

# Senate Bill 183

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Veterans and Emergency Preparedness)

## SUMMARY

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

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

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

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

## A BILL FOR AN ACT

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

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

## PURPLE STAR SCHOOL PROGRAM

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

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9  
10 (a) "Military-connected student" means a student who:

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

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

13 (b) "School" means a public or private institution of learning providing instruction in  
14 kindergarten through grade 12, or any combinations of those grade levels.

15 (c) "Service member" means a member of an active or reserve component of the Armed  
16 Forces of the United States or the National Guard.

17 (2) The Purple Star School Program is established within the Department of Education.  
18 The department shall designate a school a Purple Star School if the school applies and qual-  
19 ifies under subsection (3) of this section.

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

21 (a) Designate a staff member as a military liaison, whose duties include:

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

23 (B) Serving as the point of contact between the campus and military-connected students  
24 and their families;

25 (C) Determining appropriate school services available to military-connected students; and

26 (D) Assisting in coordinating school programs relevant to military-connected students;

27 (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.

1 **sources for military-connected students and their families, including information regarding:**

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

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

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

5 **(D) The school's designated military liaison, including the military liaison's contact in-**  
 6 **formation and duties;**

7 **(c) Maintain a transition program, led by students where appropriate, that assists**  
 8 **military-connected students in transitioning into the school;**

9 **(d) Offer professional development for staff members on issues related to military-**  
 10 **connected students; and**

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

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

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

15 **(C) A partnership with a local military installation, armory or facility that provides op-**  
 16 **portunities for service members to volunteer at the school, speak at an assembly or host a**  
 17 **field trip.**

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

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

20  
 21 **MILITARY SPOUSE OCCUPATIONAL LICENSURE**

22  
 23 **SECTION 2.** ORS 670.400 is amended to read:

24 670.400. (1) As used in this section:

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

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

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

29 (b) "Professional licensing board" means a state agency or board that licenses, certifies or oth-  
 30 erwise authorizes individuals to provide an occupational or professional service.

31 (2) A professional licensing board shall issue a temporary authorization to provide the occupa-  
 32 tional or professional service regulated by the professional licensing board to a person who:

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

35 (b) Holds a current authorization to provide the occupational or professional service issued by  
 36 another state and the professional licensing board determines that the other state's authorization  
 37 requirements are substantially similar to those of the professional licensing board;

38 (c) Provides to the professional licensing board, in a manner determined by the professional li-  
 39 censing board, sufficient proof that the person is in good standing with the issuing out-of-state pro-  
 40 fessional licensing board; and

41 (d) Has demonstrated competency, as determined by the professional licensing board by rule,  
 42 over the occupational or professional service regulated by the professional licensing board.

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

45 **(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 (1)(d)(B) of this section or terminating any active service described in this section.

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

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

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

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

8 109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or guardian of  
9 a minor or incapacitated person, by a properly executed power of attorney, may delegate to another  
10 person, for a period not exceeding six months, any of the powers of the parent or guardian regarding  
11 care, custody or property of the minor child or ward, except the power to consent to marriage or  
12 adoption of a minor ward.

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

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

16 (A) Who is:

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

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

20 (iii) A member of the commissioned corps of the National Oceanic and Atmospheric Adminis-  
21 tration; or

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

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

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

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

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

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

40 166.260. (1) ORS 166.250 does not apply to or affect:

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

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

1 (c) An honorably retired law enforcement officer, unless the person who is a retired law  
2 enforcement officer has been convicted of an offense that would make the person ineligible to obtain  
3 a concealed handgun license under ORS 166.291 and 166.292.

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

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

8 (f) Active or reserve members of:

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

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

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

14 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS  
15 166.250 from the United States, or from this state.

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

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

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

21 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS  
22 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

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

27 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-  
28 turning from a hunting or fishing expedition.

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

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

32 238.156. (1) Notwithstanding any other provision of this chapter, but subject to subsection (4)  
33 of this section, an employee who leaves a qualifying position for the purpose of performing service  
34 in the uniformed services is entitled to receive contributions, benefits and service credit for the  
35 period under rules adopted by the Public Employees Retirement Board pursuant to subsection (2)  
36 of this section.

