

- 1 (2) Facilitating the student placement process through
2 which children of military families are not
3 disadvantaged by variations in attendance
4 requirements, scheduling, sequencing, grading, course
5 content or assessment;
- 6 (3) Facilitating the qualification and eligibility for
7 enrollment, educational programs, and participation in
8 extracurricular academic, athletic, and social
9 activities;
- 10 (4) Facilitating the on-time graduation of children of
11 military families;
- 12 (5) Providing for the promulgation and enforcement of
13 administrative rules implementing the provisions of
14 this compact;
- 15 (6) Providing for the uniform collection and sharing of
16 information between and among member states, schools
17 and military families under this compact;
- 18 (7) Promoting coordination between this compact and other
19 compacts affecting military children; and
- 20 (8) Promoting flexibility and cooperation between the
21 educational system, parents, and the student in order
22 to achieve educational success for the student.



1 ARTICLE II. DEFINITIONS

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

4 "Active duty" means full-time duty status in the active
5 uniformed service of the United States, including members of the
6 National Guard and Reserve on active duty orders pursuant to 10
7 U.S.C. Sections 1209 and 1211.

8 "Children of military families" means a school-aged child,
9 enrolled in kindergarten through twelfth grade, in the household
10 of an active duty member.

11 "Compact" means the Interstate Compact on Educational
12 Opportunity for Military Children.

13 "Compact commissioner" means the voting representative of
14 each compacting state appointed pursuant to article VIII of this
15 compact.

16 "Deployment" means the period of one month prior to the
17 service members' departure from their home station on military
18 orders though six months after return to their home station.

19 "Education records" means those official records, files,
20 and data directly related to a student and maintained by the
21 school or local education agency including, but not limited to,
22 records encompassing all the material kept in the student's



1 cumulative folder such as general identifying data, records of
2 attendance and of academic work completed, records of
3 achievement and results of evaluative tests, health data,
4 disciplinary status, test protocols, and individualized
5 education programs.

6 "Extracurricular activities" means a voluntary activity
7 sponsored by the school or local education agency or an
8 organization sanctioned by the local education agency.

9 Extracurricular activities include, but are not limited to,
10 preparation for and involvement in public performances,
11 contests, athletic competitions, demonstrations, displays, and
12 club activities.

13 "Interstate Commission on Educational Opportunity for
14 Military Children" or "Interstate Commission" means the
15 commission that is created under article IX of this compact.

16 "Local education agency" means a public authority legally
17 constituted by the state as an administrative agency to provide
18 control of and direction for kindergarten through twelfth grade
19 public educational institutions.

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

21 "Military installation" means a base, camp, post, station,
22 yard, center, homeport facility for any ship, or other activity



1 under the jurisdiction of the Department of Defense, including
2 any leased facility, which is located within any of the several
3 States, the District of Columbia, the Commonwealth of Puerto
4 Rico, the United States Virgin Islands, Guam, American Samoa,
5 the Northern Marianas Islands and any other United States
6 Territory. The term does not include any facility used
7 primarily for civil works, rivers and harbors projects, or flood
8 control projects.

9 "Non-member state" means a state that has not enacted this
10 compact.

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

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



1 "Sending state" means the state from which a child of a
2 military family is sent, brought, or caused to be sent or
3 brought.

4 "State" means a state of the United States, the District of
5 Columbia, the Commonwealth of Puerto Rico, the United States
6 Virgin Islands, Guam, American Samoa, the Northern Marianas
7 Islands and any other United States Territory.

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

11 "Transition" means the formal and physical process of
12 transferring from school to school, or the period of time in
13 which a student moves from one school in the sending state to
14 another school in the receiving state.

15 "Uniformed service" means the Army, Navy, Air Force, Marine
16 Corps, Coast Guard as well as the Commissioned Corps of the
17 National Oceanic and Atmospheric Administration, and Public
18 Health Services.

