

House Bill 4066

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Education)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

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

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

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

(c) Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on October 1 next following. A member is eligible for reappointment for one additional term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term. The board shall nominate a slate of candidates whenever a vacancy occurs or is announced and shall forward the recommended candidates to the Governor for consideration. To assist the Governor in appointing the student member, the duly organized and

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 recognized entity of student government shall submit a list of nominees to the Governor for con-
2 sideration.

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

4 (a) Seven representatives who, in the discretion of the Governor, have experience in areas re-
5 lated to the university missions or that are important to the success of Oregon Health and Science
6 University, including but not limited to higher education, health care, scientific research, engineer-
7 ing and technology and economic and business development. Representatives appointed under this
8 paragraph shall be voting members of the board.

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

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

13 (d) One representative who is a member of the nonfaculty staff of the university. The nonfaculty
14 staff member shall be a voting member of the board.

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

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

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

20 (b) **The student member of the board may not participate in any discussions or action**
21 **by the board or attend any executive session of the board involving collective bargaining is-**
22 **sues that affect students at the university.**

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

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

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

34 STIPENDS FOR DISTRICT BOARDS

36 **SECTION 2.** ORS 334.100 is amended to read:

37 334.100. (1) Each education service district board shall meet during July and organize by elect-
38 ing one of [its members] **the directors of the board as** chairperson and one **as** vice chairperson,
39 each of whom shall serve until a successor is elected and qualified. [No member shall] **A director**
40 **may not** serve as chairperson for more than two years in succession.

41 (2) Regular meetings of an education service district board shall be held on meeting dates de-
42 termined by the board. Special meetings may be held on dates to be determined by the board.

43 [(3) *Members of the education service district board shall receive no compensation for their ser-*
44 *vices, but shall be reimbursed for all traveling and other expenses necessarily incurred in performing*
45 *their duties as members of the board.*]

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

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

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

8 **(B) May provide, in addition to the stipend, reimbursement for actual and necessary ex-**
9 **penses incurred or paid by the director in the performance of the duties of the director.**

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

13 **(d) A stipend provided to a director constitutes part of the director's official compen-**
14 **sation package for purposes of ORS 244.040, but a director who receives a stipend is not**
15 **considered an employee of the education service district.**

16 (4) A majority of the [members] **directors** of the education service district board shall constitute
17 a quorum. A lesser number may meet and adjourn from time to time and compel the presence of
18 absent [members] **directors**. The affirmative vote of a majority of [members of the board] **directors**
19 is required to transact any business.

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

24 **SECTION 3.** ORS 332.018 is amended to read:

25 332.018. Except as provided in ORS 255.400 to 255.424:

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

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

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

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

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

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

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

42 (d) A stipend provided to a director constitutes part of the director's official compensation
43 package for purposes of ORS 244.040, but a director who receives a stipend is not considered an
44 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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 R. "Transition" means:

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

44 S. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, the
45 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 enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations. Compacting states shall give 30 days from the date of enrollment, or within such time as is reasonably determined under the rules promulgated by the Interstate Commission,

for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

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

ARTICLE V

PLACEMENT AND ATTENDANCE

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

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

31 C. Special education services.

32 1. In compliance with the federal requirements of the Individuals with Disabilities Education
33 Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable services to a stu-
34 dent with disabilities based on the student's current individualized education program. This does not
35 preclude the school in the receiving state from performing subsequent evaluations to ensure appro-
36 priate placement of the student.

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

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

1 E. Absence as related to deployment activities. A student whose parent or legal guardian is an
2 active duty member of the uniformed services, as defined by this compact, and has been called to
3 duty for, is on leave from, or immediately returned from deployment to a combat zone or combat
4 support posting, shall be granted additional excused absences at the discretion of the local education
5 agency superintendent to visit with the student's parent or legal guardian relative to such leave or
6 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

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

ARTICLE VIII

STATE COORDINATION

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

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

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

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

ARTICLE IX
INTERSTATE COMMISSION ON
EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN

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

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

45 B. Consist of one Interstate Commission voting representative from each member state who shall

1 be that state's compact commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