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

44 (3) Subject to subsection (4) of this section, an employee who leaves a qualifying position for the  
45 purpose of entering or reentering active service in the Armed Forces shall acquire retirement credit

1 for the period during which the employee served in the Armed Forces if:

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

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

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

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

18 (5) For the purposes of this section:

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

21 (b) "Uniformed services" means:

22 (A) The Armed Forces;

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

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

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

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

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

30 316.193. (1) The Department of Revenue may enter into an agreement with the appropriate  
31 United States agency or instrumentality for the voluntary withholding of state income taxes from  
32 the retired pay of members of the uniformed services under the provisions of section 654, Public Law  
33 98-525. The department is hereby authorized to do all acts and comply with any requirements nec-  
34 cessary to enable retired members of the uniformed services to elect voluntary withholding of state  
35 income taxes from their retired pay.

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

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

43 (4) As used in this section:

44 (a) "Member" means any person retired from a regular or reserve component of one of the uni-  
45 formed services, who has Oregon personal income tax liability in connection with the receipt of re-

1 tired pay.

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

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

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

9 316.792. (1) As used in this section:

10 (a) "Armed Forces of the United States" means all regular and reserve components of the United  
 11 States Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** and other uni-  
 12 formed services under the orders of the President of the United States.

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

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

19 (d) "Reserve components" includes all National Guard and reserve departments of the Armed  
 20 Forces of the United States.

21 (e) "Uniformed services" includes the commissioned corps of the National Oceanic and Atmo-  
 22 spheric Administration and the United States Public Health Service.

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

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

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

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

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

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

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

36 (d) Service not otherwise qualified for a subtraction under paragraphs (a) to (c) of this sub-  
 37 section, not to exceed \$6,000 per year.

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

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

41 326.552. The Interstate Compact on Educational Opportunity for Military Children is enacted  
 42 into law and entered into on behalf of this state with all other jurisdictions legally joining therein  
 43 in the form substantially as follows:  
 44 \_\_\_\_\_  
 45

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 through 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



1 activities include, but are not limited to, preparation for and involvement in public performance,  
 2 contests, athletic competitions, demonstrations, displays and club activities.

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

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

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

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

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

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

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

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

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

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

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

30 R. “Transition” means:

- 31 1. The formal and physical process of transferring from school to school; or
- 32 2. The period of time in which a student moves from one school in the sending state to another  
 33 school in the receiving state.

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

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

39  
 40 ARTICLE III  
 41 APPLICABILITY  
 42

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

- 45 1. Active duty members of the uniformed services as defined in this compact, including members

1 of the National Guard or the military reserve forces who are on active duty orders pursuant to 10  
 2 U.S.C. chapters 1209 and 1211 and members described in 32 U.S.C. 502(f);

3 2. Members or veterans of the uniformed services who are severely injured and medically dis-  
 4 charged or retired for a period of one year after medical discharge or retirement; and

5 3. Members of the uniformed services who die on active duty or as a result of injuries sustained  
 6 on active duty for a period of one year after death.

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

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

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

11 2. Members of the uniformed services now retired, except as provided in Section A of this Ar-  
 12 ticle;

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

14 4. Other Department of Defense personnel and other federal agency civilian and contract em-  
 15 ployees not defined as active duty members of the uniformed services.

16  
 17 ARTICLE IV  
 18 EDUCATION RECORDS  
 19 AND ENROLLMENT  
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21 A. Unofficial or hand-carried education records. In the event that official education records  
 22 cannot be released to the parents for the purpose of transfer, the custodian of the records in the  
 23 sending state shall prepare and furnish to the parent a complete set of unofficial education records  
 24 containing uniform information as determined by the Interstate Commission. Upon receipt of the  
 25 unofficial education records by a school in the receiving state, the school shall enroll and appro-  
 26 priately place the student based on the information provided in the unofficial records pending vali-  
 27 dation by the official records, as quickly as possible.