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

22 ARTICLE III. APPLICABILITY



1 (a) Except as otherwise provided in subsection (b), this
2 compact shall apply to the children of:

3 (1) Active duty members of the uniformed services as
4 defined in this compact, including members of the
5 National Guard and Reserve on active duty orders
6 pursuant to 10 U.S.C. Sections 1209 and 1211;

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

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

14 (b) This interstate compact shall only apply to local
15 education agencies as defined in this compact.

16 (c) The provisions of this compact shall not apply to the
17 children of:

18 (1) Inactive members of the national guard and military
19 reserves;

20 (2) Members of the uniformed services now retired, except
21 as provided in subsection (a);



1 (3) Veterans of the uniformed services, except as provided
2 in subsection (a); and

3 (4) Other United States Department of Defense personnel
4 and other federal agency civilian and contract
5 employees not defined as active duty members of the
6 uniformed services.

7 ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

8 (a) Unofficial or "hand-carried" education records. If
9 official education records cannot be released to the parents for
10 the purpose of transfer, the custodian of the records in the
11 sending state shall prepare and furnish to the parent a complete
12 set of unofficial educational records containing uniform
13 information as determined by the Interstate Commission. Upon
14 receipt of the unofficial education records by a school in the
15 receiving state, the school shall enroll and appropriately place
16 the student based on the information provided in the unofficial
17 records pending validation by the official records, as quickly
18 as possible.

19 (b) Official education records and transcripts.
20 Simultaneous with the enrollment and conditional placement of
21 the student, the school in the receiving state shall request the
22 student's official education record from the school in the



1 sending state. Upon receipt of this request, the school in the
2 sending state will process and furnish the official education
3 records to the school in the receiving state within ten days or
4 within such time as is reasonably determined under the rules
5 promulgated by the Interstate Commission.

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

14 (d) Kindergarten and first grade entrance age. Students
15 may continue their enrollment at grade level in the receiving
16 state commensurate with their grade level (including
17 kindergarten) from a local education agency in the sending state
18 at the time of transition, regardless of age. A student that
19 has satisfactorily completed the prerequisite grade level in the
20 local education agency in the sending state shall be eligible
21 for enrollment in the next highest grade level in the receiving
22 state, regardless of age. A student transferring after the



1 start of the school year in the receiving state shall enter the
2 school in the receiving state on their validated level from an
3 accredited school in the sending state.

4 ARTICLE V. PLACEMENT & ATTENDANCE

5 (a) Course placement. If the student transfers before or
6 during the school year, the receiving state school shall
7 initially honor placement of the student in educational courses
8 based on the student's enrollment in the sending state school
9 and/or educational assessments conducted at the school in the
10 sending state if the courses are offered. Course placement
11 includes but is not limited to honors, international
12 baccalaureate, advanced placement, vocational, technical and
13 career pathways courses. Continuing the student's academic
14 program from the previous school and promoting placement in
15 academically and career challenging courses should be paramount
16 when considering placement. This subsection does not preclude
17 the school in the receiving state from performing subsequent
18 evaluations to ensure appropriate placement and continued
19 enrollment of the student in the course.

20 (b) Educational program placement. The receiving state
21 school shall initially honor placement of the student in
22 educational programs based on current educational assessments

1 conducted at the school in the sending state or participation
2 and placement in like programs in the sending state. The
3 programs include, but are not limited to gifted and talented
4 programs and English as a second language. This subsection does
5 not preclude the school in the receiving state from performing
6 subsequent evaluations to ensure appropriate placement of the
7 student.

8 (c) Special education services.

9 (1) In compliance with the federal requirements of the
10 Individuals with Disabilities Education Act (IDEA), 20
11 U.S.C.A. Section 1400 et seq, the receiving state
12 shall initially provide comparable services to a
13 student with disabilities based on the student's
14 current individualized education program.

15 (2) In compliance with the requirements of Section 504 of
16 the Rehabilitation Act, 29 U.S.C.A. Section 794, and
17 with Title II of the Americans with Disabilities Act,
18 42 U.S.C.A. Sections 12131-12165, the receiving state
19 shall make reasonable accommodations and modifications
20 to address the needs of incoming students with
21 disabilities, subject to an existing 504 or Title II
22 Plan, to provide the student with equal access to



1 education. This paragraph shall not preclude the
2 school in the receiving state from performing
3 subsequent evaluations to ensure appropriate placement
4 of the student.

