

# DRAFT

## SUMMARY

Establishes Purple Star School Program within Department of Education to recognize schools that provide certain support services to military-connected students. Defines “military-connected student.” Provides qualifications for school to be designated Purple Star School.

Requires professional licensing board to issue temporary authorization to provide occupational or professional service, or to provide reasons for decision to not issue temporary authorization, to spouse or domestic partner of member of Armed Forces of the United States within 30 days of receiving application.

Adds Space Force to definition of Armed Forces of the United States.

## A BILL FOR AN ACT

1  
2 Relating to the military; creating new provisions; and amending ORS 43.450,  
3 90.475, 109.056, 166.260, 238.156, 316.193, 316.792, 326.552, 339.065, 341.496,  
4 341.499, 352.293, 352.313, 353.200, 366.931, 396.555, 399.425, 497.006, 670.400  
5 and 676.875.

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

## PURPLE STAR SCHOOL PROGRAM

### **SECTION 1.** (1) **As used in this section:**

11 **(a) “Military-connected student” means a student who:**

12 **(A) Is a dependent of a current or former service member; or**

13 **(B) Was a dependent of a service member who died while on active**  
14 **duty.**

15 **(b) “School” means a public or private institution of learning pro-**

1 **viding instruction in kindergarten through grade 12, or any combina-**  
2 **tions of those grade levels.**

3 **(c) “Service member” means a member of an active or reserve**  
4 **component of the Armed Forces of the United States or the National**  
5 **Guard.**

6 **(2) The Purple Star School Program is established within the De-**  
7 **partment of Education. The department shall designate a school a**  
8 **Purple Star School if the school applies and qualifies under subsection**  
9 **(3) of this section.**

10 **(3) To qualify to be designated a Purple Star School, a school shall**  
11 **do the following:**

12 **(a) Designate a staff member as a military liaison, whose duties**  
13 **include:**

14 **(A) Identifying military-connected students enrolled at the school;**

15 **(B) Serving as the point of contact between the campus and**  
16 **military-connected students and their families;**

17 **(C) Determining appropriate school services available to military-**  
18 **connected students; and**

19 **(D) Assisting in coordinating school programs relevant to military-**  
20 **connected students;**

21 **(b) Maintain a webpage on the school’s publicly accessible website**  
22 **that provides resources for military-connected students and their**  
23 **families, including information regarding:**

24 **(A) Relocation, enrollment, registration and transfer of records to**  
25 **the school;**

26 **(B) Academic planning, course sequences and available advanced**  
27 **classes;**

28 **(C) Counseling and other support services available for military-**  
29 **connected students; and**

30 **(D) The school’s designated military liaison, including the military**  
31 **liaison’s contact information and duties;**

1 (c) **Maintain a transition program, led by students where appropri-**  
2 **ate, that assists military-connected students in transitioning into the**  
3 **school;**

4 (d) **Offer professional development for staff members on issues re-**  
5 **lated to military-connected students; and**

6 (e) **Offer at least one of the following initiatives:**

7 (A) **A resolution showing support for military-connected students**  
8 **and their families;**

9 (B) **A recognition each month honoring service members, including**  
10 **relevant events hosted by the school; or**

11 (C) **A partnership with a local military installation, armory or fa-**  
12 **cility that provides opportunities for service members to volunteer at**  
13 **the school, speak at an assembly or host a field trip.**

14 (4) **A school may partner with another school to meet any program**  
15 **requirement.**

16 (5) **The department may adopt rules to carry out the provisions of**  
17 **this section.**

18  
19 **MILITARY SPOUSE OCCUPATIONAL LICENSURE**

20  
21 **SECTION 2.** ORS 670.400 is amended to read:

22 670.400. (1) As used in this section:

23 (a) "Occupational or professional service" means a service:

24 (A) For which an individual must possess a license, certificate or other  
25 form of authorization to provide under the laws of this state; and

26 (B) Over which a professional licensing board has regulatory oversight.

27 (b) "Professional licensing board" means a state agency or board that li-  
28 censes, certifies or otherwise authorizes individuals to provide an occupa-  
29 tional or professional service.

30 (2) A professional licensing board shall issue a temporary authorization  
31 to provide the occupational or professional service regulated by the profes-

1 sional licensing board to a person who:

2 (a) Is the spouse **or domestic partner** of a member of the Armed Forces  
3 of the United States who is stationed in this state;

4 (b) Holds a current authorization to provide the occupational or profes-  
5 sional service issued by another state and the professional licensing board  
6 determines that the other state's authorization requirements are substan-  
7 tially similar to those of the professional licensing board;

8 (c) Provides to the professional licensing board, in a manner determined  
9 by the professional licensing board, sufficient proof that the person is in  
10 good standing with the issuing out-of-state professional licensing board; and

11 (d) Has demonstrated competency, as determined by the professional li-  
12 censing board by rule, over the occupational or professional service regu-  
13 lated by the professional licensing board.

14 **(3) A professional licensing board shall within 30 days of receiving**  
15 **an application for a temporary authorization under this section:**

16 **(a) Issue a temporary authorization; or**

17 **(b) Provide the reasons for a decision not to issue a temporary au-**  
18 **thorization.**

19 [(3)(a)] **(4)(a)** A temporary authorization issued under this section is valid  
20 until the earliest of the following:

21 (A) Two years after the date of issuance;

22 (B) The date the spouse **or domestic partner** of the person to whom the  
23 authorization was issued completes the spouse's **or domestic partner's** term  
24 of service in this state; or

25 (C) The date the person's authorization issued by another state expires.

26 (b) An authorization issued under this section is not renewable. A person  
27 may not continue to provide the occupational or professional service unless  
28 the person is issued a full authorization under the laws of this state to pro-  
29 vide the occupational or professional service.

30 [(4)] **(5)** A professional licensing board may adopt rules to carry out the  
31 provisions of this section.

1       **DEFINITION FOR ARMED FORCES OF THE UNITED STATES**

2  
3       **SECTION 3.** ORS 43.450 is amended to read:

4       43.450. Relevant official records and files of the Departments of the Army,  
5 Navy, [*and*] Air Force, **Marine Corps, Coast Guard and Space Force** of  
6 the United States shall be accorded prima facie probative value in evidence  
7 before any court or agency in which there is an issue of fact as to the death  
8 or disappearance of any person while serving in or with the Armed Forces  
9 of the United States.

10       **SECTION 4.** ORS 90.475 is amended to read:

11       90.475. (1) A tenant may terminate a rental agreement upon written notice  
12 if the tenant provides the landlord with proof of official orders showing that  
13 the tenant is:

14       (a) Enlisting for active service in the Armed Forces of the United States;

15       (b) Serving as a member of a National Guard or other reserve component  
16 or an active service component of the Armed Forces of the United States and  
17 ordered to active service outside the area for a period that will exceed 90  
18 days;

19       (c) Terminating active service in the Armed Forces of the United States;

20       (d) A member of the Public Health Service of the United States Depart-  
21 ment of Health and Human Services detailed by proper authority for duty  
22 with the Army or Navy of the United States and:

23       (A) Ordered to active service outside the area for a period that will ex-  
24 ceed 90 days; or

25       (B) Terminating the duty and moving outside the area within the period  
26 that the member is entitled by federal law to the storage or shipment of  
27 household goods; or

28       (e) A member of the commissioned corps of the National Oceanic and  
29 Atmospheric Administration ordered to active service outside the area for a  
30 period that will exceed 90 days.

31       (2) As used in subsection (1) of this section, "Armed Forces of the United

1 States” means the Air Force, Army, Coast Guard, Marine Corps, [or] Navy  
2 **or Space Force** of the United States.

3 (3) A termination of a rental agreement under this section is effective on  
4 the earlier of:

5 (a) A date determined under the provisions of any applicable federal law;  
6 or

7 (b) The later of:

8 (A) 30 days after delivery of the notice;

9 (B) 30 days before the earliest reporting date on orders for active service;

10 (C) A date specified in the notice; or

11 (D) 90 days before the effective date of the orders if terminating duty  
12 described under subsection (1)(d)(B) of this section or terminating any active  
13 service described in this section.

14 (4) Notwithstanding ORS 90.300 (7)(a)(A) and 90.430, a tenant who termi-  
15 nates a lease under subsection (1) of this section is not:

16 (a) Subject to a penalty, fee, charge or loss of deposit because of the ter-  
17 mination; or

18 (b) Liable for any rent beyond the effective date of the termination as  
19 determined under subsection (3) of this section.

20 **SECTION 5.** ORS 109.056 is amended to read:

21 109.056. (1) Except as provided in subsection (2) or (3) of this section, a  
22 parent or guardian of a minor or incapacitated person, by a properly exe-  
23 cuted power of attorney, may delegate to another person, for a period not  
24 exceeding six months, any of the powers of the parent or guardian regarding  
25 care, custody or property of the minor child or ward, except the power to  
26 consent to marriage or adoption of a minor ward.

27 (2) A parent or guardian of a minor child may delegate the powers des-  
28 igned in subsection (1) of this section to a school administrator for a pe-  
29 riod not exceeding 12 months.

30 (3)(a) As used in this subsection, “servicemember-parent” means a parent  
31 or guardian:

1 (A) Who is:

2 (i) A member of the organized militia of this state;

3 (ii) A member of the Reserves of the Army, Navy, Air Force, Marine  
4 Corps, [*or*] Coast Guard **or Space Force** of the United States;

5 (iii) A member of the commissioned corps of the National Oceanic and  
6 Atmospheric Administration; or

7 (iv) A member of the Public Health Service of the United States Depart-  
8 ment of Health and Human Services detailed by proper authority for duty  
9 with the Army or Navy of the United States; and

10 (B) Who is required to enter and serve in the active military service of  
11 the United States under a call or order by the President of the United States  
12 or to serve on state active duty as defined in the Oregon Code of Military  
13 Justice.

14 (b) A servicemember-parent of a minor child may delegate the powers  
15 designated in subsection (1) of this section for a period not exceeding the  
16 term of active duty service plus 30 days.

17 (c) Except as provided in paragraph (d) of this subsection, if the minor  
18 child is living with the child's other parent, a delegation under paragraph  
19 (b) of this subsection must be to the parent with whom the minor child is  
20 living unless a court finds that the delegation would not be in the best in-  
21 terests of the minor child.

