Senate Bill 183

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

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


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

PURPLE STAR SCHOOL PROGRAM

SECTION 1. (1) As used in this section:
(a) “Military-connected student” means a student who:
(A) Is a dependent of a current or former service member; or
(B) Was a dependent of a service member who died while on active duty.
(b) “School” means a public or private institution of learning providing instruction in kindergarten through grade 12, or any combinations of those grade levels.
(c) “Service member” means a member of an active or reserve component of the Armed Forces of the United States or the National Guard.
(2) The Purple Star School Program is established within the Department of Education. The department shall designate a school a Purple Star School if the school applies and qualifies under subsection (3) of this section.
(3) To qualify to be designated a Purple Star School, a school shall do the following:
(a) Designate a staff member as a military liaison, whose duties include:
(A) Identifying military-connected students enrolled at the school;
(B) Serving as the point of contact between the campus and military-connected students and their families;
(C) Determining appropriate school services available to military-connected students; and
(D) Assisting in coordinating school programs relevant to military-connected students;
(b) Maintain a webpage on the school’s publicly accessible website that provides re-

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.
sources for military-connected students and their families, including information regarding:

(A) Relocation, enrollment, registration and transfer of records to the school;
(B) Academic planning, course sequences and available advanced classes;
(C) Counseling and other support services available for military-connected students; and
(D) The school’s designated military liaison, including the military liaison’s contact information and duties;

(c) Maintain a transition program, led by students where appropriate, that assists military-connected students in transitioning into the school;
(d) Offer professional development for staff members on issues related to military-connected students; and
(e) Offer at least one of the following initiatives:
    (A) A resolution showing support for military-connected students and their families;
    (B) A recognition each month honoring service members, including relevant events hosted by the school; or
    (C) A partnership with a local military installation, armory or facility that provides opportunities for service members to volunteer at the school, speak at an assembly or host a field trip.

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

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

MILITARY SPOUSE OCCUPATIONAL LICENSURE

SECTION 2. ORS 670.400 is amended to read:
670.400. (1) As used in this section:
(a) “Occupational or professional service” means a service:
    (A) For which an individual must possess a license, certificate or other form of authorization to provide under the laws of this state; and
    (B) Over which a professional licensing board has regulatory oversight.
(b) “Professional licensing board” means a state agency or board that licenses, certifies or otherwise authorizes individuals to provide an occupational or professional service.
(2) A professional licensing board shall issue a temporary authorization to provide the occupational or professional service regulated by the professional licensing board to a person who:
    (a) Is the spouse or domestic partner of a member of the Armed Forces of the United States who is stationed in this state;
    (b) Holds a current authorization to provide the occupational or professional service issued by another state and the professional licensing board determines that the other state’s authorization requirements are substantially similar to those of the professional licensing board;
    (c) Provides to the professional licensing board, in a manner determined by the professional licensing board, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board; and
    (d) Has demonstrated competency, as determined by the professional licensing board by rule, over the occupational or professional service regulated by the professional licensing board.
(3) A professional licensing board shall within 30 days of receiving an application for a temporary authorization under this section:
    (a) Issue a temporary authorization; or
(b) Provide the reasons for a decision not to issue a temporary authorization.

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

(A) Two years after the date of issuance;

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

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

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

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

DEFINITION FOR ARMED FORCES OF THE UNITED STATES

SECTION 3. ORS 43.450 is amended to read:

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

SECTION 4. ORS 90.475 is amended to read:

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

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

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

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

(d) A member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and:

(A) Ordered to active service outside the area for a period that will exceed 90 days; or

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

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

(2) As used in subsection (1) of this section, "Armed Forces of the United States" means the Air Force, Army, Coast Guard, Marine Corps, [or] Navy or Space Force of the United States.

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

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

(b) The later of:

(A) 30 days after delivery of the notice;

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

(C) A date specified in the notice; or

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

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

(a) Subject to a penalty, fee, charge or loss of deposit because of the termination; or

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

SECTION 5. ORS 109.056 is amended to read:

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

(2) A parent or guardian of a minor child may delegate the powers designated in subsection (1) of this section to a school administrator for a period not exceeding 12 months.