5 (d) Placement flexibility. Local education agency
6 administrative officials shall have flexibility in waiving a
7 course or program prerequisites, or other preconditions for
8 placement in courses or programs offered under the jurisdiction
9 of the local education agency.

10 (e) Absence as related to deployment activities. A
11 student whose parent or legal guardian is an active duty member
12 of the uniformed services, as defined by the compact, and has
13 been called to duty for, is on leave from, or immediately
14 returned from deployment to a combat zone or combat support
15 posting, shall be granted additional excused absences at the
16 discretion of the local education agency superintendent to visit
17 with his or her parent or legal guardian relative to such leave
18 or deployment of the parent or guardian.

19 ARTICLE VI. ELIGIBILITY

20 (a) Eligibility for enrollment.

21 (1) Special power of attorney, relating to the
22 guardianship of a child of a military family and



1 To facilitate the on-time graduation of children of
2 military families states and local education agencies shall
3 incorporate the following procedures:

4 (1) Waiver requirements. Local education agency
5 administrative officials shall waive specific courses
6 required for graduation if similar course work has
7 been satisfactorily completed in another local
8 education agency or shall provide reasonable
9 justification for denial. If a waiver is not granted
10 to a student who would qualify to graduate from the
11 sending school, the local education agency shall
12 provide an alternative means of acquiring required
13 coursework so that graduation may occur on time.

14 (2) Exit exams. States shall accept:

- 15 (A) Exit or end-of-course exams required for
16 graduation from the sending state;
17 (B) National norm-referenced achievement tests, or
18 (C) Alternative testing, in lieu of testing
19 requirements for graduation in the receiving
20 state.

21 If subparagraphs (A), (B), and (c) cannot be
22 accommodated by the receiving state for a student



1 transferring in student's senior year, then
2 paragraph (3) shall apply.

3 (3) Transfers during senior year. If a military student
4 transferring at the beginning or during the senior
5 year is ineligible to graduate from the receiving
6 local education agency after all alternatives have
7 been considered, the sending and receiving local
8 education agencies shall ensure the receipt of a
9 diploma from the sending local education agency, if
10 the student meets the graduation requirements of the
11 sending local education agency. If one of the states
12 in question is not a member of this compact, the
13 member state shall use best efforts to facilitate the
14 on-time graduation of the student in accordance with
15 paragraphs (1) and (2) of this article.

16 ARTICLE VIII. STATE COORDINATION

17 (a) Each member state shall, through the creation of a
18 state council or use of an existing body or board, provide for
19 the coordination among its agencies of government, local
20 education agencies and military installations concerning the
21 state's participation in, and compliance with, this compact and
22 Interstate Commission activities. While each member state may



1 determine the membership of its state council, its membership
2 must include at least the state superintendent of education,
3 superintendent of a school district with a high concentration of
4 military children, representative from a military installation,
5 one representative each from the legislative and executive
6 branches of government, and other offices and stakeholder groups
7 the State Council deems appropriate. A member state that does
8 not have a school district deemed to contain a high
9 concentration of military children may appoint a superintendent
10 from another school district to represent local education
11 agencies on the State Council.

12 (b) The state council of each member state shall appoint
13 or designate a military family education liaison to assist
14 military families and the state in facilitating the
15 implementation of this compact.

16 (c) The compact commissioner responsible for the
17 administration and management of the state's participation in
18 the compact shall be appointed by the governor or as otherwise
19 determined by each member state.

20 (d) The compact commissioner and the military family
21 education liaison designated herein shall be ex-officio members



1 of the state council, unless either is already a full voting
2 member of the state council.

3 ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY
4 FOR MILITARY CHILDREN

5 (a) The member states hereby create the "Interstate
6 Commission on Educational Opportunity for Military Children."
7 The activities of the Interstate Commission are the formation of
8 public policy and are a discretionary state function. The
9 Interstate Commission shall:

10 (1) Be a body corporate and joint agency of the member
11 states and shall have all the responsibilities, powers
12 and duties set forth herein, and such additional
13 powers as may be conferred upon it by a subsequent
14 concurrent action of the respective legislatures of
15 the member states in accordance with the terms of this
16 compact.