22 (d) When the servicemember-parent has joint custody of the minor child  
23 with the child's other parent or another individual, and the servicemember-  
24 parent is married to an individual other than the child's other parent, the  
25 servicemember-parent may delegate the powers designated in subsection (1)  
26 of this section to the spouse of the servicemember-parent for a period not  
27 exceeding the term of active duty service plus 30 days, unless a court finds  
28 that the delegation would not be in the best interests of the minor child.

29 **SECTION 6.** ORS 166.260 is amended to read:

30 166.260. (1) ORS 166.250 does not apply to or affect:

31 (a) A parole and probation officer, police officer or reserve officer, as

1 those terms are defined in ORS 181A.355.

2 (b) A federal officer, as defined in ORS 133.005, or a certified reserve of-  
3 ficer or corrections officer, as those terms are defined in ORS 181A.355, while  
4 the federal officer, certified reserve officer or corrections officer is acting  
5 within the scope of employment.

6 (c) An honorably retired law enforcement officer, unless the person who  
7 is a retired law enforcement officer has been convicted of an offense that  
8 would make the person ineligible to obtain a concealed handgun license un-  
9 der ORS 166.291 and 166.292.

10 (d) Any person summoned by an officer described in paragraph (a) or (b)  
11 of this subsection to assist in making arrests or preserving the peace, while  
12 the summoned person is engaged in assisting the officer.

13 (e) The possession or transportation by any merchant of unloaded  
14 firearms as merchandise.

15 (f) Active or reserve members of:

16 (A) The Army, Navy, Air Force, **Marine Corps**, Coast Guard or [*Marine*  
17 *Corps*] **Space Force** of the United States, or of the National Guard, when  
18 on duty;

19 (B) The commissioned corps of the National Oceanic and Atmospheric  
20 Administration; or

21 (C) The Public Health Service of the United States Department of Health  
22 and Human Services, when detailed by proper authority for duty with the  
23 Army or Navy of the United States.

24 (g) Organizations which are by law authorized to purchase or receive  
25 weapons described in ORS 166.250 from the United States, or from this state.

26 (h) Duly authorized military or civil organizations while parading, or the  
27 members thereof when going to and from the places of meeting of their or-  
28 ganization.

29 (i) A person who is licensed under ORS 166.291 and 166.292 to carry a  
30 concealed handgun.

31 (2) It is an affirmative defense to a charge of violating ORS 166.250



1 (1)(c)(C) that the person has been granted relief from the disability under  
2 ORS 166.274.

3 (3) Except for persons who are otherwise prohibited from possessing a  
4 firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to  
5 or affect:

6 (a) Members of any club or organization, for the purpose of practicing  
7 shooting at targets upon the established target ranges, whether public or  
8 private, while such members are using any of the firearms referred to in ORS  
9 166.250 upon such target ranges, or while going to and from such ranges.

10 (b) Licensed hunters or fishermen while engaged in hunting or fishing,  
11 or while going to or returning from a hunting or fishing expedition.

12 (4) The exceptions listed in subsection (1)(d) to (i) of this section consti-  
13 tute affirmative defenses to a charge of violating ORS 166.250.

14 **SECTION 7.** ORS 238.156 is amended to read:

15 238.156. (1) Notwithstanding any other provision of this chapter, but sub-  
16 ject to subsection (4) of this section, an employee who leaves a qualifying  
17 position for the purpose of performing service in the uniformed services is  
18 entitled to receive contributions, benefits and service credit for the period  
19 under rules adopted by the Public Employees Retirement Board pursuant to  
20 subsection (2) of this section.

21 (2) The board shall adopt rules establishing contributions, benefits and  
22 service credit for any period of service in the uniformed services by an em-  
23 ployee described in subsection (1) of this section. For the purpose of adopting  
24 rules under this subsection, the board shall consider and take into account  
25 all federal law relating to contributions, benefits and service credit for any  
26 period of service in the uniformed services. Contributions, benefits and ser-  
27 vice credit under rules adopted by the board pursuant to this subsection may  
28 not exceed contributions, benefits and service credit required under federal  
29 law for periods of service in the uniformed services.

30 (3) Subject to subsection (4) of this section, an employee who leaves a  
31 qualifying position for the purpose of entering or reentering active service

1 in the Armed Forces shall acquire retirement credit for the period during  
2 which the employee served in the Armed Forces if:

3 (a) The employee returns to the service of the employer who employed the  
4 employee immediately before commencing service in the Armed Forces in a  
5 qualifying position;

6 (b) The employee returns to that employment within one year after being  
7 otherwise than dishonorably discharged from the Armed Forces and within  
8 five years after the date that the employee entered or reentered active ser-  
9 vice in the Armed Forces; and

10 (c) After returning to employment and before retirement, the employee  
11 pays to the Public Employees Retirement Board in a lump sum six percent  
12 of the salary that would have been paid to the member during the period of  
13 military service in the Armed Forces based on the employee's salary rate at  
14 the time the employee entered or reentered the Armed Forces, as though the  
15 employee had remained in the employment of the employer. Any lump sum  
16 contribution made under this paragraph shall be added to the employee's  
17 regular account and in all respects shall be considered as though made by  
18 payroll deduction.

19 (4) An employee may not receive benefits under both subsections (1) and  
20 (3) of this section for the same period of service in the Armed Forces or  
21 uniformed services. If an employee is entitled to benefits under both sub-  
22 sections (1) and (3) of this section by the terms of those provisions, the em-  
23 ployee shall receive benefits under the subsection that provides the greater  
24 benefit.

25 (5) For the purposes of this section:

26 (a) "Armed Forces" means the Army, Navy, Air Force, Marine Corps,  
27 [and] Coast Guard **and Space Force**.

28 (b) "Uniformed services" means:

29 (A) The Armed Forces;

30 (B) The Army National Guard or the Air National Guard when the em-  
31 ployee is engaged in active duty for training, inactive duty for training or

1 full-time National Guard duty;

2 (C) The commissioned corps of the United States Public Health Service;

3 (D) The commissioned corps of the National Oceanic and Atmospheric  
4 Administration; and

5 (E) Any other category of persons designated by the President of the  
6 United States in time of war or national emergency.

7 **SECTION 8.** ORS 316.193 is amended to read:

8 316.193. (1) The Department of Revenue may enter into an agreement with  
9 the appropriate United States agency or instrumentality for the voluntary  
10 withholding of state income taxes from the retired pay of members of the  
11 uniformed services under the provisions of section 654, Public Law 98-525.  
12 The department is hereby authorized to do all acts and comply with any re-  
13 quirements necessary to enable retired members of the uniformed services to  
14 elect voluntary withholding of state income taxes from their retired pay.

15 (2) The department may establish by rule a minimum monthly amount to  
16 be withheld and paid over for any member electing voluntary withholding  
17 of state income taxes under an agreement entered into under subsection (1)  
18 of this section.

19 (3) Notwithstanding ORS 314.835 or 314.840, the department may disclose  
20 to the Department of Defense the name, address or Social Security number  
21 of any member electing voluntary withholding of state income taxes when-  
22 ever necessary to enable the Department of Defense to implement such  
23 withholding under the terms of an agreement entered into under subsection  
24 (1) of this section.

25 (4) As used in this section:

26 (a) "Member" means any person retired from a regular or reserve compo-  
27 nent of one of the uniformed services, who has Oregon personal income tax  
28 liability in connection with the receipt of retired pay.

29 (b) "Retired pay" means pay and benefits received based on conditions of  
30 the federal retirement law, pay grade, years of service, date of retirement,  
31 transfer to Fleet Reserve or Fleet Marine Corps Reserve or disability.

1 (c) “Uniformed services” means the Army, Navy, Air Force, Marine Corps,  
2 Coast Guard, **Space Force**, commissioned corps of the United States Public  
3 Health Service and the commissioned corps of the National Oceanic and  
4 Atmospheric Administration.

5 **SECTION 9.** ORS 316.792 is amended to read:

6 316.792. (1) As used in this section:

7 (a) “Armed Forces of the United States” means all regular and reserve  
8 components of the United States Army, Navy, Air Force, Marine Corps,  
9 [and] Coast Guard **and Space Force** and other uniformed services under the  
10 orders of the President of the United States.

11 (b) “Military pay” means pay for active duty, inactive duty, training and  
12 reserve component duty, including state active duty, and any other compen-  
13 sation, other than retirement pay or pension, paid by the Armed Forces of  
14 the United States to a member of the Armed Forces of the United States.

15 (c) “Reserve component duty” includes duty performed as a member of the  
16 reserve components that is not federal active duty.

17 (d) “Reserve components” includes all National Guard and reserve de-  
18 partments of the Armed Forces of the United States.

19 (e) “Uniformed services” includes the commissioned corps of the National  
20 Oceanic and Atmospheric Administration and the United States Public  
21 Health Service.

22 (2) There shall be subtracted from federal taxable income military pay  
23 received for:

24 (a) Service performed outside this state in the year of initial draft or  
25 enlistment or in the year of discharge.

26 (b) Service performed outside this state during any month beginning on  
27 or after August 1, 1990, and before the date designated by the President of  
28 the United States as the date of termination of combatant activities in the  
29 Persian Gulf Desert Shield area.

30 (c) Service by a member of the reserve components, if:

31 (A) The military pay is for service performed when the taxpayer is away

1 from the home of the taxpayer overnight;

2 (B) The taxpayer is required to be away from home overnight in order to  
3 perform the service; and

4 (C) The service is of a duration of at least 21 consecutive days, although  
5 the consecutive days need not be in the same tax year.

6 (d) Service not otherwise qualified for a subtraction under paragraphs (a)  
7 to (c) of this subsection, not to exceed \$6,000 per year.

8 (3) The total amount subtracted under this section may not exceed the  
9 taxpayer's total military pay included in federal taxable income for the tax  
10 year.

11 **SECTION 10.** ORS 326.552 is amended to read:

12 326.552. The Interstate Compact on Educational Opportunity for Military  
13 Children is enacted into law and entered into on behalf of this state with  
14 all other jurisdictions legally joining therein in the form substantially as  
15 follows:

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16  
17 **ARTICLE I**  
18 **PURPOSE**  
19  
20

21 It is the purpose of this compact to remove barriers to educational success  
22 imposed on children of military families because of frequent moves and de-  
23 ployment of their parents by:

24 A. Facilitating the timely enrollment of children of military families and  
25 ensuring that they are not placed at a disadvantage due to difficulty in the  
26 transfer of education records from a previous school district or variations in  
27 entrance or age requirements.