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

(A) Who is:

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

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

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

(iv) A member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States; and

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

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

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

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

SECTION 6. ORS 166.260 is amended to read:

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

(a) A parole and probation officer, police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.
(c) An honorably retired law enforcement officer, unless the person who is a retired law enforcement officer has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

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

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

(f) Active or reserve members of:

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

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

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

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

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

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

(2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has been granted relief from the disability under ORS 166.274.

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

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

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

(4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses to a charge of violating ORS 166.250.

SECTION 7. ORS 238.156 is amended to read:

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

(2) The board shall adopt rules establishing contributions, benefits and service credit for any period of service in the uniformed services by an employee described in subsection (1) of this section. For the purpose of adopting rules under this subsection, the board shall consider and take into account all federal law relating to contributions, benefits and service credit for any period of service in the uniformed services. Contributions, benefits and service credit under rules adopted by the board pursuant to this subsection may not exceed contributions, benefits and service credit required under federal law for periods of service in the uniformed services.

(3) Subject to subsection (4) of this section, an employee who leaves a qualifying position for the purpose of entering or reentering active service in the Armed Forces shall acquire retirement credit.
for the period during which the employee served in the Armed Forces if:

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

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

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

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

(5) For the purposes of this section:

(a) “Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard and Space Force.

(b) “Uniformed services” means:

(A) The Armed Forces;

(B) The Army National Guard or the Air National Guard when the employee is engaged in active duty for training, inactive duty for training or full-time National Guard duty;

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

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

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

SECTION 8. ORS 316.193 is amended to read:

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

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

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

(4) As used in this section:

(a) “Member” means any person retired from a regular or reserve component of one of the uniformed services, who has Oregon personal income tax liability in connection with the receipt of re-
tired pay.

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

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

SECTION 9. ORS 316.792 is amended to read:

316.792. (1) As used in this section:

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

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

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

(d) “Reserve components” includes all National Guard and reserve departments of the Armed Forces of the United States.

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

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

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

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

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

(A) The military pay is for service performed when the taxpayer is away from the home of the taxpayer overnight;

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

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

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

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

SECTION 10. ORS 326.552 is amended to read:

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

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

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

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

C. Facilitating the qualification and eligibility for enrollment, educational programs and participation in extracurricular academic, athletic and social activities.

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

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

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II
DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

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

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

C. “Compact commissioner” means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. “Deployment” means the period one month prior to the service members’ departure from their home station on military orders though six months after return to their home station.

E. “Education records” means official records, files and data directly related to a student and maintained by the school or local education agency, including but not limited to records encompassing all the material kept in the student’s cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

F. “Extracurricular activities” means a voluntary activity sponsored by the school, the local education agency or an organization sanctioned by the local education agency. Extracurricular
activities include, but are not limited to, preparation for and involvement in public performance, contests, athletic competitions, demonstrations, displays and club activities.

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

H. “Local education agency” means a local school district.

I. “Member state” means a state that has enacted this compact.

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

K. “Nonmember state” means a state that has not enacted this compact.

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

M. “Rule” means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, that implements, interprets or prescribes a policy or provision of this compact, or that is an organizational, procedural or practice requirement of the Interstate Commission, and that has the force and effect of statutory law in a member state, and includes the amendment, repeal or suspension of an existing rule.

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

O. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other United States territory.

P. “State education agency” means the Department of Education.

Q. “Student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

R. “Transition” means:

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

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

S. “Uniformed service” means the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, the commissioned corps of the National Oceanic and Atmospheric Administration and the commissioned corps of the United States Public Health Service.

T. “Veteran” means a person who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

ARTICLE III

APPLICABILITY

A. Except as otherwise provided in Section B of this Article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members
of the National Guard or the military reserve forces who are on active duty orders pursuant to 10
U.S.C. chapters 1209 and 1211 and members described in 32 U.S.C. 502(f);
2. Members or veterans of the uniformed services who are severely injured and medically dis-
charged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained
on active duty for a period of one year after death.

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

C. The provisions of this compact shall not apply to the children of:
1. Inactive members of the National Guard or the military reserve forces;
2. Members of the uniformed services now retired, except as provided in Section A of this Ar-
ticle;
3. Veterans of the uniformed services, except as provided in Section A of this Article; and
4. Other Department of Defense personnel and other federal agency civilian and contract em-
ployees not defined as active duty members of the uniformed services.