26 The Interstate Commission shall have the following powers:

- 27 A. To provide for dispute resolution among member states.
- 28 B. To promulgate rules and take all necessary actions to effect the goals, purposes and obli-
- 29 gations as enumerated in this compact. The rules shall have the force and effect of statutory law
- 30 and shall be binding in the compact states to the extent and in the manner provided in this compact.
- 31 C. To issue, upon request of a member state, advisory opinions concerning the meaning or in-
- 32 terpretation of this compact, its bylaws, rules and actions.
- 33 D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate
- 34 Commission and the bylaws, using all necessary and proper means, including but not limited to the
- 35 use of the judicial process.
- 36 E. To establish and maintain offices that shall be located within one or more of the member
- 37 states.
- 38 F. To purchase and maintain insurance and bonds.
- 39 G. To borrow, accept, hire or contract for services of personnel.
- 40 H. To establish and appoint committees, including but not limited to an executive committee as
- 41 required by Article IX, Section E of this compact, which shall have the power to act on behalf of
- 42 the Interstate Commission in carrying out its powers and duties hereunder.
- 43 I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their
- 44 compensation, define their duties and determine their qualifications, and to establish the Interstate
- 45 Commission's personnel policies and programs relating to conflicts of interest, rates of compensation

1 and qualifications of personnel.

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

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

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

8 M. To establish a budget and make expenditures.

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

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

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

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

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

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

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

23

24 **ARTICLE XI**
25 **ORGANIZATION AND OPERATION OF**
26 **THE INTERSTATE COMMISSION**

27
28 A. The Interstate Commission shall, by a majority of the members present and voting, within
29 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may
30 be necessary or appropriate to carry out the purposes of this compact, including but not limited to:

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

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

33 3. Providing for the establishment of committees and for governing any general or specific del-
34 egation of authority or function of the Interstate Commission;

35 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Com-
36 mission, and ensuring reasonable notice of each such meeting;

37 5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commis-
38 sion;

39 6. Providing a mechanism for concluding the operations of the Interstate Commission and the
40 return of surplus funds that may exist upon the termination of this compact after the payment and
41 reserving of all of its debts and obligations; and

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

43 B. The Interstate Commission shall, by a majority of the members, elect annually from among
44 its members a chairperson, a vice chairperson and a treasurer, each of whom shall have such au-
45 thority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's ab-

1 sence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission.
2 The officers so elected shall serve without compensation or remuneration from the Interstate Com-
3 mission provided that, subject to the availability of budgeted funds, the officers shall be reimbursed
4 for ordinary and necessary costs and expenses incurred by them in the performance of their re-
5 sponibilities as officers of the Interstate Commission.

6 C. Executive committee, officers and personnel.

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

9 a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws
10 and purposes of the Interstate Commission;

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

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

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

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

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

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

1 of such person.

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

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

ARTICLE XIII OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

38 A. Oversight.

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

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

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

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

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

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

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

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

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

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

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

33 C. Dispute resolution.

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

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

39 D. Enforcement.

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

42 2. The Interstate Commission may, by majority vote of the members, initiate legal action in the
43 United State District Court for the District of Columbia or, at the discretion of the Interstate
44 Commission, in the federal district where the Interstate Commission has its principal offices, to en-
45 force compliance with the provisions of this compact, its promulgated rules and bylaws, against a

1 member state in default. The relief sought may include both injunctive relief and damages. In the
2 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litiga-
3 tion, including reasonable attorney fees.

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

ARTICLE XIV
FINANCING OF
THE INTERSTATE COMMISSION

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

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

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

23 D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements.
24 The receipts and disbursements of the Interstate Commission shall be subject to the audit and ac-
25 counting procedures established under its bylaws. However, all receipts and disbursements of funds
26 handled by the Interstate Commission shall be audited yearly by a certified or licensed public ac-
27 countant and the report of the audit shall be included in and become part of the annual report of
28 the Interstate Commission.

ARTICLE XV
MEMBER STATES, EFFECTIVE DATE
AND AMENDMENT

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

35 B. This compact shall become effective and binding upon legislative enactment of this compact
36 into law by no less than 10 of the states. The effective date may be no earlier than December 1,
37 2007. Thereafter it shall become effective and binding as to any other member state upon enactment
38 of this compact into law by that state. The governors of nonmember states or their designees shall
39 be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior
40 to adoption of this compact by all states.

41 C. The Interstate Commission may propose amendments to this compact for enactment by the
42 member states. No amendment shall become effective and binding upon the Interstate Commission
43 and the member states unless and until it is enacted into law by unanimous consent of the member
44 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.

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

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

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

19 5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state
20 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.

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

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

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

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

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

ARTICLE XVIII BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws.

