

DRAFT

SUMMARY

Digest: Changes laws related to the OHSU board, stipends for ESDs and school districts, terms in the ICEOMC and rules of ODE. (Flesch Readability Score: 68.6).

Prohibits the student member of the Oregon Health and Science University Board of Directors from participating in any discussions or action by the board or attending any executive session of the board involving collective bargaining issues that affect students. Requires the board to meet at least four times per year.

Allows directors of education service district boards to receive stipends. Specifies when adjustments for inflation can be made for stipends of school districts.

Changes the definition for the term “active duty” in the Interstate Compact on Educational Opportunity for Military Children.

Clarifies that the rulemaking authority for the Department of Education is by the State Board of Education.

A BILL FOR AN ACT

Relating to education; creating new provisions; amending ORS 240.546, 286A.630, 326.552, 326.604, 326.606, 332.018, 332.334, 332.356, 332.365, 334.100, 343.065, 343.287, 343.955, 344.755, 353.040, 427.430 and 430.217.

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

MEETINGS OF THE OREGON HEALTH AND SCIENCE UNIVERSITY BOARD OF DIRECTORS

SECTION 1. ORS 353.040 is amended to read:

353.040. (1) There is established an Oregon Health and Science University Board of Directors consisting of 11 members. The directors, except for the

1 president of the university, shall be appointed by the Governor and shall be
2 confirmed by the Senate in the manner prescribed in ORS 171.562 and
3 171.565.

4 (2)(a) The term of office of each person described in subsection (3)(a) of
5 this section is four years.

6 (b) Except for the president of the university, the term of office of each
7 member other than a person described in subsection (3)(a) of this section is
8 two years.

9 (c) Before the expiration of the term of a member, the Governor shall
10 appoint a successor whose term begins on October 1 next following. A
11 member is eligible for reappointment for one additional term. If there is a
12 vacancy for any cause, the Governor shall make an appointment to become
13 effective immediately for the unexpired term. The board shall nominate a
14 slate of candidates whenever a vacancy occurs or is announced and shall
15 forward the recommended candidates to the Governor for consideration. To
16 assist the Governor in appointing the student member, the duly organized
17 and recognized entity of student government shall submit a list of nominees
18 to the Governor for consideration.

19 (3) The membership of the board shall be as follows:

20 (a) Seven representatives who, in the discretion of the Governor, have
21 experience in areas related to the university missions or that are important
22 to the success of Oregon Health and Science University, including but not
23 limited to higher education, health care, scientific research, engineering and
24 technology and economic and business development. Representatives ap-
25 pointed under this paragraph shall be voting members of the board.

26 (b) One representative who is a student enrolled at the university. The
27 student shall be a voting member of the board.

28 (c) One representative who is a member of the faculty of the university.
29 The faculty member shall be a voting member of the board.

30 (d) One representative who is a member of the nonfaculty staff of the
31 university. The nonfaculty staff member shall be a voting member of the

board.

(e) The president of the university, who shall be an ex officio voting member.

(4) Directors must be citizens of the United States.

(5)(a) The faculty and nonfaculty staff members of the board may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect faculty or nonfaculty staff at the university.

(b) The student member of the board may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect students at the university.

(6) The board shall select one of its members as chairperson and another as vice chairperson for such terms and with such duties and powers as the board considers necessary for performance of the functions of those offices. The board shall adopt bylaws concerning how a quorum shall be constituted and when a quorum shall be necessary.

(7) The board shall meet at least [*once every three months*] **four times per year** at Oregon Health and Science University. The board shall meet at such other times and places specified by the chairperson or by a majority of the members of the board.

(8) The Governor may remove any member of the board at any time for cause, after notice and public hearing, but not more than three members shall be removed within a period of four years, unless it is for corrupt conduct in office.

STIPENDS FOR DISTRICT BOARDS

SECTION 2. ORS 334.100 is amended to read:

334.100. (1) Each education service district board shall meet during July and organize by electing one of [*its members*] **the directors of the board**

1 **as** chairperson and one **as** vice chairperson, each of whom shall serve until
2 a successor is elected and qualified. *[No member shall]* **A director may not**
3 **serve as chairperson for more than two years in succession.**

4 (2) Regular meetings of an education service district board shall be held
5 on meeting dates determined by the board. Special meetings may be held on
6 dates to be determined by the board.