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

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

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

1 credited school in the sending state.

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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

1 and military installations concerning the state’s participation in, and compliance with, this compact  
 2 and Interstate Commission activities. While each member state may determine the membership of its  
 3 own State Council, its membership may include at least: the state superintendent of education, a  
 4 superintendent of a school district with a high concentration of military children, a representative  
 5 from a military installation, one representative each from the legislative and executive branches of  
 6 government, and other offices and stakeholder groups the State Council deems appropriate. A  
 7 member state that does not have a school district deemed to contain a high concentration of military  
 8 children may appoint a superintendent from another school district to represent local education  
 9 agencies on the State Council.

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

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

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

21  
 22 ARTICLE IX  
 23 INTERSTATE COMMISSION ON  
 24 EDUCATIONAL OPPORTUNITY  
 25 FOR MILITARY CHILDREN  
 26  
 27

28 The member states hereby create the Interstate Commission on Educational Opportunity for Mili-  
 29 tary Children. The activities of the Interstate Commission are the formation of public policy and are  
 30 a discretionary state function. The Interstate Commission shall:

31 A. Be a body corporate and joint agency of the member states and shall have all the responsi-  
 32 bilities, powers and duties set forth herein, and such additional powers as may be conferred upon  
 33 it by a subsequent concurrent action of the respective legislatures of the member states in accord-  
 34 ance with the terms of this compact.

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

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

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

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

44 4. The bylaws may provide for meetings of the Interstate Commission to be conducted by tele-  
 45 communication or electronic communication.

1 C. Consist of ex officio, nonvoting representatives who are members of interested organizations.  
2 Such ex officio members, as defined in the bylaws, may include but not be limited to members of the  
3 representative organizations of military family advocates, local education agency officials, parent  
4 and teacher groups, the Department of Defense, the Education Commission of the States, the Inter-  
5 state Agreement on the Qualification of Educational Personnel and other interstate compacts af-  
6 fecting the education of children of military members.

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

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

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

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

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

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

44 I. Collect standardized data concerning the educational transition of the children of military  
45 families under this compact as directed through its rules, which shall specify the data to be col-

1 lected, the means of collection and data exchange and reporting requirements. Such methods of data  
 2 collection, exchange and reporting shall, in so far as is reasonably possible, conform to current  
 3 technology and coordinate its information functions with the appropriate custodian of records as  
 4 identified in the bylaws and rules.

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

10  
 11 ARTICLE X  
 12 POWERS AND DUTIES OF  
 13 THE INTERSTATE COMMISSION  
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16 The Interstate Commission shall have the following powers:

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

18 B. To promulgate rules and take all necessary actions to effect the goals, purposes and obli-  
 19 gations as enumerated in this compact. The rules shall have the force and effect of statutory law  
 20 and shall be binding in the compact states to the extent and in the manner provided in this compact.

21 C. To issue, upon request of a member state, advisory opinions concerning the meaning or in-  
 22 terpretation of this compact, its bylaws, rules and actions.

23 D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate  
 24 Commission and the bylaws, using all necessary and proper means, including but not limited to the  
 25 use of the judicial process.

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

28 F. To purchase and maintain insurance and bonds.

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

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

33 I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their  
 34 compensation, define their duties and determine their qualifications, and to establish the Interstate  
 35 Commission's personnel policies and programs relating to conflicts of interest, rates of compensation  
 36 and qualifications of personnel.

37 J. To accept any and all donations and grants of money, equipment, supplies, materials and  
 38 services, and to receive, utilize and dispose of it.

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

41 L. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any  
 42 property, real, personal or mixed.

43 M. To establish a budget and make expenditures.

44 N. To adopt a seal and bylaws governing the management and operation of the Interstate Com-  
 45 mission.

1 O. To report annually to the legislatures, governors, judiciary and state councils of the member  
 2 states concerning the activities of the Interstate Commission during the preceding year. Such re-  
 3 ports shall also include any recommendations that may have been adopted by the Interstate Com-  
 4 mission.

