

Senate Bill 1557

Sponsored by Senators THATCHER, MANNING JR, OLSEN; Senators BAERTSCHIGER JR, BEYER, BOQUIST, DEBOER, FREDERICK, GELSER, HANSELL, KNOPP, KRUSE, LINTHICUM, MONNES ANDERSON, RILEY, ROBLAN, THOMSEN, WINTERS, Representatives NOBLE, SMITH DB, VIAL (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 **as introduced**.

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.

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

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

29 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-

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 tation on the student's record; or

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

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

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

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

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

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

19 **(a)(A) The student may complete any missed course assignment or examination after the**
20 **student has returned from active duty or medical treatment and has been provided a rea-**
21 **sonable amount of time to complete the assignment or prepare for and take the examination;**
22 **or**

23 **(B) The teacher may award a letter grade or grade of pass without requiring the student**
24 **to complete the missed assignment or examination if the teacher determines that the stu-**
25 **dent has completed sufficient work and demonstrated sufficient progress toward meeting**
26 **course requirements to justify the student's grade without completion of the missed assign-**
27 **ment or examination;**

28 **(b) Missed course assignments or examinations the student completes after returning**
29 **from active duty or medical treatment may not adversely impact the student's grade for the**
30 **course or rank in the student's class; and**

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

34 [(4)] (5) Boards of education of community college districts shall adopt rules for the adminis-
35 tration of this section.

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

38 [(5)] (7) As used in this section, "member of the military" means a person who is a member of:

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

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

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

43 352.293. (1) A student at a public university listed in ORS 352.002 who is a member of the mili-
44 tary, a member of the commissioned corps of the National Oceanic and Atmospheric Administration
45 or a member of the Public Health Service of the United States Department of Health and Human

1 Services detailed by proper authority for duty with the Army or Navy of the United States and who
 2 is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

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

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

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

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

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

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

15 (d) The right to continuation of scholarships and grants awarded to the student that were funded
 16 by the public university or the Higher Education Coordinating Commission before the student was
 17 ordered to active duty.

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

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

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

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

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

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

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

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

33 **(4) If a student at a public university who is a member of the military, a member of the**
 34 **commissioned corps of the National Oceanic and Atmospheric Administration or a member**
 35 **of the Public Health Service of the United States Department of Health and Human Services**
 36 **detailed by proper authority for duty with the Army or Navy of the United States is ordered**
 37 **to federal or state active duty for 30 or fewer consecutive days and misses a course session,**
 38 **assignment or examination due to serving on active duty or receiving medical treatment for**
 39 **an injury sustained on active duty:**

40 **(a)(A) The student may complete any missed course assignment or examination after the**
 41 **student has returned from active duty or medical treatment and has been provided a rea-**
 42 **sonable amount of time to complete the assignment or prepare for and take the examination;**
 43 **or**

44 **(B) The teacher may award a letter grade or grade of pass without requiring the student**
 45 **to complete the missed assignment or examination if the teacher determines that the stu-**

1 **dent has completed sufficient work and demonstrated sufficient progress toward meeting**
 2 **course requirements to justify the student's grade without completion of the missed assign-**
 3 **ment or examination;**

4 **(b) Missed course assignments or examinations the student completes after returning**
 5 **from active duty or medical treatment may not adversely impact the student's grade for the**
 6 **course or rank in the student's class; and**

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

10 [(4)] (5) The Higher Education Coordinating Commission and the governing board of a public
 11 university listed in ORS 352.002 shall adopt standards for the administration of this section.

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

14 [(5)] (7) As used in this section, "member of the military" means a person who is a member of:

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

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

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

19 353.200. (1) A student at the Oregon Health and Science University who is a member of the
 20 military, a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
 21 tration or a member of the Public Health Service of the United States Department of Health and
 22 Human Services detailed by proper authority for duty with the Army or Navy of the United States
 23 and who is ordered to federal or state active duty for more than 30 consecutive days has the fol-
 24 lowing rights:

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

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

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

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

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

34 (c) If the student elects to withdraw from the university, the right to be readmitted and
 35 reenrolled at the university within one year after release from active duty without a requirement
 36 of redetermination of admission eligibility; and

37 (d) The right to continuation of scholarships and grants awarded to the student that were funded
 38 by the university or the Higher Education Coordinating Commission before the student was ordered
 39 to active duty.

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

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

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

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

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

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

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

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

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

17 **(a)(A) The student may complete any missed course assignment or examination after the**
18 **student has returned from active duty or medical treatment and has been provided a rea-**
19 **sonable amount of time to complete the assignment or prepare for and take the examination;**
20 **or**

21 **(B) The teacher may award a letter grade or grade of pass without requiring the student**
22 **to complete the missed assignment or examination if the teacher determines that the stu-**
23 **dent has completed sufficient work and demonstrated sufficient progress toward meeting**
24 **course requirements to justify the student's grade without completion of the missed assign-**
25 **ment or examination;**

26 **(b) Missed course assignments or examinations the student completes after returning**
27 **from active duty or medical treatment may not adversely impact the student's grade for the**
28 **course or rank in the student's class; and**

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

32 [(4)] (5) The Oregon Health and Science University Board of Directors shall adopt rules for the
33 administration of this section.

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

36 [(5)] (7) As used in this section, "member of the military" means a person who is a member of:

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

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

40 **SECTION 4. The amendments to ORS 341.499, 352.293 and 353.200 by sections 1 to 3 of this**
41 **2018 Act first apply to students who are ordered to active duty after the beginning of the**
42 **2018-2019 academic year.**

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