7 *[(3) Members of the education service district board shall receive no com-*
8 *pen-sation for their services, but shall be reimbursed for all traveling and other*
9 *expenses necessarily incurred in performing their duties as members of the*
10 *board.]*

11 (3)(a) **An education service district board may choose to provide**
12 **each director who is a voting member of the board with a stipend in**
13 **an amount determined by the board, not to exceed \$500 per month, as**
14 **adjusted each July 1 based on changes in the Consumer Price Index**
15 **for All Urban Consumers, West Region (All Items), as published by the**
16 **Bureau of Labor Statistics of the United States Department of Labor.**

17 (b) **If the board provides a stipend, the board:**

18 (A) **Must allow individual directors to choose to not receive the**
19 **stipend; and**

20 (B) **May provide, in addition to the stipend, reimbursement for ac-**
21 **tual and necessary expenses incurred or paid by the director in the**
22 **performance of the duties of the director.**

23 (c) **If the board does not provide a stipend, the board must provide**
24 **reimbursement for actual and necessary expenses incurred or paid by**
25 **the director in the performance of the duties of the director.**

26 (d) **A stipend provided to a director constitutes part of the director's**
27 **official compensation package for purposes of ORS 244.040, but a di-**
28 **rector who receives a stipend is not considered an employee of the**
29 **education service district.**

30 (4) A majority of the *[members]* **directors** of the education service district
31 board shall constitute a quorum. A lesser number may meet and adjourn from

time to time and compel the presence of absent [*members*] **directors**. The affirmative vote of a majority of [*members of the board*] **directors** is required to transact any business.

(5) Any duty imposed upon the education service district board as a body must be performed at a regular or special meeting and must be made a matter of record. The consent to any particular measure obtained of individual [*members*] **directors** when the board is not in session is not an act of the board and is not binding upon the district.

SECTION 3. ORS 332.018 is amended to read:

332.018. Except as provided in ORS 255.400 to 255.424:

(1) The term of office of director is four years.

(2) A person is not eligible to serve as director unless the person is an elector of the district and has resided in the district for the period of one year immediately preceding the election or appointment.

(3)(a) A district school board may choose to provide each director who is a voting member of the board with a stipend in an amount determined by the board, not to exceed \$500 per month, as adjusted **each July 1** based on changes in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor.

(b) If the district school board provides a stipend, the board:

(A) Must allow individual directors to choose to not receive the stipend; and

(B) May provide, in addition to the stipend, reimbursement for actual and necessary expenses incurred or paid by the director in the performance of the duties of the director.

(c) If the district school board does not provide a stipend, the board must provide reimbursement for actual and necessary expenses incurred or paid by the director in the performance of the duties of the director.

(d) A stipend provided to a director constitutes part of the director's official compensation package for purposes of ORS 244.040, but a director who

receives a stipend is not considered an employee of the school district.

**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR
MILITARY CHILDREN**

SECTION 4. ORS 326.552 is amended to read:

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

**ARTICLE I
PURPOSE**

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

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

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

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

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

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

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

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

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

ARTICLE II DEFINITIONS

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

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

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

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

D. “Deployment” means the period one month prior to the service members’ departure from their home station on military orders 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 re-

sults of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

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

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

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

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

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

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

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

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

N. "Sending state" means the state from which a child of a military

family is sent, brought or caused to be sent or brought.

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

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

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

R. "Transition" means:

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

or

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

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

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

ARTICLE III APPLICABILITY

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

1. Active duty members of the uniformed services as defined in this compact, including members of the National Guard or the military reserve forces who are on active duty orders pursuant to 10 U.S.C. chapters 1209 and 1211 [*and members described in 32 U.S.C. 502(f)*];

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

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

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

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

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

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

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

4. Other Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATION RECORDS AND ENROLLMENT

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

B. Official education records and transcripts. Simultaneous with the en-

1 rollment and conditional placement of the student, the school in the receiv-
2 ing state shall request the student's official education record from the school
3 in the sending state. Upon receipt of this request, the school in the sending
4 state will process and furnish the official education records to the school in
5 the receiving state within 10 days or within such time as is reasonably de-
6 termined under the rules promulgated by the Interstate Commission.

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

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

24 25 ARTICLE V

26 PLACEMENT AND ATTENDANCE

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28 A. Course placement. When the student transfers before or during the
29 school year, the receiving state school shall initially honor placement of the
30 student in educational courses based on the student's enrollment in the
31 sending state school or educational assessments conducted at the school in

1 the sending state if the courses are offered. Course placement includes but
2 is not limited to honors, International Baccalaureate, advanced placement,
3 vocational, technical and career pathways courses. Continuing the student's
4 academic program from the previous school and promoting placement in ac-
5 ademically and career challenging courses should be paramount when con-
6 sidering placement. This does not preclude the school in the receiving state
7 from performing subsequent evaluations to ensure appropriate placement and
8 continued enrollment of the student in a course.