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

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

1 B. Binding effect of the compact.

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

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

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

9

10

11

12 STATE BOARD OF EDUCATION RULEMAKING AUTHORITY

13

14 SECTION 5. ORS 240.546 is amended to read:

15 240.546. The Personnel Division may adopt rules, policies and procedures for state agencies to
16 provide employees in the classified and unclassified service with payments on account of sickness
17 in lieu of accrued and any future sick leave with pay. The Legislative Assembly, state courts
18 [*and*], **the State Board of Education and** Department of Education may similarly adopt rules,
19 policies and procedures providing unclassified employees with such payments. Payments on account
20 of sickness may be made directly or from an insured plan, but the payments may not include medical
21 treatment, hospitalization, dental or eye or other health care or duplicate any group insurance
22 coverage otherwise provided in whole or in part by employer contributions.

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

24 286A.630. (1) The Legislative Assembly finds that the American Recovery and Reinvestment Act
25 of 2009 (P.L. 111-5) provides that the State of Oregon may receive, allocate and reallocate the au-
26 thority to issue certain kinds of state and local government bonds that qualify for tax credits, fed-
27 eral subsidies or exclusion of bond interest from gross income under the United States Internal
28 Revenue Code of 1986, as amended.

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

33 (3) The Department of Education, with the approval of the Governor, may allocate, reallocate
34 and otherwise manage this state's qualified school construction bonding authority.

35 (4) The Oregon Business Development Department may allocate, reallocate and otherwise man-
36 age this state's recovery zone economic development bonding authority and this state's recovery
37 zone facility bonding authority.

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

40 (6) The Private Activity Bond Committee may allocate, reallocate and otherwise manage any
41 bonding authority that is created or expanded by the American Recovery and Reinvestment Act of
42 2009 (P.L. 111-5) if that responsibility is not assigned to a state agency by this section, or if an
43 agency that is assigned that responsibility requests the Private Activity Bond Committee to allocate
44 that authority on behalf of that agency.

45

(7) The [Department] **State Board** of Education, the Oregon Business Development Department,

1 the State Department of Energy and the Private Activity Bond Committee may adopt rules to im-
2 plement the provisions of this section including, but not limited to, rules prescribing:

3 (a) Application processes and requirements to receive a subsequent allocation or reallocation;
4 (b) Standards upon which an allocation or reallocation may be based; and
5 (c) Any conditions that must be met to receive an allocation or reallocation of the bonding au-
6 thority or to receive the benefits of such bonding authority.

7 **SECTION 7.** ORS 326.604 is amended to read:

8 326.604. (1) As used in this section, "care" means the provision of care, treatment, education,
9 training, instruction, supervision, placement services, recreation or support to children, youth or
10 persons with disabilities.

11 (2) For the purpose of requesting a state or nationwide criminal records check under ORS
12 181A.195, the Department of Education, **subject to rules adopted by the State Board of Educa-**
13 **tion under ORS 326.606**, may require the fingerprints of a person who:

14 (a)(A) Is employed or applying for employment by the department; or
15 (B) Provides services or seeks to provide services to the department as a contractor, subcon-
16 tractor, vendor or volunteer; and
17 (b) Is, or will be, working or providing services in a position:
18 (A) In which the person may have unsupervised access to children;
19 (B) In which the person may have contact with recipients of care;
20 (C) In which the person has access to confidential or personal information about children[*, as*
21 *may be further defined by the State Board of Education by rule*];
22 (D) In which the person is providing information technology services and has control over, or
23 access to, information technology systems that would allow the person to harm the information
24 technology systems or the information contained in the systems;
25 (E) In which the person has access to information, the disclosure of which is prohibited by state
26 or federal laws, rules or regulations or information that is defined as confidential under state or
27 federal laws, rules or regulations;
28 (F) That has payroll functions or in which the person has responsibility for receiving, receipting
29 or depositing money or negotiable instruments, for billing, collections or other financial transactions
30 or for purchasing or selling property or has access to property held in trust or to private property
31 in the temporary custody of the department;
32 (G) That has mailroom duties as the primary duty or job function of the position;
33 (H) In which the person has responsibility for auditing the department;
34 (I) That has personnel or human resources functions as one of the position's primary responsi-
35 bilities; or
36 (J) In which the person has access to personal information about employees or members of the
37 public, including Social Security numbers, dates of birth, driver license numbers, medical informa-
38 tion, personal financial information or criminal background information.

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

43 (4) The Department of Education, subject to rules adopted by the Oregon Department of Ad-
44 ministrative Services under ORS 181A.215, may make fitness determinations based on criminal
45 offender records and information furnished by the Federal Bureau of Investigation through the De-

1 partment of State Police as provided by ORS 181A.195.

2 **SECTION 8.** ORS 326.606 is amended to read:

3 326.606. Notwithstanding ORS 183.335 (5), the [Department] **State Board** of Education may not
4 adopt a rule related to criminal records checks, as provided by ORS 326.604, without prior notice
5 or hearing or upon abbreviated notice and hearing.

