

B-Engrossed
Senate Bill 1557

Ordered by the House February 23
Including Senate Amendments dated February 15 and House Amendments
dated February 23

Sponsored by Senators THATCHER, MANNING JR, OLSEN, Representatives ALONSO LEON, HERNANDEZ;
Senators BAERTSCHIGER JR, BEYER, BOQUIST, DEBOER, FREDERICK, GELSER, HANSELL, KNOPP,
KRUSE, LINTHICUM, MONNES ANDERSON, RILEY, ROBLAN, THOMSEN, WAGNER, WINTERS, Repre-
sentatives NOBLE, REARDON, RESCHKE, SMITH DB, SOLLMAN, VIAL, WHISNANT (Presession filed.)

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.

Requires community colleges, public universities and Oregon Health and Science University to provide certain rights to students ordered to federal or state active duty for 30 or fewer consecutive days.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to students ordered to active duty; creating new provisions; amending ORS 341.499, 352.293
3 and 353.200; and declaring an emergency.

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

5 **SECTION 1.** ORS 341.499 is amended to read:

6 341.499. (1) A student at a community college who is a member of the military, a member of the
7 commissioned corps of the National Oceanic and Atmospheric Administration or a member of the
8 Public Health Service of the United States Department of Health and Human Services detailed by
9 proper authority for duty with the Army or Navy of the United States and who is ordered to federal
10 or state active duty for more than 30 consecutive days has the following rights:

11 (a) With regard to a course in which the student is enrolled and for which the student has paid
12 tuition and fees, the right to:

13 (A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

14 (B) Receive a grade of incomplete and, upon release from active duty, complete the course in
15 accordance with the community college's practice for completion of incomplete courses; or

16 (C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
17 of this section;

18 (b) The right to a credit described in ORS 341.502 for all amounts paid for room, board, tuition
19 and fees;

20 (c) If the student elects to withdraw from the community college, the right to be readmitted and
21 reenrolled at the community college within one year after release from active duty without a re-
22 quirement of redetermination of admission eligibility; and

23 (d) The right to continuation of scholarships and grants awarded to the student that were funded
24 by the community college or the Office of Student Access and Completion before the student was
25 ordered to active duty. **The Higher Education Coordinating Commission may adopt rules for**

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 **the administration of scholarships and grants described in this paragraph that are funded**
2 **by the Office of Student Access and Completion.**

3 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
4 community college may not:

5 (a) Give the student academic credit for the course from which the student withdraws;

6 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
7 tation on the student's record; or

8 (c) Alter the student's grade point average due to the student's withdrawal from the course.

9 (3) A student who elects to continue and complete a course for full credit under subsection
10 (1)(a)(C) of this section is subject to the following conditions:

11 (a) Course sessions the student misses due to active duty shall be counted as excused absences
12 and may not adversely impact the student's grade for the course or rank in the student's class.

13 (b) The student may not be automatically excused from completing course assignments due
14 during the period the student serves on active duty.

15 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
16 the course, the student completes sufficient work and demonstrates sufficient progress toward
17 meeting course requirements to justify the grade.

18 **(4) If a student at a community college who is a member of the military, a member of**
19 **the commissioned corps of the National Oceanic and Atmospheric Administration or a**
20 **member of the Public Health Service of the United States Department of Health and Human**
21 **Services detailed by proper authority for duty with the Army or Navy of the United States**
22 **is ordered to federal or state active duty for 30 or fewer consecutive days and misses a**
23 **course session, assignment, examination or other course work due to serving on active duty**
24 **or receiving medical treatment for an injury sustained on active duty:**

25 **(a)(A) In accordance with a policy or practice of the community college for excused ab-**
26 **sences, the student may complete any missed course assignment, examination or other**
27 **course work after the student has returned from active duty or medical treatment and has**
28 **been provided a reasonable amount of time to complete the assignment or other course work**
29 **or prepare for and take the examination; or**

30 **(B) The teacher may award a letter grade or grade of pass without requiring the student**
31 **to complete the missed assignment, examination or other course work if the teacher deter-**
32 **mines that the student has completed sufficient work and demonstrated sufficient progress**
33 **toward meeting course requirements to justify the student's grade without completion of the**
34 **missed assignment, examination or other course work;**

35 **(b) The student's grade may not be adversely impacted solely due to the late completion**
36 **of an assignment, examination or other course work if the assignment, examination or other**
37 **course work is timely completed under the provisions of paragraph (a)(A) of this subsection;**
38 **and**

39 **(c) Course sessions the student misses due to active duty or medical treatment shall be**
40 **counted as excused absences and may not adversely impact the student's grade for the**
41 **course or rank in the student's class.**

42 [(4)] (5) Boards of education of community college districts shall adopt rules for the adminis-
43 tration of this section.