ARTICLE IV
EDUCATION RECORDS
AND ENROLLMENT

A. Unofficial or hand-carried education records. In the event that official education records
cannot be released to the parents for the purpose of transfer, the custodian of the records in the
sending state shall prepare and furnish to the parent a complete set of unofficial education records
containing uniform information as determined by the Interstate Commission. Upon receipt of the
unofficial education records by a school in the receiving state, the school shall enroll and appro-
priately place the student based on the information provided in the unofficial records pending vali-
dation by the official records, as quickly as possible.

B. Official education records and transcripts. Simultaneous with the enrollment and conditional
placement of the student, the school in the receiving state shall request the student’s official edu-
cation record from the school in the sending state. Upon receipt of this request, the school in the
sending state will process and furnish the official education records to the school in the receiving
state within 10 days or within such time as is reasonably determined under the rules promulgated
by the Interstate Commission.

C. Immunizations. Compacting states shall give 30 days from the date of enrollment, or within
such time as is reasonably determined under the rules promulgated by the Interstate Commission,
for students to obtain any immunizations required by the receiving state. For a series of immuniza-
tions, initial vaccinations must be obtained within 30 days or within such time as is reasonably de-
termined under the rules promulgated by the Interstate Commission.

D. Kindergarten and first grade entrance age. Students shall be allowed to continue their en-
rollment at grade level in the receiving state commensurate with their grade level, including
kindergarten, from a local education agency in the sending state at the time of transition, regardless
of age. A student that has satisfactorily completed the prerequisite grade level in the local education
agency in the sending state shall be eligible for enrollment in the next highest grade level in the
receiving state, regardless of age. A student transferring after the start of the school year in the
receiving state shall enter the school in the receiving state on their validated level from an ac-
credited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE

A. Course placement. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student’s enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to honors, International Baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student’s academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

B. Educational program placement. The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or based on participation or placement in like programs in the sending state. Such programs include, but are not limited to, talented and gifted programs and English as a second language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services.

1. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student’s current individualized education program. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

2. In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing section 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility. Local education agency administrative officials shall have flexibility in waiving course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities. A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student’s parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY
A. Eligibility for enrollment.

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

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

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

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

ARTICLE VII

GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

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

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

C. Transfers during senior year. Should a military student transferring at the beginning or during the student’s senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION

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

B. The Governor of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact. The individual appointed to this position must be a member of the uniformed service. The Department of Education of the State of Oregon shall assist the military family education liaison in the performance of the duties of the position.

C. The compact commissioner responsible for the administration and management of the state’s participation in the compact shall be appointed by the Governor or as otherwise determined by each member state. The individual appointed to this position must have experience in the education of military children.

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

ARTICLE IX
INTERSTATE COMMISSION ON
EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN

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

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

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

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

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

3. A representative may not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or State Council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.
C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

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

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

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

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

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information that is privileged or confidential;
4. Involve accusing a person of a crime or formally censuring a person;
5. Disclose information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. Cause its legal counselor designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes that shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be col-
lected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

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

ARTICLE X
POWERS AND DUTIES OF
THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.
B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.
C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this compact, its bylaws, rules and actions.
D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission and the bylaws, using all necessary and proper means, including but not limited to the use of the judicial process.
E. To establish and maintain offices that shall be located within one or more of the member states.
F. To purchase and maintain insurance and bonds.
G. To borrow, accept, hire or contract for services of personnel.
H. To establish and appoint committees, including but not limited to an executive committee as required by Article IX, Section E of this compact, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.
I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications, and to establish the Interstate Commission’s personnel policies and programs relating to conflicts of interest, rates of compensation and qualifications of personnel.
J. To accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of it.
K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed.
L. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed.
M. To establish a budget and make expenditures.
N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.
O. To report annually to the legislatures, governors, judiciary and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

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

Q. To establish uniform standards for the reporting, collecting and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

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

T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of this compact after the payment and reserving of all of its debts and obligations; and
7. Providing start-up rules for initial administration of this compact.