17 (2) Consist of one Interstate Commission voting
18 representative from each member state who shall be
19 that state's compact commissioner.

20 (A) Each member state represented at a meeting of the
21 Interstate Commission is entitled to one vote.



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

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

11 (D) The bylaws may provide for meetings of the
12 Interstate Commission to be conducted by
13 telecommunication or electronic communication.

14 (3) Consist of ex-officio, non-voting representatives who
15 are members of interested organizations. Such
16 ex-officio members, as defined in the bylaws, may
17 include but not be limited to, members of the
18 representative organizations of military family
19 advocates, local education agency officials, parent
20 and teacher groups, the United States Department of
21 Defense, the Education Commission of the States, the
22 Interstate Agreement on the Qualification of



1 Educational Personnel, and other interstate compacts
2 affecting the education of children of military
3 members.

4 (4) Meet at least once each calendar year. The
5 chairperson may call additional meetings and, upon the
6 request of a simple majority of the member states,
7 shall call additional meetings.

8 (5) Establish an executive committee, whose members shall
9 include the officers of the Interstate Commission and
10 such other members of the Interstate Commission as
11 determined by the bylaws. Members of the executive
12 committee shall serve a one year term. Members of the
13 executive committee shall be entitled to one vote
14 each. The executive committee shall have the power to
15 act on behalf of the Interstate Commission, with the
16 exception of rulemaking, during periods when the
17 Interstate Commission is not in session. The
18 executive committee shall oversee the day-to-day
19 activities of the administration of the compact
20 including enforcement and compliance with the
21 provisions of the compact, its bylaws and rules, and
22 other such duties as deemed necessary. The United



1 States Department of Defense, shall serve as an ex-
2 officio, nonvoting member of the executive committee.

3 (6) Establish bylaws and rules that provide for conditions
4 and procedures under which the Interstate Commission
5 shall make its information and official records
6 available to the public for inspection or copying.

7 The Interstate Commission may exempt from disclosure
8 information or official records to the extent they
9 would adversely affect personal privacy rights or
10 proprietary interests.

11 (b) Public notice shall be given by the Interstate
12 Commission of all meetings and all meetings shall be open to the
13 public, except as set forth in the rules or as otherwise
14 provided in the compact. The Interstate Commission and its
15 committees may close a meeting, or portion thereof, where it
16 determines by two-thirds vote that an open meeting would be
17 likely to:

18 (1) Relate solely to the Interstate Commission's internal
19 personnel practices and procedures;

20 (2) Disclose matters specifically exempted from disclosure
21 by federal and state statute;



1 (3) Disclose trade secrets or commercial or financial
2 information which is privileged or confidential;

3 (4) Involve accusing a person of a crime, or formally
4 censuring a person;

5 (5) Disclose information of a personal nature where
6 disclosure would constitute a clearly unwarranted
7 invasion of personal privacy;

8 (6) Disclose investigative records compiled for law
9 enforcement purposes; or

10 (7) Specifically relate to the Interstate Commission's
11 participation in a civil action or other legal
12 proceeding.

13 (c) For a meeting, or portion of a meeting, closed
14 pursuant to this provision, the Interstate Commission's legal
15 counsel or designee shall certify that the meeting may be closed
16 and shall reference each relevant exemptible provision. The
17 Interstate Commission shall keep minutes which shall fully and
18 clearly describe all matters discussed in a meeting and shall
19 provide a full and accurate summary of actions taken, and the
20 reasons therefor, including a description of the views expressed
21 and the record of a roll call vote. All documents considered in
22 connection with an action shall be identified in such minutes.



1 All minutes and documents of a closed meeting shall remain under
2 seal, subject to release by a majority vote of the Interstate
3 Commission.