44 **(6) Nothing in this section prevents a community college from providing rights in addition**
45 **to those provided in this section to students who are ordered to federal or state active duty.**

1 [(5)] (7) As used in this section, “member of the military” means a person who is a member of:

2 (a) The Oregon National Guard or the National Guard of any other state or territory; or

3 (b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United
4 States.

5 **SECTION 2.** ORS 352.293 is amended to read:

6 352.293. (1) A student at a public university listed in ORS 352.002 who is a member of the mili-
7 tary, a member of the commissioned corps of the National Oceanic and Atmospheric Administration
8 or a member of the Public Health Service of the United States Department of Health and Human
9 Services detailed by proper authority for duty with the Army or Navy of the United States and who
10 is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

11 (a) With regard to a course in which the student is enrolled and for which the student has paid
12 tuition and fees, the right to:

13 (A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

14 (B) Receive a grade of incomplete and, upon release from active duty, complete the course in
15 accordance with the practice of the public university for completion of incomplete courses; or

16 (C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
17 of this section;

18 (b) The right to a credit described in ORS 352.296 for all amounts paid for room, board, tuition
19 and fees;

20 (c) If the student elects to withdraw from the public university, the right to be readmitted and
21 reenrolled at the public university within one year after release from active duty without a re-
22 quirement of redetermination of admission eligibility; and

23 (d) The right to continuation of scholarships and grants awarded to the student that were funded
24 by the public university or the Higher Education Coordinating Commission before the student was
25 ordered to active duty. **The commission may adopt rules for the administration of scholarships
26 and grants described in this paragraph that are funded by the commission.**

27 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
28 public university may not:

29 (a) Give the student academic credit for the course from which the student withdraws;

30 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
31 tation on the student’s record; or

32 (c) Alter the student’s grade point average due to the student’s withdrawal from the course.

33 (3) A student who elects to continue and complete a course for full credit under subsection
34 (1)(a)(C) of this section is subject to the following conditions:

35 (a) Course sessions the student misses due to active duty shall be counted as excused absences
36 and may not adversely impact the student’s grade for the course or rank in the student’s class.

37 (b) The student may not be automatically excused from completing course assignments due
38 during the period the student serves on active duty.

39 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
40 the course, the student completes sufficient work and demonstrates sufficient progress toward
41 meeting course requirements to justify the grade.

42 **(4) If a student at a public university listed in ORS 352.002 who is a member of the mili-**
43 **tary, a member of the commissioned corps of the National Oceanic and Atmospheric Ad-**
44 **ministration or a member of the Public Health Service of the United States Department of**
45 **Health and Human Services detailed by proper authority for duty with the Army or Navy of**

1 **the United States is ordered to federal or state active duty for 30 or fewer consecutive days**
2 **and misses a course session, assignment, examination or other course work due to serving**
3 **on active duty or receiving medical treatment for an injury sustained on active duty:**

4 (a)(A) **In accordance with a policy or practice of the public university for excused ab-**
5 **sences, the student may complete any missed course assignment, examination or other**
6 **course work after the student has returned from active duty or medical treatment and has**
7 **been provided a reasonable amount of time to complete the assignment or other course work**
8 **or prepare for and take the examination; or**

9 (B) **The teacher may award a letter grade or grade of pass without requiring the student**
10 **to complete the missed assignment, examination or other course work if the teacher deter-**
11 **mines that the student has completed sufficient work and demonstrated sufficient progress**
12 **toward meeting course requirements to justify the student's grade without completion of the**
13 **missed assignment, examination or other course work;**

14 (b) **The student's grade may not be adversely impacted solely due to the late completion**
15 **of an assignment, examination or other course work if the assignment, examination or other**
16 **course work is timely completed under the provisions of paragraph (a)(A) of this subsection;**
17 **and**

18 (c) **Course sessions the student misses due to active duty or medical treatment shall be**
19 **counted as excused absences and may not adversely impact the student's grade for the**
20 **course or rank in the student's class.**

21 [(4)] (5) **The Higher Education Coordinating Commission and the governing board of a public**
22 **university listed in ORS 352.002 shall adopt standards for the administration of this section.**

23 (6) **Nothing in this section prevents a public university from providing rights in addition**
24 **to those provided in this section to students who are ordered to federal or state active duty.**

25 [(5)] (7) **As used in this section, "member of the military" means a person who is a member of:**

26 (a) **The Oregon National Guard or the National Guard of any other state or territory; or**