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

17 C. Special education services.

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

24 2. In compliance with the requirements of section 504 of the Rehabili-
25 tation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities
26 Act, 42 U.S.C. 12131-12165, the receiving state shall make reasonable accom-
27 modations and modifications to address the needs of incoming students with
28 disabilities, subject to an existing section 504 or Title II plan, to provide the
29 student with equal access to education. This does not preclude the school in
30 the receiving state from performing subsequent evaluations to ensure appro-
31 priate 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

1 inclusion in extracurricular activities, regardless of application deadlines, to
2 the extent they are otherwise qualified.

3
4 ARTICLE VII
5 GRADUATION
6
7

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

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

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

25 C. Transfers during senior year. Should a military student transferring
26 at the beginning or during the student's senior year be ineligible to graduate
27 from the receiving local education agency after all alternatives have been
28 considered, the sending and receiving local education agencies shall ensure
29 the receipt of a diploma from the sending local education agency, if the
30 student meets the graduation requirements of the sending local education
31 agency. In the event that one of the states in question is not a member of

1 this compact, the member state shall use best efforts to facilitate the on-time
2 graduation of the student in accordance with Sections A and B of this Arti-
3 cle.

4
5 ARTICLE VIII
6 STATE COORDINATION
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8 A. Each member state shall, through the creation of a State Council or
9 use of an existing body or board, provide for the coordination among its
10 agencies of government, local education agencies and military installations
11 concerning the state's participation in, and compliance with, this compact
12 and Interstate Commission activities. While each member state may deter-
13 mine the membership of its own State Council, its membership may include
14 at least: the state superintendent of education, a superintendent of a school
15 district with a high concentration of military children, a representative from
16 a military installation, one representative each from the legislative and
17 executive branches of government, and other offices and stakeholder groups
18 the State Council deems appropriate. A member state that does not have a
19 school district deemed to contain a high concentration of military children
20 may appoint a superintendent from another school district to represent local
21 education agencies on the State Council.

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

28 C. The compact commissioner responsible for the administration and
29 management of the state's participation in the compact shall be appointed
30 by the Governor or as otherwise determined by each member state. The in-
31 dividual appointed to this position must have experience in the education

1 of military children.

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

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5 ARTICLE IX
6 INTERSTATE COMMISSION ON
7 EDUCATIONAL OPPORTUNITY
8 FOR MILITARY CHILDREN
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11 The member states hereby create the Interstate Commission on Educational
12 Opportunity for Military Children. The activities of the Interstate Commis-
13 sion are the formation of public policy and are a discretionary state function.
14 The Interstate Commission shall:

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

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

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

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

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

31 4. The bylaws may provide for meetings of the Interstate Commission to

1 be conducted by telecommunication or electronic communication.

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

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

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

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

31 G. Give public notice of all meetings and all meetings shall be open to

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

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

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

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

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

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

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

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

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

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection and data

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

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

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

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

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

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

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

F. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

17 M. To establish a budget and make expenditures.

18 N. To adopt a seal and bylaws governing the management and operation
19 of the Interstate Commission.

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

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

27 Q. To establish uniform standards for the reporting, collecting and ex-
28 changing of data.

29 R. To maintain corporate books and records in accordance with the by-
30 laws.

31 S. To perform such functions as may be necessary or appropriate to

1 achieve the purposes of this compact.

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

5
6 ARTICLE XI
7 ORGANIZATION AND OPERATION OF
8 THE INTERSTATE COMMISSION
9

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

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

15 2. Establishing an executive committee and such other committees as may
16 be necessary;

17 3. Providing for the establishment of committees and for governing any
18 general or specific delegation of authority or function of the Interstate
19 Commission;

20 4. Providing reasonable procedures for calling and conducting meetings
21 of the Interstate Commission, and ensuring reasonable notice of each such
22 meeting;

23 5. Establishing the titles and responsibilities of the officers and staff of
24 the Interstate Commission;

25 6. Providing a mechanism for concluding the operations of the Interstate
26 Commission and the return of surplus funds that may exist upon the termi-
27 nation of this compact after the payment and reserving of all of its debts and
28 obligations; and