28 B. Facilitating the student placement process through which children of  
29 military families are not disadvantaged by variations in attendance require-  
30 ments, scheduling, sequencing, grading, course content or assessment.

31 C. Facilitating the qualification and eligibility for enrollment, educa-

1 tional programs and participation in extracurricular academic, athletic and  
2 social activities.

3 D. Facilitating the on-time graduation of children of military families.

4 E. Providing for the promulgation and enforcement of administrative  
5 rules implementing the provisions of this compact.

6 F. Providing for the uniform collection and sharing of information be-  
7 tween and among member states, schools and military families under this  
8 compact.

9 G. Promoting coordination between this compact and other compacts af-  
10 fecting military children.

11 H. Promoting flexibility and cooperation between the educational system,  
12 parents and the student in order to achieve educational success for the stu-  
13 dent.

14

15

ARTICLE II  
DEFINITIONS

16

17

18

19 As used in this compact, unless the context clearly requires a different con-  
20 struction:

21 A. "Active duty" means full-time duty status in the active uniformed  
22 service of the United States, including members of the National Guard or the  
23 military reserve forces who are on active duty orders pursuant to 10 U.S.C.  
24 chapters 1209 and 1211 and members described in 32 U.S.C. 502(f).

25 B. "Children of military families" means a school-aged child, enrolled in  
26 kindergarten through grade 12, in the household of an active duty member.

27 C. "Compact commissioner" means the voting representative of each  
28 compacting state appointed pursuant to Article VIII of this compact.

29 D. "Deployment" means the period one month prior to the service  
30 members' departure from their home station on military orders though six  
31 months after return to their home station.

1 E. "Education records" means official records, files and data directly re-  
2 lated to a student and maintained by the school or local education agency,  
3 including but not limited to records encompassing all the material kept in  
4 the student's cumulative folder such as general identifying data, records of  
5 attendance and of academic work completed, records of achievement and re-  
6 sults of evaluative tests, health data, disciplinary status, test protocols and  
7 individualized education programs.

8 F. "Extracurricular activities" means a voluntary activity sponsored by  
9 the school, the local education agency or an organization sanctioned by the  
10 local education agency. Extracurricular activities include, but are not lim-  
11 ited to, preparation for and involvement in public performance, contests,  
12 athletic competitions, demonstrations, displays and club activities.

13 G. "Interstate Commission on Educational Opportunity for Military  
14 Children" means the commission that is created under Article IX of this  
15 compact, which is generally referred to as the Interstate Commission.

16 H. "Local education agency" means a local school district.

17 I. "Member state" means a state that has enacted this compact.

18 J. "Military installation" means a base, camp, post, station, yard, center,  
19 home port facility for any ship or other activity under the jurisdiction of the  
20 Department of Defense, including any leased facility, which is located within  
21 any of the several states, the District of Columbia, the Commonwealth of  
22 Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
23 Northern Marianas Islands and any other United States territory. The term  
24 does not include any facility used primarily for civil works, rivers and har-  
25 bors projects or flood control projects.

26 K. "Nonmember state" means a state that has not enacted this compact.

27 L. "Receiving state" means the state to which a child of a military family  
28 is sent, brought or caused to be sent or brought.

29 M. "Rule" means a written statement by the Interstate Commission  
30 promulgated pursuant to Article XII of this compact that is of general ap-  
31 plicability, that implements, interprets or prescribes a policy or provision of

1 this compact, or that is an organizational, procedural or practice require-  
2 ment of the Interstate Commission, and that has the force and effect of  
3 statutory law in a member state, and includes the amendment, repeal or  
4 suspension of an existing rule.

5 N. "Sending state" means the state from which a child of a military  
6 family is sent, brought or caused to be sent or brought.

7 O. "State" means a state of the United States, the District of Columbia,  
8 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,  
9 American Samoa, the Northern Marianas Islands and any other United  
10 States territory.

11 P. "State education agency" means the Department of Education.

12 Q. "Student" means the child of a military family for whom the local ed-  
13 ucation agency receives public funding and who is formally enrolled in  
14 kindergarten through grade 12.

15 R. "Transition" means:

16 1. The formal and physical process of transferring from school to school;  
17 or

18 2. The period of time in which a student moves from one school in the  
19 sending state to another school in the receiving state.

20 S. "Uniformed service" means the Army, Navy, Air Force, Marine Corps,  
21 Coast Guard, **Space Force**, the commissioned corps of the National Oceanic  
22 and Atmospheric Administration and the commissioned corps of the United  
23 States Public Health Service.

24 T. "Veteran" means a person who served in the uniformed services and  
25 who was discharged or released from the uniformed services under conditions  
26 other than dishonorable.

27

28

### ARTICLE III

29

### APPLICABILITY

30

31 A. Except as otherwise provided in Section B of this Article, this compact



1 shall apply to the children of:

2 1. Active duty members of the uniformed services as defined in this com-  
3 pact, including members of the National Guard or the military reserve forces  
4 who are on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211  
5 and members described in 32 U.S.C. 502(f);

6 2. Members or veterans of the uniformed services who are severely injured  
7 and medically discharged or retired for a period of one year after medical  
8 discharge or retirement; and

9 3. Members of the uniformed services who die on active duty or as a re-  
10 sult of injuries sustained on active duty for a period of one year after death.

11 B. The provisions of this compact shall only apply to local education  
12 agencies as defined in this compact.

13 C. The provisions of this compact shall not apply to the children of:

14 1. Inactive members of the National Guard or the military reserve forces;

15 2. Members of the uniformed services now retired, except as provided in  
16 Section A of this Article;

17 3. Veterans of the uniformed services, except as provided in Section A of  
18 this Article; and

19 4. Other Department of Defense personnel and other federal agency civil-  
20 ian and contract employees not defined as active duty members of the uni-  
21 formed services.

22

23

#### ARTICLE IV

24

#### EDUCATION RECORDS

25

#### AND ENROLLMENT

26

27 A. Unofficial or hand-carried education records. In the event that official  
28 education records cannot be released to the parents for the purpose of  
29 transfer, the custodian of the records in the sending state shall prepare and  
30 furnish to the parent a complete set of unofficial education records contain-  
31 ing uniform information as determined by the Interstate Commission. Upon

1 receipt of the unofficial education records by a school in the receiving state,  
2 the school shall enroll and appropriately place the student based on the in-  
3 formation provided in the unofficial records pending validation by the offi-  
4 cial records, as quickly as possible.

5 B. Official education records and transcripts. Simultaneous with the en-  
6 rollment and conditional placement of the student, the school in the receiv-  
7 ing state shall request the student's official education record from the school  
8 in the sending state. Upon receipt of this request, the school in the sending  
9 state will process and furnish the official education records to the school in  
10 the receiving state within 10 days or within such time as is reasonably de-  
11 termined under the rules promulgated by the Interstate Commission.

12 C. Immunizations. Compacting states shall give 30 days from the date of  
13 enrollment, or within such time as is reasonably determined under the rules  
14 promulgated by the Interstate Commission, for students to obtain any im-  
15 munizations required by the receiving state. For a series of immunizations,  
16 initial vaccinations must be obtained within 30 days or within such time as  
17 is reasonably determined under the rules promulgated by the Interstate  
18 Commission.

19 D. Kindergarten and first grade entrance age. Students shall be allowed  
20 to continue their enrollment at grade level in the receiving state  
21 commensurate with their grade level, including kindergarten, from a local  
22 education agency in the sending state at the time of transition, regardless  
23 of age. A student that has satisfactorily completed the prerequisite grade  
24 level in the local education agency in the sending state shall be eligible for  
25 enrollment in the next highest grade level in the receiving state, regardless  
26 of age. A student transferring after the start of the school year in the re-  
27 ceiving state shall enter the school in the receiving state on their validated  
28 level from an accredited school in the sending state.

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## ARTICLE V

### PLACEMENT AND ATTENDANCE

1 A. Course placement. When the student transfers before or during the  
2 school year, the receiving state school shall initially honor placement of the  
3 student in educational courses based on the student's enrollment in the  
4 sending state school or educational assessments conducted at the school in  
5 the sending state if the courses are offered. Course placement includes but  
6 is not limited to honors, International Baccalaureate, advanced placement,  
7 vocational, technical and career pathways courses. Continuing the student's  
8 academic program from the previous school and promoting placement in ac-  
9 ademically and career challenging courses should be paramount when con-  
10 sidering placement. This does not preclude the school in the receiving state  
11 from performing subsequent evaluations to ensure appropriate placement and  
12 continued enrollment of the student in a course.

13 B. Educational program placement. The receiving state school shall ini-  
14 tially honor placement of the student in educational programs based on  
15 current educational assessments conducted at the school in the sending state  
16 or based on participation or placement in like programs in the sending state.  
17 Such programs include, but are not limited to, talented and gifted programs  
18 and English as a second language programs. This does not preclude the  
19 school in the receiving state from performing subsequent evaluations to en-  
20 sure appropriate placement of the student.

21 C. Special education services.

22 1. In compliance with the federal requirements of the Individuals with  
23 Disabilities Education Act, 20 U.S.C. 1400 et seq., the receiving state shall  
24 initially provide comparable services to a student with disabilities based on  
25 the student's current individualized education program. This does not pre-  
26 clude the school in the receiving state from performing subsequent evalu-  
27 ations to ensure appropriate placement of the student.

28 2. In compliance with the requirements of section 504 of the Rehabili-  
29 tation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities  
30 Act, 42 U.S.C. 12131-12165, the receiving state shall make reasonable accom-  
31 modations and modifications to address the needs of incoming students with

1 disabilities, subject to an existing section 504 or Title II plan, to provide the  
2 student with equal access to education. This does not preclude the school in  
3 the receiving state from performing subsequent evaluations to ensure appro-  
4 priate placement of the student.

5 D. Placement flexibility. Local education agency administrative officials  
6 shall have flexibility in waiving course or program prerequisites, or other  
7 preconditions for placement in courses or programs offered under the juris-  
8 diction of the local education agency.

9 E. Absence as related to deployment activities. A student whose parent  
10 or legal guardian is an active duty member of the uniformed services, as  
11 defined by this compact, and has been called to duty for, is on leave from,  
12 or immediately returned from deployment to a combat zone or combat sup-  
13 port posting, shall be granted additional excused absences at the discretion  
14 of the local education agency superintendent to visit with the student's par-  
15 ent or legal guardian relative to such leave or deployment of the parent or  
16 guardian.