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

C. Executive committee, officers and personnel.

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:
   a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;
b. Overseeing an organizational structure within, and appropriate procedures for, the Interstate Commission to provide for the creation of rules, operating procedures and administrative and technical support functions; and

c. Planning, implementing and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission.

The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

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

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

3. To the extent not covered by the state involved, a member state, the Interstate Commission or the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.
ARTICLE XII
RULEMAKING FUNCTIONS OF
THE INTERSTATE COMMISSION

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

B. Rulemaking procedure. Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act,” of 1981, Uniform Laws Annotated, Vol. 15, p. I (2000), as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission’s authority.

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

ARTICLE XIII
OVERSIGHT, ENFORCEMENT
AND DISPUTE RESOLUTION

A. Oversight.

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

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

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

B. Default, technical assistance, suspension and termination.

1. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state
must cure its default.

2. If a member state has defaulted, the Interstate Commission shall provide remedial training and specific technical assistance regarding the default.

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

4. Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state’s legislature and each of the member states.

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

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

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees.

C. Dispute resolution.

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

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

D. Enforcement.

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

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

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

ARTICLE XIV

FINANCING OF

THE INTERSTATE COMMISSION
A. The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission’s annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

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

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV
MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

ARTICLE XVI
WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

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

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.
3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

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

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

B. Dissolution of compact.

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

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

ARTICLE XVII
SEVERABILITY AND CONSTRUCTION

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

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

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

ARTICLE XVIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws.

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

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

B. Binding effect of the compact.

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

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

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

SECTION 11. ORS 339.065 is amended to read:
339.065. (1) In estimating regular attendance for purposes of the compulsory attendance pro-
visions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137 and 339.420, the principal or teacher
shall consider all unexcused absences. Eight unexcused one-half day absences in any four-week pe-
riod during which the school is in session shall be considered irregular attendance.

(2)(a) An absence may be excused by a principal or teacher if the absence is caused by:
   (A) The pupil’s sickness, including the mental or behavioral health of the pupil;
   (B) The sickness of some member of the pupil’s family; or
   (C) An emergency.
   (b) In addition to the reasons identified in paragraph (a) of this subsection, a principal or
       teacher:
       (A) Shall excuse not more than seven days of absences during the school year if the pupil is a
           dependent of a member of the Armed Forces of the United States who is on active duty or who is
           called into active duty. For the purpose of this subparagraph, “Armed Forces of the United States”
           includes:
               (i) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space Force of the
                   United States;
               (ii) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard and
                   Space Force of the United States; and
               (iii) The National Guard of the United States and the Oregon National Guard.
       (B) May excuse absences for other reasons when satisfactory arrangements are made in advance
           of the absence.

(3)(a) Any pupil may be excused from attendance by the district school board for a period not
       to exceed five days in a term of three months or not to exceed 10 days in any term of at least six
       months. Any such excuse shall be in writing directed to the principal of the school that the pupil
       attends.
       (b) When calculating the number of excused absences under this subsection, any absences ex-
           cused under subsection (2)(b)(A) of this section shall not be counted.

SECTION 12. ORS 341.496 is amended to read:

341.496. (1) As used in this section:
   (a) “Active member of the Armed Forces of the United States” includes officers and enlisted
       personnel of the Armed Forces of the United States who:
       (A) Reside in this state while assigned to duty at any base, station, shore establishment or other
           facility in this state;
       (B) Reside in this state while serving as members of the crew of a ship that has an Oregon port
           or shore establishment as its home port or permanent station; or
       (C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon
           state income taxes no later than 12 months before leaving active duty.
       (b) “Armed Forces of the United States” includes:
           (A) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space Force of the
               United States;
           (B) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard and
               Space Force of the United States; and
           (C) The National Guard of the United States and the Oregon National Guard.
           (c) “Dependent children” includes any children of an active member of the Armed Forces of the
               United States who:
(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or
(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution
of higher learning and dependent on the member for over one-half of their support.