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

30 B. The Interstate Commission shall, by a majority of the members, elect
31 annually from among its members a chairperson, a vice chairperson and a

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

9 C. Executive committee, officers and personnel.

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

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

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

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

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

27 D. The Interstate Commission's executive director and its employees shall
 28 be immune from suit and liability, either personally or in their official ca-
 29 pacity, for a claim for damage to or loss of property or personal injury or
 30 other civil liability caused or arising out of or relating to an actual or al-
 31 leged act, error or omission that occurred, or that such person had a rea-

sonable basis for believing occurred, within the scope of Interstate Commission employment, duties or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

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

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

3. To the extent not covered by the state involved, a member state, the Interstate Commission or the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred

within the scope of Interstate Commission employment, duties or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

5
6 ARTICLE XIII
7 OVERSIGHT, ENFORCEMENT
8 AND DISPUTE RESOLUTION
9

10 A. Oversight.

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

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

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

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

26 1. If the Interstate Commission determines that a member state has de-
27 faulted in the performance of its obligations or responsibilities under this
28 compact, or the bylaws or promulgated rules, the Interstate Commission shall
29 provide written notice to the defaulting state and other member states of the
30 nature of the default, the means of curing the default and any action taken
31 by the Interstate Commission. The Interstate Commission shall specify the

1 conditions by which the defaulting state must cure its default.

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

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

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

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

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

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

29 C. Dispute resolution.

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

1 among member states and between member and nonmember states.

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

4 D. Enforcement.

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

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

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

19
20 ARTICLE XIV
21 FINANCING OF
22 THE INTERSTATE COMMISSION
23

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

27 B. The Interstate Commission may levy on and collect an annual assess-
28 ment from each member state to cover the cost of the operations and activ-
29 ities of the Interstate Commission and its staff, which must be in a total
30 amount sufficient to cover the Interstate Commission's annual budget as
31 approved each year. The aggregate annual assessment amount shall be allo-

cated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

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

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

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

ARTICLE XVI
WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

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

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

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

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

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

B. Dissolution of compact.

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

2. Upon the dissolution of this compact, this compact becomes null and void and shall be of no further force or effect, and the business and affairs

1 of the Interstate Commission shall be concluded and surplus funds shall be
2 distributed in accordance with the bylaws.

3
4 ARTICLE XVII

5 SEVERABILITY AND CONSTRUCTION

6
7 A. The provisions of this compact shall be severable, and if any phrase,
8 clause, sentence or provision is deemed unenforceable, the remaining pro-
9 visions of this compact shall be enforceable.

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

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

14
15 ARTICLE XVIII

16 BINDING EFFECT OF COMPACT

17 AND OTHER LAWS

18
19 A. Other laws.

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

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

24 B. Binding effect of the compact.

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

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

30 3. In the event any provision of this compact exceeds the constitutional
31 limits imposed on the legislature of any member state, such provision shall

be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

STATE BOARD OF EDUCATION RULEMAKING AUTHORITY

SECTION 5. ORS 240.546 is amended to read:

240.546. The Personnel Division may adopt rules, policies and procedures for state agencies to provide employees in the classified and unclassified service with payments on account of sickness in lieu of accrued and any future sick leave with pay. The Legislative Assembly, state courts *[and]*, **the State Board of Education and** Department of Education may similarly adopt rules, policies and procedures providing unclassified employees with such payments. Payments on account of sickness may be made directly or from an insured plan, but the payments may not include medical treatment, hospitalization, dental or eye or other health care or duplicate any group insurance coverage otherwise provided in whole or in part by employer contributions.

SECTION 6. ORS 286A.630 is amended to read:

286A.630. (1) The Legislative Assembly finds that the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) provides that the State of Oregon may receive, allocate and reallocate the authority to issue certain kinds of state and local government bonds that qualify for tax credits, federal subsidies or exclusion of bond interest from gross income under the United States Internal Revenue Code of 1986, as amended.

(2) As described in subsections (3) to (6) of this section, state agencies and the Private Activity Bond Committee may allocate and reallocate or take any additional actions that are desirable to maximize the benefits of bonding programs created or expanded by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

(3) The Department of Education, with the approval of the Governor, may

allocate, reallocate and otherwise manage this state's qualified school construction bonding authority.

(4) The Oregon Business Development Department may allocate, reallocate and otherwise manage this state's recovery zone economic development bonding authority and this state's recovery zone facility bonding authority.

(5) The State Department of Energy may allocate, reallocate and otherwise manage this state's qualified energy conservation bonding authority.