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## ARTICLE VI

19

## ELIGIBILITY

20

21 A. Eligibility for enrollment.

22 1. Special power of attorney, relative to the guardianship of a child of a  
23 military family and executed under applicable law, shall be sufficient for the  
24 purposes of enrollment and all other actions requiring parental participation  
25 and consent.

26 2. A local education agency shall be prohibited from charging local tui-  
27 tion to a transitioning military child placed in the care of a noncustodial  
28 parent or other person standing in loco parentis who lives in a jurisdiction  
29 other than that of the custodial parent.

30 3. A transitioning military child, placed in the care of a noncustodial  
31 parent or other person standing in loco parentis who lives in a jurisdiction

1 other than that of the custodial parent, may continue to attend the school  
2 in which the child was enrolled while residing with the custodial parent.

3 B. Eligibility for extracurricular participation. State and local education  
4 agencies shall facilitate the opportunity for transitioning military children's  
5 inclusion in extracurricular activities, regardless of application deadlines, to  
6 the extent they are otherwise qualified.

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8

## ARTICLE VII

9

## GRADUATION

10

11

12 In order to facilitate the on-time graduation of children of military families,  
13 states and local education agencies shall incorporate the following proce-  
14 dures:

15 A. Waiver requirements. Local education agency administrative officials  
16 shall waive specific courses required for graduation if similar course work  
17 has been satisfactorily completed in another local education agency or shall  
18 provide reasonable justification for denial. Should a waiver not be granted  
19 to a student who would qualify to graduate from the sending school, the lo-  
20 cal education agency shall provide an alternative means of acquiring re-  
21 quired coursework so that graduation may occur on time.

22 B. Exit exams. States shall accept exit or end-of-course exams required for  
23 graduation from the sending state, national norm-referenced achievement  
24 tests or alternative testing that is given in lieu of testing requirements for  
25 graduation in the receiving state. In the event the above alternatives cannot  
26 be accommodated by the receiving state for a student transferring in the  
27 student's senior year, then the provisions of Section C of this Article shall  
28 apply.

29 C. Transfers during senior year. Should a military student transferring  
30 at the beginning or during the student's senior year be ineligible to graduate  
31 from the receiving local education agency after all alternatives have been

1 considered, the sending and receiving local education agencies shall ensure  
2 the receipt of a diploma from the sending local education agency, if the  
3 student meets the graduation requirements of the sending local education  
4 agency. In the event that one of the states in question is not a member of  
5 this compact, the member state shall use best efforts to facilitate the on-time  
6 graduation of the student in accordance with Sections A and B of this Arti-  
7 cle.

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## ARTICLE VIII

10

### STATE COORDINATION

11

12 A. Each member state shall, through the creation of a State Council or  
13 use of an existing body or board, provide for the coordination among its  
14 agencies of government, local education agencies and military installations  
15 concerning the state's participation in, and compliance with, this compact  
16 and Interstate Commission activities. While each member state may deter-  
17 mine the membership of its own State Council, its membership may include  
18 at least: the state superintendent of education, a superintendent of a school  
19 district with a high concentration of military children, a representative from  
20 a military installation, one representative each from the legislative and  
21 executive branches of government, and other offices and stakeholder groups  
22 the State Council deems appropriate. A member state that does not have a  
23 school district deemed to contain a high concentration of military children  
24 may appoint a superintendent from another school district to represent local  
25 education agencies on the State Council.

26 B. The Governor of each member state shall appoint or designate a mili-  
27 tary family education liaison to assist military families and the state in fa-  
28 cilitating the implementation of this compact. The individual appointed to  
29 this position must be a member of the uniformed service. The Department  
30 of Education of the State of Oregon shall assist the military family education  
31 liaison in the performance of the duties of the position.

1 C. The compact commissioner responsible for the administration and  
2 management of the state's participation in the compact shall be appointed  
3 by the Governor or as otherwise determined by each member state. The in-  
4 dividual appointed to this position must have experience in the education  
5 of military children.

6 D. The compact commissioner and the military family education liaison  
7 designated herein shall be ex officio members of the State Council.

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15 The member states hereby create the Interstate Commission on Educational  
16 Opportunity for Military Children. The activities of the Interstate Commis-  
17 sion are the formation of public policy and are a discretionary state function.  
18 The Interstate Commission shall:

19 A. Be a body corporate and joint agency of the member states and shall  
20 have all the responsibilities, powers and duties set forth herein, and such  
21 additional powers as may be conferred upon it by a subsequent concurrent  
22 action of the respective legislatures of the member states in accordance with  
23 the terms of this compact.

24 B. Consist of one Interstate Commission voting representative from each  
25 member state who shall be that state's compact commissioner.

26 1. Each member state represented at a meeting of the Interstate Commis-  
27 sion is entitled to one vote.

28 2. A majority of the total member states shall constitute a quorum for the  
29 transaction of business, unless a larger quorum is required by the bylaws of  
30 the Interstate Commission.

31 3. A representative may not delegate a vote to another member state. In

1 the event the compact commissioner is unable to attend a meeting of the  
2 Interstate Commission, the Governor or State Council may delegate voting  
3 authority to another person from their state for a specified meeting.

4 4. The bylaws may provide for meetings of the Interstate Commission to  
5 be conducted by telecommunication or electronic communication.

6 C. Consist of ex officio, nonvoting representatives who are members of  
7 interested organizations. Such ex officio members, as defined in the bylaws,  
8 may include but not be limited to members of the representative organiza-  
9 tions of military family advocates, local education agency officials, parent  
10 and teacher groups, the Department of Defense, the Education Commission  
11 of the States, the Interstate Agreement on the Qualification of Educational  
12 Personnel and other interstate compacts affecting the education of children  
13 of military members.

14 D. Meet at least once each calendar year. The chairperson may call ad-  
15 ditional meetings and, upon the request of a simple majority of the member  
16 states, shall call additional meetings.

17 E. Establish an executive committee, whose members shall include the  
18 officers of the Interstate Commission and such other members of the Inter-  
19 state Commission as determined by the bylaws. Members of the executive  
20 committee shall serve a one-year term. Members of the executive committee  
21 shall be entitled to one vote each. The executive committee shall have the  
22 power to act on behalf of the Interstate Commission, with the exception of  
23 rule making, during periods when the Interstate Commission is not in ses-  
24 sion. The executive committee shall oversee the day-to-day activities of the  
25 administration of this compact, including enforcement and compliance with  
26 the provisions of this compact, its bylaws and rules, and other such duties  
27 as deemed necessary. The Department of Defense shall serve as an ex officio,  
28 nonvoting member of the executive committee.

29 F. Establish bylaws and rules that provide for conditions and procedures  
30 under which the Interstate Commission shall make its information and offi-  
31 cial records available to the public for inspection or copying. The Interstate



1 Commission may exempt from disclosure information or official records to  
2 the extent they would adversely affect personal privacy rights or proprietary  
3 interests.

4 G. Give public notice of all meetings and all meetings shall be open to  
5 the public, except as set forth in the rules or as otherwise provided in this  
6 compact. The Interstate Commission and its committees may close a meeting,  
7 or portion thereof, when it determines by a two-thirds vote that an open  
8 meeting would be likely to:

9 1. Relate solely to the Interstate Commission's internal personnel prac-  
10 tices and procedures;

11 2. Disclose matters specifically exempted from disclosure by federal and  
12 state statute;

13 3. Disclose trade secrets or commercial or financial information that is  
14 privileged or confidential;

15 4. Involve accusing a person of a crime or formally censuring a person;

16 5. Disclose information of a personal nature if disclosure would constitute  
17 a clearly unwarranted invasion of personal privacy;

18 6. Disclose investigative records compiled for law enforcement purposes;  
19 or

20 7. Specifically relate to the Interstate Commission's participation in a  
21 civil action or other legal proceeding.

22 H. Cause its legal counselor designee to certify that a meeting may be  
23 closed and shall reference each relevant exemptible provision for any meet-  
24 ing, or portion of a meeting, which is closed pursuant to this provision. The  
25 Interstate Commission shall keep minutes that shall fully and clearly de-  
26 scribe all matters discussed in a meeting and shall provide a full and accu-  
27 rate summary of actions taken, and the reasons therefore, including a  
28 description of the views expressed and the record of a roll call vote. All  
29 documents considered in connection with an action shall be identified in  
30 such minutes. All minutes and documents of a closed meeting shall remain  
31 under seal, subject to release by a majority vote of the Interstate Commis-

1 sion.

2 I. Collect standardized data concerning the educational transition of the  
3 children of military families under this compact as directed through its rules,  
4 which shall specify the data to be collected, the means of collection and data  
5 exchange and reporting requirements. Such methods of data collection, ex-  
6 change and reporting shall, in so far as is reasonably possible, conform to  
7 current technology and coordinate its information functions with the appro-  
8 priate custodian of records as identified in the bylaws and rules.

9 J. Create a process that permits military officials, education officials and  
10 parents to inform the Interstate Commission if and when there are alleged  
11 violations of this compact or its rules or when issues subject to the juris-  
12 diction of this compact or its rules are not addressed by the state or local  
13 education agency. This section shall not be construed to create a private  
14 right of action against the Interstate Commission or any member state.

15

16

## ARTICLE X

17

### POWERS AND DUTIES OF

18

### THE INTERSTATE COMMISSION

19

20

21 The Interstate Commission shall have the following powers:

22 A. To provide for dispute resolution among member states.

23 B. To promulgate rules and take all necessary actions to effect the goals,  
24 purposes and obligations as enumerated in this compact. The rules shall have  
25 the force and effect of statutory law and shall be binding in the compact  
26 states to the extent and in the manner provided in this compact.

27 C. To issue, upon request of a member state, advisory opinions concerning  
28 the meaning or interpretation of this compact, its bylaws, rules and actions.

29 D. To enforce compliance with the compact provisions, the rules  
30 promulgated by the Interstate Commission and the bylaws, using all neces-  
31 sary and proper means, including but not limited to the use of the judicial

1 process.

2 E. To establish and maintain offices that shall be located within one or  
3 more of the member states.

4 F. To purchase and maintain insurance and bonds.

5 G. To borrow, accept, hire or contract for services of personnel.

6 H. To establish and appoint committees, including but not limited to an  
7 executive committee as required by Article IX, Section E of this compact,  
8 which shall have the power to act on behalf of the Interstate Commission in  
9 carrying out its powers and duties hereunder.