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

SECTION 13. ORS 341.499 is amended to read:

341.499. (1) A student at a community college who is a member of the military, a member of the
commissioned corps of the National Oceanic and Atmospheric Administration or a member of the
Public Health Service of the United States Department of Health and Human Services detailed by
proper authority for duty with the Army or Navy of the United States and who is ordered to federal
or state active duty for more than 30 consecutive days has the following rights:
(a) With regard to a course in which the student is enrolled and for which the student has paid
tuition and fees, the right to:
(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;
(B) Receive a grade of incomplete and, upon release from active duty, complete the course in
accordance with the community college’s practice for completion of incomplete courses; or
(C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
of this section;
(b) The right to a credit described in ORS 341.502 for all amounts paid for room, board, tuition
and fees;
(c) If the student elects to withdraw from the community college, the right to be readmitted and
reenrolled at the community college within one year after release from active duty without a re-
quirement of redetermination of admission eligibility; and
(d) The right to continuation of scholarships and grants awarded to the student that were funded
by the community college or the Office of Student Access and Completion before the student was
ordered to active duty. The Higher Education Coordinating Commission may adopt rules for the
administration of scholarships and grants described in this paragraph that are funded by the Office
of Student Access and Completion.
(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
community college may not:
(a) Give the student academic credit for the course from which the student withdraws;
(b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
tation on the student’s record; or
(c) Alter the student’s grade point average due to the student’s withdrawal from the course.
(3) A student who elects to continue and complete a course for full credit under subsection
(1)(a)(C) of this section is subject to the following conditions:
(a) Course sessions the student misses due to active duty shall be counted as excused absences
and may not adversely impact the student’s grade for the course or rank in the student’s class.
(b) The student may not be automatically excused from completing course assignments due
during the period the student serves on active duty.
(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
the course, the student completes sufficient work and demonstrates sufficient progress toward
meeting course requirements to justify the grade.

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

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

(B) The teacher may award a letter grade or grade of pass without requiring the student to
complete the missed assignment, examination or other course work if the teacher determines that
the student has completed sufficient work and demonstrated sufficient progress toward meeting
course requirements to justify the student's grade without completion of the missed assignment, ex-
amination or other course work;

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

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

(5) Boards of education of community college districts shall adopt rules for the administration
of this section.

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

(7) As used in this section, “member of the military” means a person who is a member of:
(a) The Oregon National Guard or the National Guard of any other state or territory; or
(b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard or Space Force
of the United States.

SECTION 14. ORS 352.293 is amended to read:

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

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

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

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

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
(b) The right to a credit described in ORS 352.296 for all amounts paid for room, board, tuition and fees;

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

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

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

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

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

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

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

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

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

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

(4) If a student at a public university listed in ORS 352.002 who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States is ordered to federal or state active duty for 30 or fewer consecutive days and misses a course session, assignment, examination or other course work due to serving on active duty or receiving medical treatment for an injury sustained on active duty:

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

(B) The teacher may award a letter grade or grade of pass without requiring the student to complete the missed assignment, examination or other course work if the teacher determines that the student has completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the student’s grade without completion of the missed assignment, examination or other course work;

(b) The student’s grade may not be adversely impacted solely due to the late completion of an assignment, examination or other course work if the assignment, examination or other course work is timely completed under the provisions of paragraph (a)(A) of this subsection; and
(c) Course sessions the student misses due to active duty or medical treatment shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

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

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

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

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

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

SECTION 15. ORS 352.313 is amended to read:

352.313. (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(3) The governing board of a public university listed in ORS 352.002 may contract with the Armed Forces of the United States to furnish educational service to active members of the Armed Forces of the United States.
(4) The governing board shall determine the number of such students that should be accepted and shall make final decisions on admission of individual applicants.

(5) Students attending the public universities under contracts with the Armed Forces of the United States under this section shall pay fees and tuition customarily charged Oregon students.

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

SECTION 16. ORS 353.200 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.
(4) If a student at the university who is a member of the military, a member of the commissioned
corps of the National Oceanic and Atmospheric Administration or a member of the Public Health
Service of the United States Department of Health and Human Services detailed by proper authority
for duty with the Army or Navy of the United States is ordered to federal or state active duty for
30 or fewer consecutive days and misses a course session, assignment, examination or other course
work due to serving on active duty or receiving medical treatment for an injury sustained on active
duty:

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

(B) The teacher may award a letter grade or grade of pass without requiring the student to
complete the missed assignment, examination or other course work if the teacher determines that
the student has completed sufficient work and demonstrated sufficient progress toward meeting
course requirements to justify the student’s grade without completion of the missed assignment, ex-
amination or other course work;

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

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

(5) The Oregon Health and Science University Board of Directors shall adopt rules for the ad-
ministration of this section.

