339.370. As used in this section and ORS 339.372 and 339.375:

19 (1) "Abuse" has the meaning given that term in ORS 419B.005.

20 (2) "Disciplinary records" means the records related to a personnel discipline action or materi-  
21 als or documents supporting that action.

22 (3) "Education provider" means:

23 (a) A school district as defined in ORS 332.002.

24 (b) The Oregon [*State*] School for the Blind.

25 (c) The Oregon [*State*] School for the Deaf.

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

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

28 (f) An education service district as defined in ORS 334.003.

29 (g) Any state-operated program that provides educational services to kindergarten through grade  
30 12 students.

31 (h) A private school.

32 (4) "Law enforcement agency" has the meaning given that term in ORS 419B.005.

33 (5) "Private school" means a school that provides educational services as defined in ORS 345.505  
34 to kindergarten through grade 12 students.

35 (6) "School board" means the governing board or governing body of an education provider.

36 (7) "School employee" means an employee of an education provider.

37 **SECTION 26.** ORS 339.860 is amended to read:

38 339.860. (1) Any person other than a student at the Oregon [*State*] School for the Deaf or the  
39 Oregon [*State*] School for the Blind upon successful completion of an educational program at ele-  
40 mentary or secondary level at a state institution shall receive a diploma evidencing such completion  
41 issued by the common or union high school district in which the person last resided prior to com-  
42 mitment to the state institution.

43 (2) All educational records for the person shall be sent to the common or union high school  
44 district issuing the diploma. The school district may make a transcript of such records available  
45 upon request in the same manner and in the same form as it makes any other transcript available

1 and shall not therein indicate that any of the educational program was completed in any state in-  
2 stitution.

3 **SECTION 27.** ORS 343.236 is amended to read:

4 343.236. (1) The Superintendent of Public Instruction may provide special education on a local,  
5 county or regional basis without regard to county boundaries in all areas of the state for children  
6 who have:

- 7 (a) A visual impairment;
- 8 (b) A hearing impairment;
- 9 (c) Blindness or deafness, or both;
- 10 (d) An orthopedic impairment;
- 11 (e) Autism; or
- 12 (f) Traumatic brain injury.

13 (2) The Superintendent of Public Instruction may operate and administer a local, county or re-  
14 gional program of special education or the superintendent may contract for the operation and ad-  
15 ministration of the program with a school district or an education service district.

16 (3) The State Board of Education by rule shall establish eligibility criteria and educational  
17 standards for the programs described in subsection (1) of this section and those programs in [*facili-*  
18 *ties*] **schools** operated under ORS 346.010.

19 (4) A school district which contracts to provide a program under this section shall be paid for  
20 the state-approved program as determined and funded by the Legislative Assembly. Contracting  
21 school districts are authorized to negotiate supplemental programs with participating school dis-  
22 tricts.

23 **SECTION 28.** ORS 346.010 is amended to read:

24 346.010. (1) Pursuant to rules of the State Board of Education, the Superintendent of Public In-  
25 struction shall provide free training and education services **in schools located in Marion County**  
26 for [*deaf or blind children, or children who are both deaf and blind, in facilities located in Marion*  
27 *County*] **children who are blind or deaf.**

28 (2) The Superintendent of Public Instruction shall indicate which [*facilities*] **school** shall serve  
29 as [*the school for the deaf and*] the **Oregon School for the Blind and which school shall serve as**  
30 **the Oregon School for the Deaf.**

31 (3) The superintendent may order a change in all or part in the purpose and use of [*facilities*]  
32 **schools** available under this section whenever the superintendent determines that a change in pur-  
33 pose and use will better enable the state to meet its responsibilities for the education and training  
34 of [*deaf or blind children, or children who are both deaf and blind*] **children who are blind or**  
35 **deaf.**

36 [(3)] (4) The [*facilities*] **schools** shall be operated primarily for the provision of education and  
37 training services for children [*with sensory disabilities*] **who are blind or deaf** who cannot be effi-  
38 ciently served [*under the provisions of ORS chapter 343*] **in other schools or programs.**