6 **SECTION 9.** ORS 332.334 is amended to read:

7 332.334. (1)(a) A school district, education service district or public charter school shall make
8 the results of any testing conducted under a plan described in ORS 332.331 available to the public
9 no later than 10 business days after receiving the test results. As used in this paragraph, "business
10 day" means a day that is not a Saturday, a legal holiday under ORS 187.010 or 187.020 or a day on
11 which the administrative headquarters for the district or school is closed.

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

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

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

16 (2) A school district, education service district or public charter school shall provide an annual
17 statement regarding the plan developed and adopted by the district or school under ORS 332.331.

18 The district or school shall provide the statement to:

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

20 (b) The parents of minor students; and

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

22 (3) The annual statement under subsection (2) of this section must include the following infor-
23 mation:

24 (a) Identification of, and contact information for, the position within the administration of the
25 school district, education service district or public charter school having responsibility for main-
26 taining and overseeing performance of the plan;

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

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

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

31 (e) A summary of major exposure reduction activities conducted under the plan since the pre-
32 ceding annual statement.

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

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

39 **SECTION 10.** ORS 332.356 is amended to read:

40 332.356. (1) Whenever a school district undertakes indoor HVAC infrastructure improvements
41 using federal and state funds made available to the school district specifically for such purposes, the
42 school district shall expend such funds toward carrying out the provisions of this section. A school
43 district is not obligated to carry out the provisions of this section until funds are so expended.

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

1 that each monitor:

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

4 (b) Displays, at a minimum, carbon dioxide level readings that are readily visible to an individ-
5 ual who is inside the classroom.

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

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

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

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

15 (3) Qualified testing personnel shall assess whether carbon dioxide monitors meet the require-
16 ments of this section and include the assessment in the report submitted to a mechanical engineer
17 under ORS 332.358.

18 (4)(a) If a classroom carbon dioxide concentration alarm setpoint is exceeded for more than 15
19 minutes more than four times during a month, classroom ventilation rates shall be adjusted or a
20 direct outside airflow intake flow measurement device installed, and its accuracy verified, to ensure
21 that peak carbon dioxide concentrations in the classroom remain below the setpoint.

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

23 (c) Each school shall:

24 (A) Record all incidents where the setpoint is breached in a classroom and maintain these re-
25 cords for at least five years.

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

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

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

35 SECTION 11. ORS 332.365 is amended to read:

36 332.365. The *[Department] State Board* of Education may adopt rules as necessary to carry out
37 ORS 332.352 to 332.365.

38 SECTION 12. ORS 343.065 is amended to read:

39 343.065. (1) The Superintendent of Public Instruction shall employ personnel qualified by training
40 and experience to supervise the types of services required by the special programs authorized by
41 this chapter. Personnel so employed shall assist the school districts, county and regional facilities,
42 early childhood special education programs, early intervention services and hospitals in the organ-
43 ization and development of special programs authorized by this chapter, shall have general super-
44 vision of such programs, and shall assist school districts, early childhood special education and early
45 intervention contractors in obtaining required services, equipment and materials, particularly where

1 the number of children is too small to justify district or contractor purchase of equipment and ma-
2 terials.

3 (2) The Department of Education shall distribute to all school districts administrative guidelines,
4 technical assistance materials, practice guidance materials and other training materials [*it*] **the de-**
5 **partment** develops for the purpose of assisting school districts in complying with the provisions of
6 this chapter and with rules adopted by the [*department*] **State Board of Education** under this
7 chapter.

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

10 **SECTION 13.** ORS 343.287 is amended to read:

11 343.287. (1) There is created a State Advisory Council for Special Education, consisting of
12 members appointed by the Superintendent of Public Instruction. Members shall be representative of
13 the geographic areas of this state.

14 (2) **Members** must include:

15 (a) Individuals with disabilities;
16 (b) Parents or guardians of children with disabilities ages birth through 26;
17 (c) Teachers;
18 (d) State and local education officials, including officials who carry out activities under part B
19 of subchapter VI of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.;

20 (e) Administrators of programs for children with disabilities;

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

23 (g) Representatives of other state agencies involved in the financing or delivery of related ser-
24 vices;

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

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

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

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

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

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

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

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

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

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

41 (d) Assist the state in developing and reporting data and evaluations concerning special educa-
42 tion;

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

45 (f) Advise the Department of Education in developing and implementing policies relating to the

1 coordination of services for children with disabilities.