(6) The Private Activity Bond Committee may allocate, reallocate and otherwise manage any bonding authority that is created or expanded by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) if that responsibility is not assigned to a state agency by this section, or if an agency that is assigned that responsibility requests the Private Activity Bond Committee to allocate that authority on behalf of that agency.

(7) The *[Department]* **State Board** of Education, the Oregon Business Development Department, the State Department of Energy and the Private Activity Bond Committee may adopt rules to implement the provisions of this section including, but not limited to, rules prescribing:

(a) Application processes and requirements to receive a subsequent allocation or reallocation;

(b) Standards upon which an allocation or reallocation may be based; and

(c) Any conditions that must be met to receive an allocation or reallocation of the bonding authority or to receive the benefits of such bonding authority.

SECTION 7. ORS 326.604 is amended to read:

326.604. (1) As used in this section, "care" means the provision of care, treatment, education, training, instruction, supervision, placement services, recreation or support to children, youth or persons with disabilities.

(2) For the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Education, **subject to rules adopted by the State Board of Education under ORS 326.606**, may require the fingerprints of a person who:

1 (a)(A) Is employed or applying for employment by the department; or

2 (B) Provides services or seeks to provide services to the department as a
3 contractor, subcontractor, vendor or volunteer; and

4 (b) Is, or will be, working or providing services in a position:

5 (A) In which the person may have unsupervised access to children;

6 (B) In which the person may have contact with recipients of care;

7 (C) In which the person has access to confidential or personal information
8 about children[, *as may be further defined by the State Board of Education*
9 *by rule*];

10 (D) In which the person is providing information technology services and
11 has control over, or access to, information technology systems that would
12 allow the person to harm the information technology systems or the infor-
13 mation contained in the systems;

14 (E) In which the person has access to information, the disclosure of which
15 is prohibited by state or federal laws, rules or regulations or information
16 that is defined as confidential under state or federal laws, rules or regu-
17 lations;

18 (F) That has payroll functions or in which the person has responsibility
19 for receiving, receipting or depositing money or negotiable instruments, for
20 billing, collections or other financial transactions or for purchasing or sell-
21 ing property or has access to property held in trust or to private property
22 in the temporary custody of the department;

23 (G) That has mailroom duties as the primary duty or job function of the
24 position;

25 (H) In which the person has responsibility for auditing the department;

26 (I) That has personnel or human resources functions as one of the
27 position's primary responsibilities; or

28 (J) In which the person has access to personal information about em-
29 ployees or members of the public, including Social Security numbers, dates
30 of birth, driver license numbers, medical information, personal financial in-
31 formation or criminal background information.

(3) In addition to the authority granted by subsection (2) of this section and for the purpose of requesting a state or nationwide criminal records check under ORS 181A.195, the Department of Education may require the fingerprints of a person for the purposes of licensing, certifying, registering or otherwise regulating or administering programs under the authority of the department.

(4) The Department of Education, subject to rules adopted by the Oregon Department of Administrative Services under ORS 181A.215, may make fitness determinations based on criminal offender records and information furnished by the Federal Bureau of Investigation through the Department of State Police as provided by ORS 181A.195.

SECTION 8. ORS 326.606 is amended to read:

326.606. Notwithstanding ORS 183.335 (5), the *[Department]* **State Board** of Education may not adopt a rule related to criminal records checks, as provided by ORS 326.604, without prior notice or hearing or upon abbreviated notice and hearing.

SECTION 9. ORS 332.334 is amended to read:

332.334. (1)(a) A school district, education service district or public charter school shall make the results of any testing conducted under a plan described in ORS 332.331 available to the public no later than 10 business days after receiving the test results. As used in this paragraph, “business day” means a day that is not a Saturday, a legal holiday under ORS 187.010 or 187.020 or a day on which the administrative headquarters for the district or school is closed.

(b) The district or school shall make the test results available to the public:

(A) By posting the test results on the website maintained by the district or school; and

(B) By sending electronic mail to staff, students and parents of minor students for whom the district or school has electronic mail addresses on file.

(2) A school district, education service district or public charter school

shall provide an annual statement regarding the plan developed and adopted by the district or school under ORS 332.331. The district or school shall provide the statement to:

(a) The governing body for the district or school;

(b) The parents of minor students; and

(c) Any students 18 years of age or older.