10 I. To elect or appoint such officers, attorneys, employees, agents or con-  
11 sultants, and to fix their compensation, define their duties and determine  
12 their qualifications, and to establish the Interstate Commission's personnel  
13 policies and programs relating to conflicts of interest, rates of compensation  
14 and qualifications of personnel.

15 J. To accept any and all donations and grants of money, equipment, sup-  
16 plies, materials and services, and to receive, utilize and dispose of it.

17 K. To lease, purchase, accept contributions or donations of, or otherwise  
18 to own, hold, improve or use any property, real, personal or mixed.

19 L. To sell, convey, mortgage, pledge, lease, exchange, abandon or other-  
20 wise dispose of any property, real, personal or mixed.

21 M. To establish a budget and make expenditures.

22 N. To adopt a seal and bylaws governing the management and operation  
23 of the Interstate Commission.

24 O. To report annually to the legislatures, governors, judiciary and state  
25 councils of the member states concerning the activities of the Interstate  
26 Commission during the preceding year. Such reports shall also include any  
27 recommendations that may have been adopted by the Interstate Commission.

28 P. To coordinate education, training and public awareness regarding this  
29 compact, its implementation and operation for officials and parents involved  
30 in such activity.

31 Q. To establish uniform standards for the reporting, collecting and ex-

1 changing of data.

2 R. To maintain corporate books and records in accordance with the by-  
3 laws.

4 S. To perform such functions as may be necessary or appropriate to  
5 achieve the purposes of this compact.

6 T. To provide for the uniform collection and sharing of information be-  
7 tween and among member states, schools and military families under this  
8 compact.

9

10

## ARTICLE XI

11

### ORGANIZATION AND OPERATION OF

12

### THE INTERSTATE COMMISSION

13

14 A. The Interstate Commission shall, by a majority of the members present  
15 and voting, within 12 months after the first Interstate Commission meeting,  
16 adopt bylaws to govern its conduct as may be necessary or appropriate to  
17 carry out the purposes of this compact, including but not limited to:

18 1. Establishing the fiscal year of the Interstate Commission;

19 2. Establishing an executive committee and such other committees as may  
20 be necessary;

21 3. Providing for the establishment of committees and for governing any  
22 general or specific delegation of authority or function of the Interstate  
23 Commission;

24 4. Providing reasonable procedures for calling and conducting meetings  
25 of the Interstate Commission, and ensuring reasonable notice of each such  
26 meeting;

27 5. Establishing the titles and responsibilities of the officers and staff of  
28 the Interstate Commission;

29 6. Providing a mechanism for concluding the operations of the Interstate  
30 Commission and the return of surplus funds that may exist upon the termi-  
31 nation of this compact after the payment and reserving of all of its debts and

1 obligations; and

2 7. Providing start-up rules for initial administration of this compact.

3 B. The Interstate Commission shall, by a majority of the members, elect  
4 annually from among its members a chairperson, a vice chairperson and a  
5 treasurer, each of whom shall have such authority and duties as may be  
6 specified in the bylaws. The chairperson or, in the chairperson's absence or  
7 disability, the vice chairperson, shall preside at all meetings of the Interstate  
8 Commission. The officers so elected shall serve without compensation or  
9 remuneration from the Interstate Commission provided that, subject to the  
10 availability of budgeted funds, the officers shall be reimbursed for ordinary  
11 and necessary costs and expenses incurred by them in the performance of  
12 their responsibilities as officers of the Interstate Commission.

13 C. Executive committee, officers and personnel.

14 1. The executive committee shall have such authority and duties as may  
15 be set forth in the bylaws, including but not limited to:

16 a. Managing the affairs of the Interstate Commission in a manner con-  
17 sistent with the bylaws and purposes of the Interstate Commission;

18 b. Overseeing an organizational structure within, and appropriate proce-  
19 dures for, the Interstate Commission to provide for the creation of rules,  
20 operating procedures and administrative and technical support functions; and

21 c. Planning, implementing and coordinating communications and activ-  
22 ities with other state, federal and local government organizations in order  
23 to advance the goals of the Interstate Commission.

24 2. The executive committee may, subject to the approval of the Interstate  
25 Commission, appoint or retain an executive director for such period, upon  
26 such terms and conditions and for such compensation, as the Interstate  
27 Commission may deem appropriate. The executive director shall serve as  
28 secretary to the Interstate Commission, but shall not be a member of the  
29 Interstate Commission. The executive director shall hire and supervise such  
30 other persons as may be authorized by the Interstate Commission.

31 D. The Interstate Commission's executive director and its employees shall

1 be immune from suit and liability, either personally or in their official ca-  
2 pacity, for a claim for damage to or loss of property or personal injury or  
3 other civil liability caused or arising out of or relating to an actual or al-  
4 leged act, error or omission that occurred, or that such person had a rea-  
5 sonable basis for believing occurred, within the scope of Interstate  
6 Commission employment, duties or responsibilities, provided that such person  
7 shall not be protected from suit or liability for damage, loss, injury or li-  
8 ability caused by the intentional or willful and wanton misconduct of such  
9 person.

10 1. The liability of the Interstate Commission's executive director and  
11 employees or Interstate Commission representatives, acting within the scope  
12 of such person's employment or duties for acts, errors or omissions occurring  
13 within such person's state may not exceed the limits of liability set forth  
14 under the Constitution and laws of that state for state officials, employees  
15 and agents. The Interstate Commission is considered to be an instrumentality  
16 of the states for the purposes of any such action. Nothing in this subsection  
17 shall be construed to protect such person from suit or liability for damage,  
18 loss, injury or liability caused by the intentional or willful and wanton  
19 misconduct of such person.

20 2. The Interstate Commission shall defend the executive director and its  
21 employees and, subject to the approval of the Attorney General or other ap-  
22 propriate legal counsel of the member state represented by an Interstate  
23 Commission representative, shall defend such Interstate Commission repre-  
24 sentative in any civil action seeking to impose liability arising out of an  
25 actual or alleged act, error or omission that occurred within the scope of  
26 Interstate Commission employment, duties or responsibilities, or that the  
27 defendant had a reasonable basis for believing occurred within the scope of  
28 Interstate Commission employment, duties or responsibilities, provided that  
29 the actual or alleged act, error or omission did not result from intentional  
30 or willful and wanton misconduct on the part of such person.

31 3. To the extent not covered by the state involved, a member state, the

1 Interstate Commission or the representatives or employees of the Interstate  
2 Commission shall be held harmless in the amount of a settlement or judg-  
3 ment, including attorney's fees and costs, obtained against such persons  
4 arising out of an actual or alleged act, error or omission that occurred  
5 within the scope of Interstate Commission employment, duties or responsi-  
6 bilities, or that such persons had a reasonable basis for believing occurred  
7 within the scope of Interstate Commission employment, duties or responsi-  
8 bilities, provided that the actual or alleged act, error or omission did not  
9 result from intentional or willful and wanton misconduct on the part of such  
10 persons.

11

12

## ARTICLE XII

13

### RULEMAKING FUNCTIONS OF

14

### THE INTERSTATE COMMISSION

15

16 A. Rulemaking authority. The Interstate Commission shall promulgate  
17 reasonable rules in order to effectively and efficiently achieve the purposes  
18 of this compact. Notwithstanding the foregoing, in the event the Interstate  
19 Commission exercises its rulemaking authority in a manner that is beyond  
20 the scope of the purposes of this compact, or the powers granted hereunder,  
21 then such an action by the Interstate Commission shall be invalid and have  
22 no force or effect.

23 B. Rulemaking procedure. Rules shall be made pursuant to a rulemaking  
24 process that substantially conforms to the "Model State Administrative  
25 Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p. I (2000), as  
26 amended, as may be appropriate to the operations of the Interstate Commis-  
27 sion.

28 C. Not later than 30 days after a rule is promulgated, any person may file  
29 a petition for judicial review of the rule provided that the filing of such a  
30 petition shall not stay or otherwise prevent the rule from becoming effective  
31 unless the court finds that the petitioner has a substantial likelihood of

1 success. The court shall give deference to the actions of the Interstate  
2 Commission consistent with applicable law and shall not find the rule to be  
3 unlawful if the rule represents a reasonable exercise of the Interstate  
4 Commission's authority.

5 D. If a majority of the legislatures of the compacting states rejects a rule  
6 by enactment of a statute or resolution in the same manner used to adopt  
7 this compact, then such rule shall have no further force and effect in any  
8 compacting state.

9

10

### ARTICLE XIII

11

### OVERSIGHT, ENFORCEMENT

12

### AND DISPUTE RESOLUTION

13

14 A. Oversight.

15 1. The executive, legislative and judicial branches of state government in  
16 each member state shall enforce this compact and shall take all actions  
17 necessary and appropriate to effectuate this compact's purposes and intent.  
18 The provisions of this compact and the rules promulgated hereunder shall  
19 have standing as statutory law.

20 2. All courts shall take judicial notice of this compact and the rules in  
21 any judicial or administrative proceeding in a member state pertaining to the  
22 subject matter of this compact that may affect the powers, responsibilities  
23 or actions of the Interstate Commission.

24 3. The Interstate Commission shall be entitled to receive all service of  
25 process in any such proceeding, and shall have standing to intervene in the  
26 proceeding for all purposes. Failure to provide service of process to the  
27 Interstate Commission shall render a judgment or order void as to the  
28 Interstate Commission, this compact or promulgated rules.

29 B. Default, technical assistance, suspension and termination.

30 1. If the Interstate Commission determines that a member state has de-  
31 faulted in the performance of its obligations or responsibilities under this



1 compact, or the bylaws or promulgated rules, the Interstate Commission shall  
2 provide written notice to the defaulting state and other member states of the  
3 nature of the default, the means of curing the default and any action taken  
4 by the Interstate Commission. The Interstate Commission shall specify the  
5 conditions by which the defaulting state must cure its default.

6 2. If a member state has defaulted, the Interstate Commission shall pro-  
7 vide remedial training and specific technical assistance regarding the de-  
8 fault.

9 3. If the defaulting state fails to cure the default, the defaulting state  
10 shall be terminated from this compact upon an affirmative vote of a majority  
11 of the member states and all rights, privileges and benefits conferred by this  
12 compact shall be terminated from the effective date of termination. A cure  
13 of the default does not relieve the offending state of obligations or liabilities  
14 incurred during the period of the default.