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

4 **SECTION 14.** ORS 343.955 is amended to read:

5 343.955. The Department of Education shall ensure that transition services, as defined in ORS
6 343.035, provided to students with intellectual or developmental disabilities do not occur in a shel-
7 tered work setting or a mock sheltered work setting, as those terms are defined by rule by the [de-
8 partment] **State Board of Education**.

9 **SECTION 15.** ORS 344.755 is amended to read:

10 344.755. Training agents who terminate youth apprentices without cause as determined by the
11 appropriate apprenticeship committee prior to completion of training or who violate ORS 344.745
12 or 344.750 or rules adopted pursuant [thereto] to **ORS 344.745 or 344.750** by the State Apprentice-
13 ship and Training Council or the [Department] **State Board** of Education, upon notice to the De-
14 partment of Revenue, may lose their eligibility for tax credits pursuant to ORS 318.031 and their
15 eligibility to train and employ youth apprentices under ORS 344.745 to 344.757 for a period of one
16 year.

17 **SECTION 16.** ORS 427.430 is amended to read:

18 427.430. (1)(a) The Department of Human Services, in collaboration with the Department of Ed-
19 ucation, shall appoint a statewide employment first advisory committee to advise the Department
20 of Human Services on strategies for increasing opportunities for individuals with intellectual or de-
21 velopmental disabilities to obtain and advance in competitive integrated employment.

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

23 (A) Individuals with intellectual or developmental disabilities;

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

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

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

30 (E) Representatives of the Department of Education;

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

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

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

35 (A) School districts and education service districts;

36 (B) Regional family support networks;

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

38 (D) The Oregon Council on Developmental Disabilities;

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

40 (F) Oregon's federally authorized university centers for excellence in developmental disabilities;

41 (G) The Oregon Disabilities Commission;

42 (H) The State Independent Living Council;

43 (I) The Commission for the Blind;

44 (J) County behavioral health departments;

45 (K) The division of the Department of Human Services that provides aging and persons with

1 disabilities services;

2 (L) The State Workforce and Talent Development Board and local workforce development

3 boards; and

4 (M) Other statewide entities providing employment services to individuals with intellectual or

5 developmental disabilities.

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

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

8 (A) Review employment outcome data for individuals with intellectual or developmental disabilities

9 and make recommendations for the development and implementation of a statewide employment

10 first strategic plan; and

11 (B) Make policy and budget recommendations to the office of the Governor and state agencies

12 regarding employment outcomes for individuals with intellectual or developmental disabilities and

13 regarding state and local workforce plans.

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

15 (2) At least annually, the department, in collaboration with the Department of Education, shall

16 collect employment outcome data for individuals with intellectual or developmental disabilities and

17 report the data to the advisory committee appointed under this section. The data shall include, at

18 a minimum:

19 (a) The number of adults and transition-age individuals, as defined by rule by the Department

20 of Human Services, with intellectual or developmental disabilities who are receiving services from

21 the division of the department that provides developmental disabilities services or from the division

22 of the department that provides vocational rehabilitation services and who are working in compet-

23 itive integrated employment; and

24 (b) The number of employment service provider agencies that are qualified to deliver employ-

25 ment services through both the division of the department that provides developmental disabilities

26 services and the division of the department that provides vocational rehabilitation services.

27 (3) The department, in collaboration with the Department of Education, shall establish regional

28 employment first committees to develop and implement local strategies for increasing capacity for

29 and removing barriers to supporting individuals with intellectual or developmental disabilities in

30 obtaining and advancing in competitive integrated employment. Each regional employment first

31 committee shall report to the advisory committee established under this section regarding the de-

32 velopment and implementation of local strategies. The Department of Human Services and the De-

33 partment of Education shall, subject to available funding, maintain designated staff specialists for

34 regional interagency coordination work.

35 (4) The Department of Human Services and the Department of Education shall appoint regional

36 and statewide representatives to meet at least quarterly to coordinate employment services and

37 discuss best practices for supporting youth with intellectual or developmental disabilities to obtain

38 and advance in competitive integrated employment.

39 (5) The Department of Human Services shall appoint at least one employment first statewide

40 coordinator to facilitate administration of the interagency work to meet the requirements of this

41 section.

42 (6) Subject to available funding, the department shall ensure that training and technical assist-

43 ance is available to ensure that there are sufficient qualified providers to provide employment ser-

44 vices as defined in ORS 427.101 and vocational rehabilitation services as defined in ORS 344.511 to

45 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 co-ordinated 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 Program;

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

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

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

(g) Any state-operated program that provides educational services to students.

MISCELLANEOUS

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