(3) The annual statement under subsection (2) of this section must include the following information:

(a) Identification of, and contact information for, the position within the administration of the school district, education service district or public charter school having responsibility for maintaining and overseeing performance of the plan;

(b) Information regarding where copies of the plan are available;

(c) A certification that the district or school is in compliance with any testing requirements under the plan;

(d) Information about how to obtain the results of any testing conducted under the plan; and

(e) A summary of major exposure reduction activities conducted under the plan since the preceding annual statement.

(4) A school district, education service district or public charter school shall post the annual statement described in subsection (3) of this section on the website maintained by the district or school.

(5) The [Department] **State Board** of Education shall adopt, in consultation with the Oregon Health Authority, representatives of school districts, education service districts and public charter schools and other interested stakeholders, rules for carrying out this section.

SECTION 10. ORS 332.356 is amended to read:

332.356. (1) Whenever a school district undertakes indoor HVAC infrastructure improvements using federal and state funds made available to the school district specifically for such purposes, the school district shall expend such funds toward carrying out the provisions of this section. A

1 school district is not obligated to carry out the provisions of this section
2 until funds are so expended.

3 (2) A school district shall ensure that each classroom is equipped with a
4 carbon dioxide monitor that meets applicable standards required for carbon
5 dioxide monitors under the specialty code and that each monitor:

6 (a) Is mounted to a wall between three and six feet above the floor and
7 at least five feet away from doors and operable windows.

8 (b) Displays, at a minimum, carbon dioxide level readings that are readily
9 visible to an individual who is inside the classroom.

10 (c) Provides notification by a visual indicator on the monitor that is made
11 readily visible to an individual who is inside the classroom when carbon
12 dioxide levels in the classroom exceed 1,100 ppm.

13 (d) Maintains a record of previous data, which includes at least the
14 maximum carbon dioxide concentrations measured.

15 (e) Has a range of at least 400 to 5,000 ppm.

16 (f) Is certified by the manufacturer to be accurate within 75 ppm at 1,000
17 ppm carbon dioxide concentration and is certified by the manufacturer to
18 require calibration no more frequently than once every five years.

19 (3) Qualified testing personnel shall assess whether carbon dioxide moni-
20 tors meet the requirements of this section and include the assessment in the
21 report submitted to a mechanical engineer under ORS 332.358.

22 (4)(a) If a classroom carbon dioxide concentration alarm setpoint is ex-
23 ceeded for more than 15 minutes more than four times during a month,
24 classroom ventilation rates shall be adjusted or a direct outside airflow in-
25 take flow measurement device installed, and its accuracy verified, to ensure
26 that peak carbon dioxide concentrations in the classroom remain below the
27 setpoint.

28 (b) Adjustments shall be performed by qualified adjusting personnel.

29 (c) Each school shall:

30 (A) Record all incidents where the setpoint is breached in a classroom
31 and maintain these records for at least five years.

(B) Upon request by a member of the public and free of charge, provide reasonable access to review the records described in subparagraph (A) of this paragraph in the central office of each school facility and in the central administrative office for each school district.

(d) Nothing in paragraph (c) of this subsection requires the Department of Education to verify the contents of the records described in paragraph (c) of this subsection.

(5) The *[Department]* **State Board** of Education may, by rules adopted under ORS 332.365, adjust the technical requirements for carbon dioxide monitors described in this section based on technological developments and as is consistent with maintaining proper ventilation in classrooms in accordance with any applicable standards set forth by the specialty code.

SECTION 11. ORS 332.365 is amended to read:

332.365. The *[Department]* **State Board** of Education may adopt rules as necessary to carry out ORS 332.352 to 332.365.

SECTION 12. ORS 343.065 is amended to read:

343.065. (1) The Superintendent of Public Instruction shall employ personnel qualified by training and experience to supervise the types of services required by the special programs authorized by this chapter. Personnel so employed shall assist the school districts, county and regional facilities, early childhood special education programs, early intervention services and hospitals in the organization and development of special programs authorized by this chapter, shall have general supervision of such programs, and shall assist school districts, early childhood special education and early intervention contractors in obtaining required services, equipment and materials, particularly where the number of children is too small to justify district or contractor purchase of equipment and materials.

(2) The Department of Education shall distribute to all school districts administrative guidelines, technical assistance materials, practice guidance materials and other training materials *[it]* **the department** develops for the purpose of assisting school districts in complying with the provisions of this

chapter and with rules adopted by the [*department*] **State Board of Education** under this chapter.

(3) Upon receipt of any materials described in subsection (2) of this section, a school district shall distribute copies of the materials to all instructional staff.