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

(7) As used in this section, “member of the military” means a person who is a member of:
(a) The Oregon National Guard or the National Guard of any other state or territory; or
(b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard or Space Force
of the United States.

SECTION 17. ORS 366.931 is amended to read:

366.931. (1) As used in this section, “Armed Forces of the United States” means:
(a) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space Force of the
United States;
(b) The reserves of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space
Force of the United States; and
(c) The Oregon National Guard and a National Guard of any other state or territory.

(2) To recognize and honor those who were killed in action or who died as a result of wounds
received in action while serving in the Armed Forces of the United States, the Department of
Transportation shall erect and maintain a Fallen Hero roadside memorial sign if:

(a)(A) The Legislative Assembly adopts a concurrent resolution that recognizes the individual
killed in the line of duty; or

(B) The individual killed in the line of duty was formerly designated as either a prisoner of war
or unaccounted for by the Defense POW/MIA Accounting Agency and the remains of the individual
have been recovered, identified and returned to Oregon; and
(b) The department receives the payment of a fee determined by the department under subsection (3) of this section.

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

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

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

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

SECTION 18. ORS 396.555 is amended to read:

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

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

SECTION 19. ORS 399.425 is amended to read:

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

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

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

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

497.006. (1) As used in this section:

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

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

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

(b) “Resident member of the uniformed services” means a member of the uniformed services who:
   (A) Resides in this state while assigned to duty at any base, station, shore establishment or other facility in this state;
   (B) Resides in this state while serving as a member of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or
   (C) Resides in another state or a foreign country and establishes Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(c) “Uniformed services” means:
   (A) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space Force of the United States;
   (B) The reserves of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard and Space Force of the United States;
   (C) The Oregon National Guard and the National Guard of any other state or territory;
   (D) The commissioned corps of the National Oceanic and Atmospheric Administration; and
   (E) The Public Health Service of the United States Department of Health and Human Services while detailed by proper authority for duty with the Army or Navy of the United States.

(2) The following persons are resident persons for the purpose of purchasing licenses, tags and permits issued by the State Fish and Wildlife Commission:
   (a) A resident member of the uniformed services and the member’s spouse and dependent children.
   (b) A member of the uniformed services who is not a resident member of the uniformed services, except for the purpose of purchasing controlled hunt tags issued by the commission.
   (c) A noncitizen who furnishes to the commission evidence satisfactory to the commission that the noncitizen is attending a school in this state pursuant to a foreign student exchange program.

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

676.875. (1) A health care facility may not allow a person to practice surgical technology at the health care facility unless the person:
   (a)(A) Provides the health care facility with documentation showing that the person has completed an educational program for surgical technologists accredited by a national accreditation organization approved by the Oregon Health Authority by rule; and
   (B)(i) Holds and maintains a:
   (I) Surgical technologist certification issued by a nationally accredited certifying organization for surgical technologists approved by the authority by rule; or
   (II) Subspeciality surgical assistant or surgical technologist certification, including but not limited to a certified ophthalmic surgical assisting credential issued by the International Joint Commission on Allied Health Personnel in Ophthalmology or its successor organization, that is accredited by the National Commission for Certifying Agencies or its successor organization and approved by the authority by rule; or
   (ii) Has completed and is certified by a registered apprenticeship program in surgical technology that:
   (I) Is approved under ORS 660.002 to 660.210;
   (II) Meets the requirements for, and requires participants to receive, certification by the National Center for Competency Testing or its successor organization;
(III) Upon completion awards certification accredited by the National Commission for Certifying Agencies or its successor organization; and

(IV) Is approved by the authority by rule;

(b)(A) Provides the health care facility with documentation showing that the person has completed a training program for surgical technologists in the Army, Navy, Air Force, Marine Corps, [or] Coast Guard or Space Force of the United States or in the United States Public Health Service Commissioned Corps; and

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

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

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

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

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

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

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

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

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

UNIT CAPTIONS

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