15 4. Suspension or termination of membership in this compact shall be im-  
16 posed only after all other means of securing compliance have been exhausted.  
17 Notice of intent to suspend or terminate shall be given by the Interstate  
18 Commission to the Governor, the majority and minority leaders of the de-  
19 faulting state's legislature and each of the member states.

20 5. The state that has been suspended or terminated is responsible for all  
21 assessments, obligations and liabilities incurred through the effective date  
22 of suspension or termination including obligations, the performance of which  
23 extends beyond the effective date of suspension or termination.

24 6. The Interstate Commission shall not bear any costs relating to any  
25 state that has been found to be in default or that has been suspended or  
26 terminated from this compact, unless otherwise mutually agreed upon in  
27 writing between the Interstate Commission and the defaulting state.

28 7. The defaulting state may appeal the action of the Interstate Commis-  
29 sion by petitioning the United States District Court for the District of  
30 Columbia or the federal district where the Interstate Commission has its  
31 principal offices. The prevailing party shall be awarded all costs of such

1 litigation including reasonable attorney fees.

2 C. Dispute resolution.

3 1. The Interstate Commission shall attempt, upon the request of a member  
4 state, to resolve disputes that are subject to this compact and that may arise  
5 among member states and between member and nonmember states.

6 2. The Interstate Commission shall promulgate a rule providing for both  
7 mediation and binding dispute resolution for disputes as appropriate.

8 D. Enforcement.

9 1. The Interstate Commission, in the reasonable exercise of its discretion,  
10 shall enforce the provisions and rules of this compact.

11 2. The Interstate Commission may, by majority vote of the members, ini-  
12 tiate legal action in the United State District Court for the District of  
13 Columbia or, at the discretion of the Interstate Commission, in the federal  
14 district where the Interstate Commission has its principal offices, to enforce  
15 compliance with the provisions of this compact, its promulgated rules and  
16 bylaws, against a member state in default. The relief sought may include  
17 both injunctive relief and damages. In the event judicial enforcement is  
18 necessary, the prevailing party shall be awarded all costs of such litigation,  
19 including reasonable attorney fees.

20 3. The remedies herein shall not be the exclusive remedies of the Inter-  
21 state Commission. The Interstate Commission may avail itself of any other  
22 remedies available under state law or the regulation of a profession.

23

24

#### ARTICLE XIV

25

#### FINANCING OF

26

#### THE INTERSTATE COMMISSION

27

28 A. The Interstate Commission shall pay, or provide for the payment of,  
29 the reasonable expenses of its establishment, organization and ongoing ac-  
30 tivities.

31 B. The Interstate Commission may levy on and collect an annual assess-

1 ment from each member state to cover the cost of the operations and activ-  
2 ities of the Interstate Commission and its staff, which must be in a total  
3 amount sufficient to cover the Interstate Commission's annual budget as  
4 approved each year. The aggregate annual assessment amount shall be allo-  
5 cated based upon a formula to be determined by the Interstate Commission,  
6 which shall promulgate a rule binding upon all member states.

7 C. The Interstate Commission shall not incur obligations of any kind  
8 prior to securing the funds adequate to meet the same, nor shall the Inter-  
9 state Commission pledge the credit of any of the member states, except by  
10 and with the authority of the member state.

11 D. The Interstate Commission shall keep accurate accounts of all receipts  
12 and disbursements. The receipts and disbursements of the Interstate Com-  
13 mission shall be subject to the audit and accounting procedures established  
14 under its bylaws. However, all receipts and disbursements of funds handled  
15 by the Interstate Commission shall be audited yearly by a certified or li-  
16 censed public accountant and the report of the audit shall be included in and  
17 become part of the annual report of the Interstate Commission.

18

19

## ARTICLE XV

20

### MEMBER STATES, EFFECTIVE DATE

21

### AND AMENDMENT

22

23 A. Any state is eligible to become a member state.

24 B. This compact shall become effective and binding upon legislative  
25 enactment of this compact into law by no less than 10 of the states. The ef-  
26 fective date may be no earlier than December 1, 2007. Thereafter it shall  
27 become effective and binding as to any other member state upon enactment  
28 of this compact into law by that state. The governors of nonmember states  
29 or their designees shall be invited to participate in the activities of the  
30 Interstate Commission on a nonvoting basis prior to adoption of this compact  
31 by all states.

1 C. The Interstate Commission may propose amendments to this compact  
2 for enactment by the member states. No amendment shall become effective  
3 and binding upon the Interstate Commission and the member states unless  
4 and until it is enacted into law by unanimous consent of the member states.  
5

6 ARTICLE XVI  
7 WITHDRAWAL AND DISSOLUTION  
8

9 A. Withdrawal.

10 1. Once effective, this compact shall continue in force and remain binding  
11 upon each and every member state provided that a member state may with-  
12 draw from this compact by specifically repealing the statute that enacted  
13 this compact into law.

14 2. Withdrawal from this compact shall be by the enactment of a statute  
15 repealing the same, but shall not take effect until one year after the effective  
16 date of such statute and until written notice of the withdrawal has been  
17 given by the withdrawing state to the Governor of each other member ju-  
18 risdiction.

19 3. The withdrawing state shall immediately notify the chairperson of the  
20 Interstate Commission in writing upon the introduction of legislation re-  
21 pealing this compact in the withdrawing state. The Interstate Commission  
22 shall notify the other member states of the withdrawing state's intent to  
23 withdraw within 60 days of its receipt thereof.

24 4. The withdrawing state is responsible for all assessments, obligations  
25 and liabilities incurred through the effective date of withdrawal, including  
26 obligations, the performance of which extend beyond the effective date of  
27 withdrawal.

28 5. Reinstatement following withdrawal of a member state shall occur upon  
29 the withdrawing state reenacting this compact or upon such later date as  
30 determined by the Interstate Commission.

31 B. Dissolution of compact.

1 1. This compact shall dissolve effective upon the date of the withdrawal  
2 or default of the member state that reduces the membership in this compact  
3 to one member state.

4 2. Upon the dissolution of this compact, this compact becomes null and  
5 void and shall be of no further force or effect, and the business and affairs  
6 of the Interstate Commission shall be concluded and surplus funds shall be  
7 distributed in accordance with the bylaws.

8

9

## ARTICLE XVII

10

### SEVERABILITY AND CONSTRUCTION

11

12 A. The provisions of this compact shall be severable, and if any phrase,  
13 clause, sentence or provision is deemed unenforceable, the remaining pro-  
14 visions of this compact shall be enforceable.

15 B. The provisions of this compact shall be liberally construed to  
16 effectuate its purposes.

17 C. Nothing in this compact shall be construed to prohibit the applicability  
18 of other interstate compacts to which the states are members.

19

20

## ARTICLE XVIII

21

### BINDING EFFECT OF COMPACT

22

### AND OTHER LAWS

23

24 A. Other laws.

25 1. Nothing herein prevents the enforcement of any other law of a member  
26 state that is not inconsistent with this compact.

27 2. All member states' laws conflicting with this compact are superseded  
28 to the extent of the conflict.

29 B. Binding effect of the compact.

30 1. All lawful actions of the Interstate Commission, including all rules and  
31 bylaws promulgated by the Interstate Commission, are binding upon the

1 member states.

2 2. All agreements between the Interstate Commission and the member  
3 states are binding in accordance with their terms.

4 3. In the event any provision of this compact exceeds the constitutional  
5 limits imposed on the legislature of any member state, such provision shall  
6 be ineffective to the extent of the conflict with the constitutional provision  
7 in question in that member state.

8

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9 **SECTION 11.** ORS 339.065 is amended to read:

10 339.065. (1) In estimating regular attendance for purposes of the compul-  
11 sory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125,  
12 339.137 and 339.420, the principal or teacher shall consider all unexcused  
13 absences. Eight unexcused one-half day absences in any four-week period  
14 during which the school is in session shall be considered irregular attend-  
15 ance.

16 (2)(a) An absence may be excused by a principal or teacher if the absence  
17 is caused by:

18 (A) The pupil's sickness, including the mental or behavioral health of the  
19 pupil;

20 (B) The sickness of some member of the pupil's family; or

21 (C) An emergency.

22 (b) In addition to the reasons identified in paragraph (a) of this sub-  
23 section, a principal or teacher:

24 (A) Shall excuse not more than seven days of absences during the school  
25 year if the pupil is a dependent of a member of the Armed Forces of the  
26 United States who is on active duty or who is called into active duty. For  
27 the purpose of this subparagraph, "Armed Forces of the United States" in-  
28 cludes:

29 (i) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**  
30 **Space Force** of the United States;

31 (ii) Reserve components of the Army, Navy, Air Force, Marine Corps,

1 [*and*] Coast Guard **and Space Force** of the United States; and

2 (iii) The National Guard of the United States and the Oregon National  
3 Guard.

4 (B) May excuse absences for other reasons when satisfactory arrange-  
5 ments are made in advance of the absence.

6 (3)(a) Any pupil may be excused from attendance by the district school  
7 board for a period not to exceed five days in a term of three months or not  
8 to exceed 10 days in any term of at least six months. Any such excuse shall  
9 be in writing directed to the principal of the school that the pupil attends.

10 (b) When calculating the number of excused absences under this sub-  
11 section, any absences excused under subsection (2)(b)(A) of this section shall  
12 not be counted.

13 **SECTION 12.** ORS 341.496 is amended to read:

14 341.496. (1) As used in this section:

15 (a) “Active member of the Armed Forces of the United States” includes  
16 officers and enlisted personnel of the Armed Forces of the United States who:

17 (A) Reside in this state while assigned to duty at any base, station, shore  
18 establishment or other facility in this state;

19 (B) Reside in this state while serving as members of the crew of a ship  
20 that has an Oregon port or shore establishment as its home port or perma-  
21 nent station; or

22 (C) Reside in another state or a foreign country and establish Oregon  
23 residency by filing Oregon state income taxes no later than 12 months before  
24 leaving active duty.

25 (b) “Armed Forces of the United States” includes:

26 (A) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**  
27 **Space Force** of the United States;

28 (B) Reserve components of the Army, Navy, Air Force, Marine Corps,  
29 [*and*] Coast Guard **and Space Force** of the United States; and

30 (C) The National Guard of the United States and the Oregon National  
31 Guard.