SECTION 13. ORS 343.287 is amended to read:

343.287. (1) There is created a State Advisory Council for Special Education, consisting of members appointed by the Superintendent of Public Instruction. Members shall be representative of the geographic areas of this state.

(2) Members must include:

(a) Individuals with disabilities;

(b) Parents or guardians of children with disabilities ages birth through 26;

(c) Teachers;

(d) State and local education officials, including officials who carry out activities under part B of subchapter VI of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.;

(e) Administrators of programs for children with disabilities;

(f) Representatives of institutions of higher education that prepare personnel to work in special education and related services;

(g) Representatives of other state agencies involved in the financing or delivery of related services;

(h) Representatives of private schools and representatives of public charter schools as defined in ORS 338.005;

(i) At least one representative of a vocational, community or business organization concerned with the provision of transition services to children with disabilities;

(j) A representative from the Department of Human Services responsible for foster care;

(k) Representatives from the Oregon Youth Authority and Department of

Corrections; and

(L) Other persons associated with or interested in the education of children with disabilities.

(3) A majority of the members shall be individuals with disabilities or parents of children with disabilities ages birth through 26.

(4) The State Advisory Council for Special Education shall:

(a) Review aspects of the statewide program of education of children with disabilities and advise the Superintendent of Public Instruction and the Department of Education on such programs;

(b) Advise the Superintendent of Public Instruction and the Department of Education of unmet needs in the education of children with disabilities;

(c) Comment publicly on any rules proposed for adoption by the [Department] **State Board** of Education concerning special education;

(d) Assist the state in developing and reporting data and evaluations concerning special education;

(e) Advise the Department of Education in developing corrective action plans to address findings identified in federal monitoring reports on special education; and

(f) Advise the Department of Education in developing and implementing policies relating to the coordination of services for children with disabilities.

(5) Out of the funds appropriated to the Department of Education, the department shall reimburse members for necessary travel and other expenses under ORS 292.495 (2).

SECTION 14. ORS 343.955 is amended to read:

343.955. The Department of Education shall ensure that transition services, as defined in ORS 343.035, provided to students with intellectual or developmental disabilities do not occur in a sheltered work setting or a mock sheltered work setting, as those terms are defined by rule by the [department] **State Board of Education**.

SECTION 15. ORS 344.755 is amended to read:

344.755. Training agents who terminate youth apprentices without cause

as determined by the appropriate apprenticeship committee prior to completion of training or who violate ORS 344.745 or 344.750 or rules adopted pursuant *[thereto]* **to ORS 344.745 or 344.750** by the State Apprenticeship and Training Council or the *[Department]* **State Board** of Education, upon notice to the Department of Revenue, may lose their eligibility for tax credits pursuant to ORS 318.031 and their eligibility to train and employ youth apprentices under ORS 344.745 to 344.757 for a period of one year.

SECTION 16. ORS 427.430 is amended to read:

427.430. (1)(a) The Department of Human Services, in collaboration with the Department of Education, shall appoint a statewide employment first advisory committee to advise the Department of Human Services on strategies for increasing opportunities for individuals with intellectual or developmental disabilities to obtain and advance in competitive integrated employment.

(b) The members of the advisory committee shall include:

(A) Individuals with intellectual or developmental disabilities;

(B) Disability policy advisors who have lived experience with accessing the disability service delivery system;

(C) Representatives of the division of the department that provides developmental disabilities services;

(D) Representatives of the division of the department that provides vocational rehabilitation services;

(E) Representatives of the Department of Education;

(F) Representatives of employment services providers and provider associations; and

(G) Representatives of organizations that provide case management services to individuals with intellectual or developmental disabilities.

(c) The members of the advisory committee may also include representatives of:

(A) School districts and education service districts;

(B) Regional family support networks;

1 (C) The nine federally recognized Indian tribes in Oregon;

2 (D) The Oregon Council on Developmental Disabilities;

3 (E) Oregon's federally mandated disability protection and advocacy
4 agency;

5 (F) Oregon's federally authorized university centers for excellence in de-
6 velopmental disabilities;

7 (G) The Oregon Disabilities Commission;

8 (H) The State Independent Living Council;

9 (I) The Commission for the Blind;

10 (J) County behavioral health departments;

11 (K) The division of the Department of Human Services that provides ag-
12 ing and persons with disabilities services;

13 (L) The State Workforce and Talent Development Board and local
14 workforce development boards; and

15 (M) Other statewide entities providing employment services to individuals
16 with intellectual or developmental disabilities.