39 (5) **The Board of Directors of the Oregon School for the Blind or the Board of Directors**  
40 **of the Oregon School for the Deaf may appeal any decision of the Superintendent of Public**  
41 **Instruction made under this section to the State Board of Education. The State Board of**  
42 **Education may uphold, modify or overturn any decision of the superintendent under this**  
43 **section.**

44 **SECTION 29.** ORS 346.015 is amended to read:

45 346.015. (1) Prior to convening a meeting to prepare an individual education plan for a mentally

1 retarded or developmentally disabled child for whom placement at a school under ORS 346.010 may  
2 be considered, the agency that is providing the education for the child shall notify the local com-  
3 munity mental health and developmental disabilities program. The mentally retarded and develop-  
4 mentally disabled program mental health case manager in consultation with the Department of  
5 Human Services shall evaluate whether the child also has needs for alternative residential care or  
6 other support services. If the evaluation determines this to be the case, but documents that com-  
7 munity resources are not available to meet these needs, the school district may proceed with the  
8 meeting to prepare the individual education plan in which placement at a school under ORS 346.010  
9 may be considered.

10 (2) An agency providing education under subsection (1) of this section may initiate the proce-  
11 dure in subsection (1) of this section for any child who is not mentally retarded or developmentally  
12 disabled when in the agency's judgment a treatment or residential issue is prompting proposed  
13 placement under ORS 346.010.

14 (3) No child shall be placed in a *[facility]* **school** operated under ORS 346.010 unless the district  
15 superintendent or the superintendent's designee has signed a statement declaring that the district  
16 cannot provide a free appropriate public education for the child commensurate with the needs of the  
17 child as identified by the individual education plan of the child and that the *[facility]* **school** is the  
18 least restrictive environment in which the child can be educated.

19 (4) By rule, the State Board of Education shall determine procedures to be followed by local  
20 education agencies in carrying out this section.

21 **SECTION 30.** ORS 346.017 is amended to read:

22 346.017. (1) Notwithstanding ORS 346.015, the Superintendent of Public Instruction may enroll  
23 a student in the *[facilities]* **schools** operated under ORS 346.010 if the student is not a resident of  
24 Oregon. However, priority for enrollment at the *[facilities]* **schools** shall be given to students who  
25 are residents of Oregon.

26 (2) The superintendent may charge tuition and fees to any student who is enrolled under this  
27 section.

28 (3) A student who is enrolled under this section *[shall]* **is** not *[be]* considered a resident of any  
29 school district based on the enrollment and attendance at the *[facility]* **school**.

30 **SECTION 31.** ORS 346.019 is amended to read:

31 346.019. (1) There is established an Educational Facilities Fund, separate and distinct from the  
32 General Fund. All tuition and fees collected under ORS 346.017 and all expenses incurred in the  
33 administration of ORS 346.017 shall be deposited to and borne by the fund. Interest earned by the  
34 fund shall be credited to the fund.

35 (2) The moneys in the fund are appropriated continuously to the *[Superintendent of Public In-*  
36 *struction]* **Department of Education** for purposes of the *[facilities]* **schools** operated under ORS  
37 346.010.

38 **SECTION 32.** ORS 346.020 is amended to read:

39 346.020. (1) The Superintendent of Public Instruction shall prescribe the course of instruction for  
40 students enrolled in *[facilities]* **schools** operated under ORS 346.010. The State Board of Education  
41 shall determine the procedures for placement, development of services and operation of the schools  
42 in conformance with state and federal laws relating to children who are eligible for special educa-  
43 tion and shall adopt the procedures by rule.

44 (2) **In consultation with the Board of Directors of the Oregon School for the Deaf or the**  
45 **Board of Directors of the Oregon School for the Blind, as appropriate,** the Superintendent of



1 Public Instruction shall select **a director for each school. The superintendent may also select**  
 2 teachers and other personnel necessary to manage the [*facilities*] **schools** in an effective and effi-  
 3 cient manner **or may delegate the selection of teachers and other personnel to the director**  
 4 **of the school.** [*The superintendent shall also designate a well-qualified person or persons to assist in*  
 5 *the administration of these facilities. The superintendent shall designate which positions shall serve as*  
 6 *supervisors of these educational services and facilities; these designated positions shall be in the un-*  
 7 *classified service.*]

8 (3) The Superintendent of Public Instruction shall have control over persons enrolled in [*these*  
 9 *facilities*] **the schools** and shall direct their care and promote their mental, moral and physical  
 10 welfare.