1 (c) "Dependent children" includes any children of an active member of the  
2 Armed Forces of the United States who:

3 (A) Are under 18 years of age and not married, otherwise emancipated or  
4 self-supporting; or

5 (B) Are under 23 years of age, unmarried, enrolled in a full-time course  
6 of study in an institution of higher learning and dependent on the member  
7 for over one-half of their support.

8 (2) Community colleges in Oregon shall admit active members of the  
9 Armed Forces of the United States, active members of the commissioned  
10 corps of the National Oceanic and Atmospheric Administration and members  
11 of the Public Health Service of the United States Department of Health and  
12 Human Services detailed by proper authority for duty with the Army or Navy  
13 of the United States, and their spouses and dependent children, in the same  
14 manner as Oregon residents who are residents of the community college  
15 district and shall assess the same fees and tuition rates.

16 **SECTION 13.** ORS 341.499 is amended to read:

17 341.499. (1) A student at a community college who is a member of the  
18 military, a member of the commissioned corps of the National Oceanic and  
19 Atmospheric Administration or a member of the Public Health Service of the  
20 United States Department of Health and Human Services detailed by proper  
21 authority for duty with the Army or Navy of the United States and who is  
22 ordered to federal or state active duty for more than 30 consecutive days has  
23 the following rights:

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

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

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

31 (C) Continue and complete the course for full credit, subject to the pro-



1 visions of subsection (3) of this section;

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

4 (c) If the student elects to withdraw from the community college, the  
5 right to be readmitted and reenrolled at the community college within one  
6 year after release from active duty without a requirement of redetermination  
7 of admission eligibility; and

8 (d) The right to continuation of scholarships and grants awarded to the  
9 student that were funded by the community college or the Office of Student  
10 Access and Completion before the student was ordered to active duty. The  
11 Higher Education Coordinating Commission may adopt rules for the admin-  
12 istration of scholarships and grants described in this paragraph that are  
13 funded by the Office of Student Access and Completion.

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

16 (a) Give the student academic credit for the course from which the stu-  
17 dent withdraws;

18 (b) Give the student a failing grade or a grade of incomplete or make any  
19 other negative annotation on the student's record; or

20 (c) Alter the student's grade point average due to the student's with-  
21 drawal from the course.

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

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

28 (b) The student may not be automatically excused from completing course  
29 assignments due 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  
31 opinion of the teacher of the course, the student completes sufficient work

1 and demonstrates sufficient progress toward meeting course requirements to  
2 justify the grade.

3 (4) If a student at a community college who is a member of the military,  
4 a member of the commissioned corps of the National Oceanic and Atmo-  
5 spheric Administration or a member of the Public Health Service of the  
6 United States Department of Health and Human Services detailed by proper  
7 authority for duty with the Army or Navy of the United States is ordered  
8 to federal or state active duty for 30 or fewer consecutive days and misses  
9 a course session, assignment, examination or other course work due to  
10 serving on active duty or receiving medical treatment for an injury sustained  
11 on active duty:

12 (a)(A) In accordance with a policy or practice of the community college  
13 for excused absences, the student may complete any missed course assign-  
14 ment, examination or other course work after the student has returned from  
15 active duty or medical treatment and has been provided a reasonable amount  
16 of time to complete the assignment or other course work or prepare for and  
17 take the examination; or

18 (B) The teacher may award a letter grade or grade of pass without re-  
19 quiring the student to complete the missed assignment, examination or other  
20 course work if the teacher determines that the student has completed suffi-  
21 cient work and demonstrated sufficient progress toward meeting course re-  
22 quirements to justify the student's grade without completion of the missed  
23 assignment, examination or other course work;

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

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

31 (5) Boards of education of community college districts shall adopt rules

1 for the administration of this section.

2 (6) Nothing in this section prevents a community college from providing  
3 rights in addition to those provided in this section to students who are or-  
4 dered to federal or state active duty.

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

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

9 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast  
10 Guard **or Space Force** of the United States.

11 **SECTION 14.** ORS 352.293 is amended to read:

12 352.293. (1) A student at a public university listed in ORS 352.002 who is  
13 a member of the military, a member of the commissioned corps of the Na-  
14 tional Oceanic and Atmospheric Administration or a member of the Public  
15 Health Service of the United States Department of Health and Human Ser-  
16 vices detailed by proper authority for duty with the Army or Navy of the  
17 United States and who is ordered to federal or state active duty for more  
18 than 30 consecutive days has the following rights:

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

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

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

26 (C) Continue and complete the course for full credit, subject to the pro-  
27 visions of subsection (3) of this section;

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

30 (c) If the student elects to withdraw from the public university, the right  
31 to be readmitted and reenrolled at the public university within one year after

1 release from active duty without a requirement of redetermination of admis-  
2 sion eligibility; and

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

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

10 (a) Give the student academic credit for the course from which the stu-  
11 dent withdraws;

12 (b) Give the student a failing grade or a grade of incomplete or make any  
13 other negative annotation on the student's record; or

14 (c) Alter the student's grade point average due to the student's with-  
15 drawal from the course.

16 (3) A student who elects to continue and complete a course for full credit  
17 under subsection (1)(a)(C) of this section is subject to the following condi-  
18 tions:

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

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

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

28 (4) If a student at a public university listed in ORS 352.002 who is a  
29 member of the military, a member of the commissioned corps of the National  
30 Oceanic and Atmospheric Administration or a member of the Public Health  
31 Service of the United States Department of Health and Human Services de-

1 tailed by proper authority for duty with the Army or Navy of the United  
2 States is ordered to federal or state active duty for 30 or fewer consecutive  
3 days and misses a course session, assignment, examination or other course  
4 work due to serving on active duty or receiving medical treatment for an  
5 injury sustained on active duty:

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

12 (B) The teacher may award a letter grade or grade of pass without re-  
13 quiring the student to complete the missed assignment, examination or other  
14 course work if the teacher determines that the student has completed suffi-  
15 cient work and demonstrated sufficient progress toward meeting course re-  
16 quirements to justify the student's grade without completion of the missed  
17 assignment, examination or other course work;

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

22 (c) Course sessions the student misses due to active duty or medical  
23 treatment shall be counted as excused absences and may not adversely im-  
24 pact the student's grade for the course or rank in the student's class.

25 (5) The Higher Education Coordinating Commission and the governing  
26 board of a public university listed in ORS 352.002 shall adopt standards for  
27 the administration of this section.

28 (6) Nothing in this section prevents a public university from providing  
29 rights in addition to those provided in this section to students who are or-  
30 dered to federal or state active duty.

31 (7) As used in this section, "member of the military" means a person who

1 is a member of:

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

4 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [*or*] Coast  
5 **Guard or Space Force** of the United States.

6 **SECTION 15.** ORS 352.313 is amended to read:

7 352.313. (1) As used in this section:

8 (a) “Active member of the Armed Forces of the United States” includes  
9 officers and enlisted personnel of the Armed Forces of the United States who:

10 (A) Reside in this state while assigned to duty at any base, station, shore  
11 establishment or other facility in this state;

12 (B) Reside in this state while serving as members of the crew of a ship  
13 that has an Oregon port or shore establishment as its home port or perma-  
14 nent station; or

15 (C) Reside in another state or a foreign country and establish Oregon  
16 residency by filing Oregon state income taxes no later than 12 months before  
17 leaving active duty.

18 (b) “Armed Forces of the United States” includes:

19 (A) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**  
20 **Space Force** of the United States;

21 (B) Reserve components of the Army, Navy, Air Force, Marine Corps,  
22 [*and*] Coast Guard **and Space Force** of the United States; and

23 (C) The National Guard of the United States and the Oregon National  
24 Guard.

25 (c) “Dependent children” includes any children of an active member of the  
26 Armed Forces of the United States, of an active member of the commissioned  
27 corps of the National Oceanic and Atmospheric Administration or of a  
28 member of the Public Health Service of the United States Department of  
29 Health and Human Services detailed by proper authority for duty with the  
30 Army or Navy of the United States, who:

31 (A) Are under 18 years of age and not married, otherwise emancipated or

1 self-supporting; or

2 (B) Are under 23 years of age, unmarried, enrolled in a full-time course  
3 of study in an institution of higher learning and dependent on the member  
4 for over one-half of their support.

5 (2) Active members of the Armed Forces of the United States, active  
6 members of the commissioned corps of the National Oceanic and Atmospheric  
7 Administration and members of the Public Health Service of the United  
8 States Department of Health and Human Services detailed by proper au-  
9 thority for duty with the Army or Navy of the United States, and their  
10 spouses and dependent children, are considered residents of this state for the  
11 purpose of admission and for the purpose of determining fees and tuition to  
12 be paid by such individuals while attending any public university listed in  
13 ORS 352.002.

14 (3) The governing board of a public university listed in ORS 352.002 may  
15 contract with the Armed Forces of the United States to furnish educational  
16 service to active members of the Armed Forces of the United States.

17 (4) The governing board shall determine the number of such students that  
18 should be accepted and shall make final decisions on admission of individual  
19 applicants.

20 (5) Students attending the public universities under contracts with the  
21 Armed Forces of the United States under this section shall pay fees and tu-  
22 tion customarily charged Oregon students.

23 (6) Payments made by the Armed Forces of the United States under such  
24 contracts shall be deposited in a designated account in the same manner that  
25 fees and tuition payments for resident students are deposited and credited.

26 **SECTION 16.** ORS 353.200 is amended to read:

27 353.200. (1) A student at the Oregon Health and Science University who  
28 is a member of the military, a member of the commissioned corps of the  
29 National Oceanic and Atmospheric Administration or a member of the Public  
30 Health Service of the United States Department of Health and Human Ser-  
31 vices detailed by proper authority for duty with the Army or Navy of the

1 United States and who is ordered to federal or state active duty for more  
2 than 30 consecutive days has the following rights:

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

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

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

10 (C) Continue and complete the course for full credit, subject to the pro-  
11 visions of subsection (3) of this section;

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

14 (c) If the student elects to withdraw from the university, the right to be  
15 readmitted and reenrolled at the university within one year after release  
16 from active duty without a requirement of redetermination of admission el-  
17 igibility; and

18 (d) The right to continuation of scholarships and grants awarded to the  
19 student that were funded by the university or the Higher Education Coordi-  
20 nating Commission before the student was ordered to active duty. The com-  
21 mission may adopt rules for the administration of scholarships and grants  
22 described in this paragraph that are funded by the commission.