17 (d) The advisory committee shall meet at least quarterly.

18 (e) At least annually, the advisory committee shall meet to:

19 (A) Review employment outcome data for individuals with intellectual or
20 developmental disabilities and make recommendations for the development
21 and implementation of a statewide employment first strategic plan; and

22 (B) Make policy and budget recommendations to the office of the Gover-
23 nor and state agencies regarding employment outcomes for individuals with
24 intellectual or developmental disabilities and regarding state and local
25 workforce plans.

26 (f) The advisory committee may appoint subcommittees as needed.

27 (2) At least annually, the department, in collaboration with the Depart-
28 ment of Education, shall collect employment outcome data for individuals
29 with intellectual or developmental disabilities and report the data to the
30 advisory committee appointed under this section. The data shall include, at
31 a minimum:

1 (a) The number of adults and transition-age individuals, as defined by rule
2 by the Department of Human Services, with intellectual or developmental
3 disabilities who are receiving services from the division of the department
4 that provides developmental disabilities services or from the division of the
5 department that provides vocational rehabilitation services and who are
6 working in competitive integrated employment; and

7 (b) The number of employment service provider agencies that are qualified
8 to deliver employment services through both the division of the department
9 that provides developmental disabilities services and the division of the de-
10 partment that provides vocational rehabilitation services.

11 (3) The department, in collaboration with the Department of Education,
12 shall establish regional employment first committees to develop and imple-
13 ment local strategies for increasing capacity for and removing barriers to
14 supporting individuals with intellectual or developmental disabilities in ob-
15 taining and advancing in competitive integrated employment. Each regional
16 employment first committee shall report to the advisory committee estab-
17 lished under this section regarding the development and implementation of
18 local strategies. The Department of Human Services and the Department of
19 Education shall, subject to available funding, maintain designated staff spe-
20 cialists for regional interagency coordination work.

21 (4) The Department of Human Services and the Department of Education
22 shall appoint regional and statewide representatives to meet at least quar-
23 terly to coordinate employment services and discuss best practices for sup-
24 porting youth with intellectual or developmental disabilities to obtain and
25 advance in competitive integrated employment.

26 (5) The Department of Human Services shall appoint at least one em-
27 ployment first statewide coordinator to facilitate administration of the
28 interagency work to meet the requirements of this section.

29 (6) Subject to available funding, the department shall ensure that training
30 and technical assistance is available to ensure that there are sufficient
31 qualified providers to provide employment services as defined in ORS 427.101

and vocational rehabilitation services as defined in ORS 344.511 to eligible individuals with intellectual or developmental disabilities.

(7) The Department of Human Services and the Department of Education shall ensure that transition planning for individuals with intellectual or developmental disabilities includes opportunities to receive employment services in the community.

(8) The Department of Human Services shall enter into an interagency agreement with the Department of Education for the purposes of:

(a) Coordinating services;

(b) Increasing collaboration between the departments to improve employment outcomes for individuals with intellectual or developmental disabilities; and

(c) Coordinating outreach efforts to individuals with intellectual or developmental disabilities.

(9) The Department of Human Services and the *[Department]* **State Board** of Education may adopt rules to carry out the provisions of this section.

SECTION 17. ORS 430.217 is amended to read:

430.217. (1) A public body, as defined in ORS 174.109, a community mental health program, a licensed medical provider or other certified or licensed practitioner, an education provider or a coordinated care organization may not deny any individual access to mental health assessment, treatment or services on the basis that the individual also has an intellectual or developmental disability.

(2) The Oregon Health Authority, the Department of Human Services, the *[Department]* **State Board** of Education, the Oregon Medical Board and other health licensing agencies that license or certify mental or behavioral health providers shall adopt rules to carry out the provisions of this section.

(3) As used in this section, “education provider” means:

(a) A school district, as defined in ORS 332.002;

(b) The Oregon School for the Deaf;

(c) An educational program under the Youth Corrections Education Pro-

1 gram;

2 (d) A public charter school, as defined in ORS 338.005;

3 (e) An education service district, as defined in ORS 334.003;

4 (f) An approved recovery school, as defined in ORS 336.680; or

5 (g) Any state-operated program that provides educational services to stu-
6 dents.

7
8 **MISCELLANEOUS**

9
10 **SECTION 18. The unit captions used in this 2026 Act are provided**
11 **only for the convenience of the reader and do not become part of the**
12 **statutory law of this state or express any legislative intent in the**
13 **enactment of this 2026 Act.**