11 (4) **The Board of Directors of the Oregon School for the Blind or the Board of Directors**  
 12 **of the Oregon School for the Deaf may appeal a decision of the Superintendent of Public In-**  
 13 **struction to the State Board of Education if the decision was made under subsection (2) of**  
 14 **this section and relates to the selection or dismissal of the director of a school. The State**  
 15 **Board of Education may uphold, modify or overturn any decision of the superintendent under**  
 16 **this section.**

17 **SECTION 33.** ORS 346.030 is amended to read:

18 346.030. Application for admission to [*facilities*] **the schools** operated under ORS 346.010 shall  
 19 be made to the Department of Education. Application shall be made on forms which are provided  
 20 by the department.

21 **SECTION 34.** ORS 346.041 is amended to read:

22 346.041. (1) Transportation for pupils attending [*facilities*] **schools** under ORS 346.010 is the re-  
 23 sponsibility of the pupil's resident school district. The district may provide transportation directly  
 24 or by agreement with another school district, a public carrier or the Department of Education.

25 (2) The actual and necessary transportation expenses incurred under subsection (1) of this sec-  
 26 tion, at a frequency consistent with a pupil's individual education plan, shall be considered [*pupil*  
 27 *transportation by the district for purposes of ORS 327.035 (1989 Edition)*] **approved transportation**  
 28 **costs for purposes of ORS 327.006 and 327.033.**

29 (3) The resident school district shall reimburse the Department of Education for all transporta-  
 30 tion costs the department incurs on behalf of the district within 10 days after receipt of the itemized  
 31 invoice.

32 (4) The payments of the resident school districts required under subsection (3) of this section  
 33 and an amount specifically appropriated thereto shall be deposited in the State Treasury to the  
 34 credit of the Special Education Transportation Revolving Account to be used by the Department of  
 35 Education for the transportation of pupils attending [*facilities*] **schools** under ORS 346.010. The ac-  
 36 count shall be continuously appropriated **to the department** for such purpose.

37 (5) Any unexpended and unobligated balance in the Special Education Transportation Revolving  
 38 Account in excess of \$70,000 as of September 1 of any year shall be transferred from the account  
 39 to the General Fund to be available for general governmental purposes.

40 **SECTION 35.** ORS 346.047 is amended to read:

41 346.047. The State Board of Education may receive, take and hold property, both real and per-  
 42 sonal for any [*facility*] **school** operated under ORS 346.010 and may sell, transfer, assign, allot, set  
 43 over or convey the property pursuant to legislative authority.

44 **SECTION 36.** ORS 346.055 is amended to read:

45 346.055. (1) When the [*Superintendent of Public Instruction*] **Department of Education** has in

1 possession or under control, in a bank account or otherwise, funds that are the property of the  
 2 students enrolled in [facilities] **schools** operated under ORS 346.010 or that have been deposited for  
 3 their use or for expenditure in their behalf, **the department** shall deposit such funds, as they are  
 4 received, together with any such funds as heretofore have accumulated, with the State Treasurer  
 5 as a trust account, separate and distinct from the General Fund. Interest earned by the account  
 6 shall be credited to the account.

7 (2) [The word “funds”] As used in this section, **“funds” includes but is not** [shall include, but  
 8 shall not be] limited to[,] moneys deposited with the [superintendent] **department** for medical care  
 9 or assistance of students, moneys derived from athletic activities, contributions for athletic, health,  
 10 or recreation projects, and any other moneys received by the [superintendent] **department** that are  
 11 not required by law to be credited to other state funds or accounts.

12 (3) The [Superintendent of Public Instruction or designee] **department** is authorized to receive  
 13 any of the funds referred to in this section. The State Treasurer shall carry such funds in separate  
 14 accounts for such [institutions] **schools**, but [shall] **may** not credit such funds or any part thereof  
 15 to any state fund for governmental purposes.