5 P. To coordinate education, training and public awareness regarding this compact, its imple-  
 6 mentation and operation for officials and parents involved in such activity.

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

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

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

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

13  
 14 ARTICLE XI  
 15 ORGANIZATION AND OPERATION OF  
 16 THE INTERSTATE COMMISSION  
 17

18 A. The Interstate Commission shall, by a majority of the members present and voting, within  
 19 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may  
 20 be necessary or appropriate to carry out the purposes of this compact, including but not limited to:

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

33 B. The Interstate Commission shall, by a majority of the members, elect annually from among  
 34 its members a chairperson, a vice chairperson and a treasurer, each of whom shall have such au-  
 35 thority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's ab-  
 36 sence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission.  
 37 The officers so elected shall serve without compensation or remuneration from the Interstate Com-  
 38 mission provided that, subject to the availability of budgeted funds, the officers shall be reimbursed  
 39 for ordinary and necessary costs and expenses incurred by them in the performance of their re-  
 40 sponsibilities as officers of the Interstate Commission.

41 C. Executive committee, officers and personnel.

42 1. The executive committee shall have such authority and duties as may be set forth in the by-  
 43 laws, including but not limited to:

- 44 a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws  
 45 and purposes of the Interstate Commission;



1           b. Overseeing an organizational structure within, and appropriate procedures for, the Interstate  
2 Commission to provide for the creation of rules, operating procedures and administrative and tech-  
3 nical support functions; and

4           c. Planning, implementing and coordinating communications and activities with other state,  
5 federal and local government organizations in order to advance the goals of the Interstate Commis-  
6 sion.

7           2. The executive committee may, subject to the approval of the Interstate Commission, appoint  
8 or retain an executive director for such period, upon such terms and conditions and for such com-  
9 pensation, as the Interstate Commission may deem appropriate. The executive director shall serve  
10 as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission.  
11 The executive director shall hire and supervise such other persons as may be authorized by the  
12 Interstate Commission.

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

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

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

37           3. To the extent not covered by the state involved, a member state, the Interstate Commission  
38 or the representatives or employees of the Interstate Commission shall be held harmless in the  
39 amount of a settlement or judgment, including attorney's fees and costs, obtained against such per-  
40 sons arising out of an actual or alleged act, error or omission that occurred within the scope of  
41 Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable  
42 basis for believing occurred within the scope of Interstate Commission employment, duties or re-  
43 sponsibilities, provided that the actual or alleged act, error or omission did not result from inten-  
44 tional or willful and wanton misconduct on the part of such persons.

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ARTICLE XII  
 RULEMAKING FUNCTIONS OF  
 THE INTERSTATE COMMISSION

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4  
5 A. Rulemaking authority. The Interstate Commission shall promulgate reasonable rules in order  
6 to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing,  
7 in the event the Interstate Commission exercises its rulemaking authority in a manner that is be-  
8 yond the scope of the purposes of this compact, or the powers granted hereunder, then such an  
9 action by the Interstate Commission shall be invalid and have no force or effect.

10 B. Rulemaking procedure. Rules shall be made pursuant to a rulemaking process that substan-  
11 tially conforms to the “Model State Administrative Procedure Act,” of 1981, Uniform Laws Anno-  
12 tated, Vol. 15, p. I (2000), as amended, as may be appropriate to the operations of the Interstate  
13 Commission.

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

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

ARTICLE XIII  
 OVERSIGHT, ENFORCEMENT  
 AND DISPUTE RESOLUTION

23  
24  
25  
26  
27  
28 A. Oversight.

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

33 2. All courts shall take judicial notice of this compact and the rules in any judicial or adminis-  
34 trative proceeding in a member state pertaining to the subject matter of this compact that may af-  
35 fect the powers, responsibilities or actions of the Interstate Commission.

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

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

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

1 must cure its default.

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

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

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

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

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

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

23 C. Dispute resolution.

24 1. The Interstate Commission shall attempt, upon the request of a member state, to resolve dis-  
25 putes that are subject to this compact and that may arise among member states and between mem-  
26 ber and nonmember states.