27 (b) **The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United**
28 **States.**

29 **SECTION 3.** **ORS 353.200 is amended to read:**

30 353.200. (1) **A student at the Oregon Health and Science University who is a member of the**
31 **military, a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-**
32 **tration or a member of the Public Health Service of the United States Department of Health and**
33 **Human Services detailed by proper authority for duty with the Army or Navy of the United States**
34 **and who is ordered to federal or state active duty for more than 30 consecutive days has the fol-**
35 **lowing rights:**

36 (a) **With regard to a course in which the student is enrolled and for which the student has paid**
37 **tuition and fees, the right to:**

38 (A) **Withdraw from the course, subject to the provisions of subsection (2) of this section;**

39 (B) **Receive a grade of incomplete and, upon release from active duty, complete the course in**
40 **accordance with the practice of the university for completion of incomplete courses; or**

41 (C) **Continue and complete the course for full credit, subject to the provisions of subsection (3)**
42 **of this section;**

43 (b) **The right to a credit described in ORS 353.202 for all amounts paid for room, board, tuition**
44 **and fees;**

45 (c) **If the student elects to withdraw from the university, the right to be readmitted and**

1 reenrolled at the university within one year after release from active duty without a requirement
2 of redetermination of admission eligibility; and

3 (d) The right to continuation of scholarships and grants awarded to the student that were funded
4 by the university or the Higher Education Coordinating Commission before the student was ordered
5 to active duty. **The commission may adopt rules for the administration of scholarships and**
6 **grants described in this paragraph that are funded by the commission.**

7 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
8 university may not:

9 (a) Give the student academic credit for the course from which the student withdraws;

10 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
11 tation on the student's record; or

12 (c) Alter the student's grade point average due to the student's withdrawal from the course.

13 (3) A student who elects to continue and complete a course for full credit under subsection
14 (1)(a)(C) of this section is subject to the following conditions:

15 (a) Course sessions the student misses due to active duty shall be counted as excused absences
16 and may not adversely impact the student's grade for the course or rank in the student's class.

17 (b) The student may not be automatically excused from completing course assignments due
18 during the period the student serves on active duty.

19 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
20 the course, the student completes sufficient work and demonstrates sufficient progress toward
21 meeting course requirements to justify the grade.

22 (4) **If a student at the university who is a member of the military, a member of the**
23 **commissioned corps of the National Oceanic and Atmospheric Administration or a member**
24 **of the Public Health Service of the United States Department of Health and Human Services**
25 **detailed by proper authority for duty with the Army or Navy of the United States is ordered**
26 **to federal or state active duty for 30 or fewer consecutive days and misses a course session,**
27 **assignment, examination or other course work due to serving on active duty or receiving**
28 **medical treatment for an injury sustained on active duty:**

29 (a)(A) **In accordance with a policy or practice of the university for excused absences, the**
30 **student may complete any missed course assignment, examination or other course work af-**
31 **ter the student has returned from active duty or medical treatment and has been provided**
32 **a reasonable amount of time to complete the assignment or other course work or prepare**
33 **for and take the examination; or**

34 (B) **The teacher may award a letter grade or grade of pass without requiring the student**
35 **to complete the missed assignment, examination or other course work if the teacher deter-**
36 **mines that the student has completed sufficient work and demonstrated sufficient progress**
37 **toward meeting course requirements to justify the student's grade without completion of the**
38 **missed assignment, examination or other course work;**

39 (b) **The student's grade may not be adversely impacted solely due to the late completion**
40 **of an assignment, examination or other course work if the assignment, examination or other**
41 **course work is timely completed under the provisions of paragraph (a)(A) of this subsection;**
42 **and**

43 (c) **Course sessions the student misses due to active duty or medical treatment shall be**
44 **counted as excused absences and may not adversely impact the student's grade for the**
45 **course or rank in the student's class.**

1 [(4)] (5) The Oregon Health and Science University Board of Directors shall adopt rules for the
2 administration of this section.

3 **(6) Nothing in this section prevents the university from providing rights in addition to**
4 **those provided in this section to students who are ordered to federal or state active duty.**

5 [(5)] (7) As used in this section, “member of the military” means a person who is a member of:

6 (a) The Oregon National Guard or the National Guard of any other state or territory; or

7 (b) The reserves of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United
8 States.

9 **SECTION 4. The amendments to ORS 341.499, 352.293 and 353.200 by sections 1 to 3 of this**
10 **2018 Act first apply to students who are ordered to active duty after the beginning of the**
11 **2018-2019 academic year.**

12 **SECTION 5. This 2018 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
14 **on its passage.**