16 (4) Disbursements from the accounts for the purposes for which the contributions or payments  
 17 were made, and for payment to persons lawfully entitled thereto, may be made by the [Superinten-  
 18 dent of Public Instruction or designee] **department**, by checks or orders drawn upon the State  
 19 Treasurer. The [superintendent] **department** shall be accountable for the proper handling of the  
 20 accounts.

21 **SECTION 37.** ORS 346.080 is amended to read:

22 346.080. The Department of Education shall give the notice required by ORS 332.554 to all  
 23 classified employees of the Oregon [State] School for the Deaf and the Oregon [State] School for the  
 24 Blind in the same manner and to the same effect as notice given under ORS 332.554.

25 **SECTION 38.** ORS 351.117 is amended to read:

26 351.117. (1) If the State Board of Higher Education determines that enrollment is sufficient to  
 27 make an American Sign Language class economically viable and if qualified instructors are avail-  
 28 able, the board may offer to students courses for credit in American Sign Language at any institu-  
 29 tion of higher education within the Oregon University System. Such courses shall satisfy any second  
 30 language elective requirement.

31 (2) The State Board of Higher Education is encouraged to continue to:

32 (a) Coordinate with the State Board of Education and the Oregon [State] School for the Deaf to  
 33 develop curricula for American Sign Language courses;

34 (b) Implement programs to locate and prepare qualified teachers and interpreters of American  
 35 Sign Language; and

36 (c) Assist institutions of higher education in identifying local and regional needs and resources  
 37 available for American Sign Language courses.

38 **SECTION 39.** ORS 656.135 is amended to read:

39 656.135. (1) As used in this section “school” means the Oregon [State] School for the Deaf or the  
 40 Oregon [State] School for the Blind.

41 (2) All persons participating as trainees in a work experience program of a school in which such  
 42 persons are enrolled are considered as workers of the school subject to this chapter for purposes  
 43 of this section.

44 (3) On behalf of a school conducting a work experience program, the Department of Education  
 45 shall submit a written statement to the State Accident Insurance Fund Corporation that includes a

1 description of the work to be performed by such persons.

2 (4) Upon receiving the written statement, the corporation may fix assumed wage rates for the  
3 persons enrolled in the work experience program, without regard to ORS chapter 652 or ORS  
4 653.010 to 653.545 and 653.991, which may be used only for purposes of computations under this  
5 chapter.

6 (5) The Department of Education shall furnish the corporation with a list of the names of those  
7 enrolled in work experience programs in the schools and shall notify the corporation of any changes  
8 therein. Only those persons whose names appear on such list prior to their personal injury by ac-  
9 cident are entitled to the benefits of this chapter and they are entitled to such benefits if injured  
10 as provided in ORS 656.156 and 656.202 while performing any duties arising out of and in the course  
11 of their participation in the work experience program, provided the duties being performed are  
12 among those:

13 (a) Described on the application of the department; and

14 (b) Required of similar full-time paid employees.

15 (6) The filing of claims for benefits under this section is the exclusive remedy of a trainee or  
16 beneficiary of the trainee for injuries compensable under this chapter against the state, the school,  
17 the department, its officers and employees, or any employer, regardless of negligence.

18 (7) The provisions of this section shall be inapplicable to any trainee who is earning wages for  
19 such employment.

20 **SECTION 40. (1) For the purpose of harmonizing and clarifying statute sections published**  
21 **in Oregon Revised Statutes, the Legislative Counsel may substitute for words designating the**  
22 **“Oregon State School for the Deaf,” wherever they occur in Oregon Revised Statutes, other**  
23 **words designating the “Oregon School for the Deaf.”**

24 **(2) For the purpose of harmonizing and clarifying statute sections published in Oregon**  
25 **Revised Statutes, the Legislative Counsel may substitute for words designating the “Oregon**  
26 **State School for the Blind,” wherever they occur in Oregon Revised Statutes, other words**  
27 **designating the “Oregon School for the Blind.”**

28 **SECTION 41. This 2007 Act being necessary for the immediate preservation of the public**  
29 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**  
30 **July 1, 2007.**