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

25 (a) Give the student academic credit for the course from which the stu-  
26 dent withdraws;

27 (b) Give the student a failing grade or a grade of incomplete or make any  
28 other negative annotation on the student's record; or

29 (c) Alter the student's grade point average due to the student's with-  
30 drawal from the course.

31 (3) A student who elects to continue and complete a course for full credit



1 under subsection (1)(a)(C) of this section is subject to the following condi-  
2 tions:

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

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

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

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

21 (a)(A) In accordance with a policy or practice of the university for ex-  
22 cused absences, the student may complete any missed course assignment,  
23 examination or other course work after the student has returned from active  
24 duty or medical treatment and has been provided a reasonable amount of  
25 time to complete the assignment or other course work or prepare for and  
26 take the examination; or

27 (B) The teacher may award a letter grade or grade of pass without re-  
28 quiring the student to complete the missed assignment, examination or other  
29 course work if the teacher determines that the student has completed suffi-  
30 cient work and demonstrated sufficient progress toward meeting course re-  
31 quirements to justify the student's grade without completion of the missed

1 assignment, examination or other course work;

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

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

9 (5) The Oregon Health and Science University Board of Directors shall  
10 adopt rules for the administration of this section.

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

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

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

18 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast  
19 Guard **or Space Force** of the United States.

20 **SECTION 17.** ORS 366.931 is amended to read:

21 366.931. (1) As used in this section, "Armed Forces of the United States"  
22 means:

23 (a) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and**  
24 **Space Force** of the United States;

25 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [and] Coast  
26 Guard **and Space Force** of the United States; and

27 (c) The Oregon National Guard and a National Guard of any other state  
28 or territory.

29 (2) To recognize and honor those who were killed in action or who died  
30 as a result of wounds received in action while serving in the Armed Forces  
31 of the United States, the Department of Transportation shall erect and

1 maintain a Fallen Hero roadside memorial sign if:

2 (a)(A) The Legislative Assembly adopts a concurrent resolution that re-  
3 cognizes the individual killed in the line of duty; or

4 (B) The individual killed in the line of duty was formerly designated as  
5 either a prisoner of war or unaccounted for by the Defense POW/MIA Ac-  
6 counting Agency and the remains of the individual have been recovered,  
7 identified and returned to Oregon; and

8 (b) The department receives the payment of a fee determined by the de-  
9 partment under subsection (3) of this section.

10 (3) The department shall determine the amount of the fee required under  
11 subsection (2)(b) of this section by rule. The fee may not exceed the direct  
12 and indirect expenses associated with erecting, maintaining and removing a  
13 roadside memorial sign.

14 (4) The department shall deposit the fees that the department collects  
15 under this section into the Roadside Memorial Fund established under ORS  
16 366.932.

17 (5) A public body, as defined in ORS 174.109, may not expend moneys for  
18 the purpose of paying the fee required under this section.

19 (6) The department, by rule, shall establish the size, design and location  
20 of a roadside memorial sign erected under this section. The sign must include  
21 the name of the individual the sign is recognizing.

22 **SECTION 18.** ORS 396.555 is amended to read:

23 396.555. (1) The Oregon Military Museum is established at Camp  
24 Withycombe in Clackamas County. The Oregon Military Department shall  
25 establish an official repository in the museum for military weapons, docu-  
26 ments and artifacts relating to the military history of the citizens of Oregon,  
27 whether service is in the Oregon National Guard or the Army, Navy, Air  
28 Force, Marine Corps, [*or*] Coast Guard **or Space Force** of the United States.

29 (2) The department may enter into agreements with the contributors of  
30 such artifacts as it considers necessary.

31 **SECTION 19.** ORS 399.425 is amended to read:

1 399.425. (1) A commissioned officer of the organized militia may tender  
2 resignation at any time. Such resignation will be tendered in writing through  
3 proper military channels in accordance with applicable federal and state  
4 laws and regulations. Such resignations shall take effect when properly ac-  
5 cepted and announced in orders.

6 (2) A commissioned officer desiring to accept an appointment or to enlist  
7 in the active Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or**  
8 **Space Force** of the United States or a reserve component thereof shall first  
9 obtain a conditional release from the commander of the officer. Such condi-  
10 tional release shall be issued in accordance with this chapter and ORS  
11 chapters 396 and 398 and military department regulations, and shall include  
12 certification that the officer is properly cleared of responsibility for all state  
13 and United States property and public money, and that the officer is not  
14 indebted to the state or to the organization to which the officer belongs. An  
15 officer so released shall be considered to have resigned upon presentation  
16 of evidence that the officer has accepted an appointment or enlisted in the  
17 force to which released, and the resignation shall be announced in orders.

18 (3) No officer shall be allowed to resign a commission who is under arrest,  
19 suspension or who is under orders to be returned to any military court for  
20 delinquency.

21 **SECTION 20.** ORS 497.006, as amended by section 13, chapter 97, Oregon  
22 Laws 2022, is amended to read:

23 497.006. (1) As used in this section:

24 (a) “Dependent children” includes any children of an active member of the  
25 Armed Forces of the United States who:

26 (A) Are under 18 years of age and not married, otherwise emancipated or  
27 self-supporting; or

28 (B) Are under 23 years of age, unmarried, enrolled in a full-time course  
29 of study in an institution of higher learning and dependent on the resident  
30 member of the uniformed services for over one-half of their support.

31 (b) “Resident member of the uniformed services” means a member of the

1 uniformed services who:

2 (A) Resides in this state while assigned to duty at any base, station, shore  
3 establishment or other facility in this state;

4 (B) Resides in this state while serving as a member of the crew of a ship  
5 that has an Oregon port or shore establishment as its home port or perma-  
6 nent station; or

7 (C) Resides in another state or a foreign country and establishes Oregon  
8 residency by filing Oregon state income taxes no later than 12 months before  
9 leaving active duty.

10 (c) "Uniformed services" means:

11 (A) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**  
12 **Space Force** of the United States;

13 (B) The reserves of the Army, Navy, Air Force, Marine Corps, [*and*] Coast  
14 Guard **and Space Force** of the United States;

15 (C) The Oregon National Guard and the National Guard of any other  
16 state or territory;

17 (D) The commissioned corps of the National Oceanic and Atmospheric  
18 Administration; and

19 (E) The Public Health Service of the United States Department of Health  
20 and Human Services while detailed by proper authority for duty with the  
21 Army or Navy of the United States.

22 (2) The following persons are resident persons for the purpose of pur-  
23 chasing licenses, tags and permits issued by the State Fish and Wildlife  
24 Commission:

25 (a) A resident member of the uniformed services and the member's spouse  
26 and dependent children.

27 (b) A member of the uniformed services who is not a resident member of  
28 the uniformed services, except for the purpose of purchasing controlled hunt  
29 tags issued by the commission.

30 (c) A noncitizen who furnishes to the commission evidence satisfactory  
31 to the commission that the noncitizen is attending a school in this state

1 pursuant to a foreign student exchange program.

2 **SECTION 21.** ORS 676.875, as amended by section 1, chapter 65, Oregon  
3 Laws 2022, is amended to read:

4 676.875. (1) A health care facility may not allow a person to practice  
5 surgical technology at the health care facility unless the person:

6 (a)(A) Provides the health care facility with documentation showing that  
7 the person has completed an educational program for surgical technologists  
8 accredited by a national accreditation organization approved by the Oregon  
9 Health Authority by rule; and

10 (B)(i) Holds and maintains a:

11 (I) Surgical technologist certification issued by a nationally accredited  
12 certifying organization for surgical technologists approved by the authority  
13 by rule; or

14 (II) Subspecialty surgical assistant or surgical technologist certification,  
15 including but not limited to a certified ophthalmic surgical assisting cre-  
16 dential issued by the International Joint Commission on Allied Health Per-  
17 sonnel in Ophthalmology or its successor organization, that is accredited by  
18 the National Commission for Certifying Agencies or its successor organiza-  
19 tion and approved by the authority by rule; or

20 (ii) Has completed and is certified by a registered apprenticeship program  
21 in surgical technology that:

22 (I) Is approved under ORS 660.002 to 660.210;

23 (II) Meets the requirements for, and requires participants to receive, cer-  
24 tification by the National Center for Competency Testing or its successor  
25 organization;

26 (III) Upon completion awards certification accredited by the National  
27 Commission for Certifying Agencies or its successor organization; and

28 (IV) Is approved by the authority by rule;

29 (b)(A) Provides the health care facility with documentation showing that  
30 the person has completed a training program for surgical technologists in the  
31 Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of

1 the United States or in the United States Public Health Service Commis-  
2 sioned Corps; and

3 (B) Every two years completes 16 hours of continuing education approved  
4 by the authority; or

5 (c)(A) Provides the health care facility with documentation showing that  
6 the person practiced surgical technology during at least two of the three  
7 years immediately preceding January 1, 2017:

8 (i) In a health care facility in Oregon or in another state; or

9 (ii) As an employee of an agency or institution of the federal government;  
10 and

11 (B) Every two years completes 16 hours of continuing education approved  
12 by the authority.

13 (2) Notwithstanding subsection (1)(a)(B)(i) of this section, a health care  
14 facility may allow a person who does not hold a certification described in  
15 subsection (1)(a)(B)(i) of this section to perform surgical technology at the  
16 health care facility for 12 months after the person completes an educational  
17 program for surgical technologists accredited by a national accreditation  
18 organization approved by the authority by rule.

19 (3) Notwithstanding subsection (1)(a)(B) of this section, a health care fa-  
20 cility may allow a person who does not hold a certification described in  
21 subsection (1)(a)(B) of this section to perform surgical technology at the  
22 health care facility if the person:

23 (a) Is an apprentice, as defined in ORS 660.010, actively enrolled in a  
24 registered apprenticeship program in surgical technology described in sub-  
25 section (1)(a)(B)(ii) of this section that requires the person to obtain on-the-  
26 job supervised training; and

27 (b) Is at all times while performing surgical technology provided adequate  
28 direct supervision as required by the standards for the registered appren-  
29 ticeship program in which the person is enrolled.

30

31

**UNIT CAPTIONS**

1        **SECTION 22.** The unit captions used in this 2023 Act are provided  
2 only for the convenience of the reader and do not become part of the  
3 statutory law of this state or express any legislative intent in the  
4 enactment of this 2023 Act.

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