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

29 D. Enforcement.

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

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

39 3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The  
40 Interstate Commission may avail itself of any other remedies available under state law or the reg-  
41 ulation of a profession.

42  
43 ARTICLE XIV  
44 FINANCING OF  
45 THE INTERSTATE COMMISSION

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

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

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

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

18  
 19 ARTICLE XV  
 20 MEMBER STATES, EFFECTIVE DATE  
 21 AND AMENDMENT  
 22

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

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

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

34  
 35 ARTICLE XVI  
 36 WITHDRAWAL AND DISSOLUTION  
 37

38 A. Withdrawal.

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

42 2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but  
 43 shall not take effect until one year after the effective date of such statute and until written notice  
 44 of the withdrawal has been given by the withdrawing state to the Governor of each other member  
 45 jurisdiction.

1 3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission  
2 in writing upon the introduction of legislation repealing this compact in the withdrawing state. The  
3 Interstate Commission shall notify the other member states of the withdrawing state's intent to  
4 withdraw within 60 days of its receipt thereof.

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

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

10 B. Dissolution of compact.

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

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

16  
17 ARTICLE XVII  
18 SEVERABILITY AND CONSTRUCTION  
19

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

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

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

25  
26 ARTICLE XVIII  
27 BINDING EFFECT OF COMPACT  
28 AND OTHER LAWS  
29

30 A. Other laws.

31 1. Nothing herein prevents the enforcement of any other law of a member state that is not in-  
32 consistent with this compact.

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

35 B. Binding effect of the compact.

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

38 2. All agreements between the Interstate Commission and the member states are binding in ac-  
39 cordance with their terms.

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

43  
44  
45 **SECTION 11.** ORS 339.065 is amended to read:

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

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

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

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

8 (C) An emergency.

9 (b) In addition to the reasons identified in paragraph (a) of this subsection, a principal or  
 10 teacher:

11 (A) Shall excuse not more than seven days of absences during the school year if the pupil is a  
 12 dependent of a member of the Armed Forces of the United States who is on active duty or who is  
 13 called into active duty. For the purpose of this subparagraph, "Armed Forces of the United States"  
 14 includes:

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

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

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

20 (B) May excuse absences for other reasons when satisfactory arrangements are made in advance  
 21 of the absence.

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

26 (b) When calculating the number of excused absences under this subsection, any absences ex-  
 27 cused under subsection (2)(b)(A) of this section shall not be counted.

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

29 341.496. (1) As used in this section:

30 (a) "Active member of the Armed Forces of the United States" includes officers and enlisted  
 31 personnel of the Armed Forces of the United States who:

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

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

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

38 (b) "Armed Forces of the United States" includes:

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

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

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

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

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

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

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

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

11 341.499. (1) A student at a community college who is a member of the military, a member of the  
12 commissioned corps of the National Oceanic and Atmospheric Administration or a member of the  
13 Public Health Service of the United States Department of Health and Human Services detailed by  
14 proper authority for duty with the Army or Navy of the United States and who is ordered to federal  
15 or state active duty for more than 30 consecutive days has the following rights:

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

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

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

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

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

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

28 (d) The right to continuation of scholarships and grants awarded to the student that were funded  
29 by the community college or the Office of Student Access and Completion before the student was  
30 ordered to active duty. The Higher Education Coordinating Commission may adopt rules for the  
31 administration of scholarships and grants described in this paragraph that are funded by the Office  
32 of Student Access and Completion.

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

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

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

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

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

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

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

45 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of

1 the course, the student completes sufficient work and demonstrates sufficient progress toward  
2 meeting course requirements to justify the grade.