4 (d) The Interstate Commission shall collect standardized
5 data concerning the educational transition of the children of
6 military families under this compact as directed through its
7 rules which shall specify the data to be collected, the means of
8 collection and data exchange and reporting requirements. The
9 methods of data collection, exchange and reporting, as is
10 reasonably possible, shall conform to current technology and
11 coordinate its information functions with the appropriate
12 custodian of records as identified in the bylaws and rules.

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

21 ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

22 The Interstate Commission shall have the following powers:



- 1 (1) To provide for dispute resolution among member states;
- 2 (2) To promulgate rules and take all necessary actions to
- 3 effect the goals, purposes and obligations as
- 4 enumerated in this compact. The rules shall have the
- 5 force and effect of statutory law and shall be binding
- 6 in the compact states to the extent and in the manner
- 7 provided in this compact;
- 8 (3) To issue, upon request of a member state, advisory
- 9 opinions concerning the meaning or interpretation of
- 10 the interstate compact, its bylaws, rules and actions;
- 11 (4) To enforce compliance with the compact provisions, the
- 12 rules promulgated by the Interstate Commission, and
- 13 the bylaws, using all necessary and proper means,
- 14 including but not limited to the use of judicial
- 15 process;
- 16 (5) To establish and maintain offices which shall be
- 17 located within one or more of the member states;
- 18 (6) To purchase and maintain insurance and bonds;
- 19 (7) To borrow, accept, hire, or contract for services of
- 20 personnel;
- 21 (8) To establish and appoint committees including, but not
- 22 limited to, an executive committee as required by



1 article IX, paragraph (5), which shall have the power
2 to act on behalf of the Interstate Commission in
3 carrying out its powers and duties hereunder;

4 (9) To elect or appoint such officers, attorneys,
5 employees, agents, or consultants, and to fix their
6 compensation, define their duties and determine their
7 qualifications; and to establish the Interstate
8 Commission's personnel policies and programs relating
9 to conflicts of interest, rates of compensation, and
10 qualifications of personnel;

11 (10) To accept any and all donations and grants of money,
12 equipment, supplies, materials, and services, and to
13 receive, utilize, and dispose of it;

14 (11) To lease, purchase, accept contributions or donations
15 of, or otherwise to own, hold, improve or use any
16 property, real, personal, or mixed;

17 (12) To sell, convey, mortgage, pledge, lease, exchange,
18 abandon, or otherwise dispose of any property, real,
19 personal or mixed;

20 (13) To establish a budget and make expenditures;

21 (14) To adopt a seal and bylaws governing the management
22 and operation of the Interstate Commission;



1 (15) To report annually to the legislatures, governors,
2 judiciary, and state councils of the member states
3 concerning the activities of the Interstate Commission
4 during the preceding year. The reports shall include
5 any recommendations that may have been adopted by the
6 Interstate Commission;

7 (16) To coordinate education, training and public awareness
8 regarding the compact, its implementation and
9 operation for officials and parents involved in such
10 activity;

11 (17) To establish uniform standards for the reporting,
12 collecting and exchanging of data;

13 (18) To maintain corporate books and records in accordance
14 with the bylaws;

15 (19) To perform such functions as may be necessary or
16 appropriate to achieve the purposes of this compact;
17 and

18 (20) To provide for the uniform collection and sharing of
19 information between and among member states, schools
20 and military families under this compact.

21 ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE
22 COMMISSION



1 (a) The Interstate Commission shall, by a majority of the
2 members present and voting, within twelve months after the first
3 Interstate Commission meeting, adopt bylaws to govern its
4 conduct as may be necessary or appropriate to carry out the
5 purposes of the compact including, but not limited to:

6 (1) Establishing the fiscal year of the Interstate
7 Commission;

8 (2) Establishing an executive committee, and such other
9 committees as may be necessary;

10 (3) Providing for the establishment of committees and for
11 governing any general or specific delegation of
12 authority or function of the Interstate Commission;

13 (4) Providing reasonable procedures for calling and
14 conducting meetings of the Interstate Commission, and
15 ensuring reasonable notice of each such meeting;

16 (5) Establishing the titles and responsibilities of the
17 officers and staff of the Interstate Commission;

18 (6) Providing a mechanism for concluding the operations of
19 the Interstate Commission and the return of surplus
20 funds that may exist upon the termination of the
21 compact after the payment and reserving of all of its
22 debts and obligations; and



1 (7) Providing rules for the initial administration of the
2 compact.