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

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

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

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

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

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

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

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

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

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

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

35 352.293. (1) A student at a public university listed in ORS 352.002 who is a member of the mili-  
36 tary, a member of the commissioned corps of the National Oceanic and Atmospheric Administration  
37 or a member of the Public Health Service of the United States Department of Health and Human  
38 Services detailed by proper authority for duty with the Army or Navy of the United States and who  
39 is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

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

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

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

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



1 of this section;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 352.313. (1) As used in this section:

14 (a) "Active member of the Armed Forces of the United States" includes officers and enlisted  
 15 personnel of the Armed Forces of the United States who:

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

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

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

22 (b) "Armed Forces of the United States" includes:

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

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

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

28 (c) "Dependent children" includes any children of an active member of the Armed Forces of the  
 29 United States, of an active member of the commissioned corps of the National Oceanic and Atmo-  
 30 spheric Administration or of a member of the Public Health Service of the United States Department  
 31 of Health and Human Services detailed by proper authority for duty with the Army or Navy of the  
 32 United States, who:

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

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

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

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

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

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

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

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

9 353.200. (1) A student at the Oregon Health and Science University who is a member of the  
10 military, a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-  
11 tration or a member of the Public Health Service of the United States Department of Health and  
12 Human Services detailed by proper authority for duty with the Army or Navy of the United States  
13 and who is ordered to federal or state active duty for more than 30 consecutive days has the fol-  
14 lowing rights:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 366.931. (1) As used in this section, "Armed Forces of the United States" means:

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

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

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

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

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

43 (B) The individual killed in the line of duty was formerly designated as either a prisoner of war  
 44 or unaccounted for by the Defense POW/MIA Accounting Agency and the remains of the individual  
 45 have been recovered, identified and returned to Oregon; and

1 (b) The department receives the payment of a fee determined by the department under sub-  
 2 section (3) of this section.

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

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

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

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

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

14 396.555. (1) The Oregon Military Museum is established at Camp Withycombe in Clackamas  
 15 County. The Oregon Military Department shall establish an official repository in the museum for  
 16 military weapons, documents and artifacts relating to the military history of the citizens of Oregon,  
 17 whether service is in the Oregon National Guard or the Army, Navy, Air Force, Marine Corps,  
 18 [or] Coast Guard **or Space Force** of the United States.

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

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

22 399.425. (1) A commissioned officer of the organized militia may tender resignation at any time.  
 23 Such resignation will be tendered in writing through proper military channels in accordance with  
 24 applicable federal and state laws and regulations. Such resignations shall take effect when properly  
 25 accepted and announced in orders.

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

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

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

40 497.006. (1) As used in this section:

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

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

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

1 of their support.

2 (b) “Resident member of the uniformed services” means a member of the uniformed services who:

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

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

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

9 (c) “Uniformed services” means:

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

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

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

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

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

18 (2) The following persons are resident persons for the purpose of purchasing licenses, tags and  
19 permits issued by the State Fish and Wildlife Commission:

20 (a) A resident member of the uniformed services and the member’s spouse and dependent chil-  
21 dren.

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

24 (c) A noncitizen who furnishes to the commission evidence satisfactory to the commission that  
25 the noncitizen is attending a school in this state pursuant to a foreign student exchange program.

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

28 676.875. (1) A health care facility may not allow a person to practice surgical technology at the  
29 health care facility unless the person:

30 (a)(A) Provides the health care facility with documentation showing that the person has com-  
31 pleted an educational program for surgical technologists accredited by a national accreditation or-  
32 ganization approved by the Oregon Health Authority by rule; and

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

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

36 (II) Subspecialty surgical assistant or surgical technologist certification, including but not lim-  
37 ited to a certified ophthalmic surgical assisting credential issued by the International Joint Com-  
38 mission on Allied Health Personnel in Ophthalmology or its successor organization, that is  
39 accredited by the National Commission for Certifying Agencies or its successor organization and  
40 approved by the authority by rule; or

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

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

44 (II) Meets the requirements for, and requires participants to receive, certification by the Na-  
45 tional Center for Competency Testing or its successor organization;

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

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

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

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

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

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

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

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

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

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

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

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

27  
28 **UNIT CAPTIONS**

29  
30 **SECTION 22. The unit captions used in this 2023 Act are provided only for the conven-**  
31 **ience of the reader and do not become part of the statutory law of this state or express any**  
32 **legislative intent in the enactment of this 2023 Act.**

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