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

15 (c) The executive committee shall have such authority and
16 duties as may be set forth in the bylaws, including but not
17 limited to:

18 (1) Managing the affairs of the Interstate Commission in a
19 manner consistent with the bylaws and purposes of the
20 Interstate Commission;

21 (2) Overseeing an organizational structure within, and
22 appropriate procedures for the Interstate Commission



1 to provide for the creation of rules, operating
2 procedures, and administrative and technical support
3 functions; and

4 (3) Planning, implementing, and coordinating
5 communications and activities with other state,
6 federal, and local government organizations in order
7 to advance the goals of the Interstate Commission.

8 (d) The executive committee may, subject to the approval
9 of the Interstate Commission, appoint or retain an executive
10 director for such period, upon such terms and conditions and for
11 such compensation, as the Interstate Commission may deem
12 appropriate. The executive director shall serve as secretary to
13 the Interstate Commission, but shall not be a member of the
14 Interstate Commission. The executive director shall hire and
15 supervise such other persons as may be authorized by the
16 Interstate Commission.

17 (e) The Interstate Commission's executive director and its
18 employees shall be immune from suit and liability, either
19 personally or in their official capacity, for a claim for damage
20 to or loss of property or personal injury or other civil
21 liability caused or arising out of or relating to an actual or
22 alleged act, error, or omission that occurred, or that such



1 person had a reasonable basis for believing occurred, within the
2 scope of Interstate Commission employment, duties, or
3 responsibilities; provided that such person shall not be
4 protected from suit or liability for damage, loss, injury, or
5 liability caused by the intentional or wilful and wanton
6 misconduct of such person.

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

21 (2) The Interstate Commission shall defend the executive
22 director and its employees and, subject to the



1 approval of the attorney general or other appropriate
2 legal counsel of the member state represented by an
3 Interstate Commission representative, shall defend
4 such Interstate Commission representative in any civil
5 action seeking to impose liability arising out of an
6 actual or alleged act, error or omission that occurred
7 within the scope of Interstate Commission employment,
8 duties or responsibilities, or that the defendant had
9 a reasonable basis for believing occurred within the
10 scope of Interstate Commission employment, duties, or
11 responsibilities, provided that the actual or alleged
12 act, error, or omission did not result from
13 intentional or wilful and wanton misconduct on the
14 part of such person.

15 (3) To the extent not covered by the state involved,
16 member state, or the Interstate Commission, the
17 representatives or employees of the Interstate
18 Commission shall be held harmless in the amount of a
19 settlement or judgment, including attorney's fees and
20 costs, obtained against such persons arising out of an
21 actual or alleged act, error, or omission that
22 occurred within the scope of Interstate Commission

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

8 ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

9 (a) The Interstate Commission shall promulgate reasonable
10 rules to effectively and efficiently achieve the purposes of
11 this compact. If the commission exercises its rulemaking
12 authority in a manner that is beyond the scope of the purposes
13 of this chapter, then the action by the Interstate Commission
14 shall be invalid and have no force or effect.

15 (b) Rules shall be made pursuant to a rulemaking process
16 that substantially conforms to the model state administrative
17 rules act of 1981, as may be appropriate to the operations of
18 the Interstate Commission.

19 (c) Not later than thirty days after a rule is
20 promulgated, any person may file a petition for judicial review
21 of the rule; provided that the filing of such a petition shall
22 not stay or otherwise prevent the rule from becoming effective



1 unless the court finds that the petitioner has a substantial
2 likelihood of success. The court shall give deference to the
3 actions of the Interstate Commission consistent with applicable
4 law and shall not find the rule to be unlawful if the rule
5 represents a reasonable exercise of the Interstate Commission's
6 authority.

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

11 ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

12 (a) Oversight.

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

20 (2) All courts shall take judicial notice of the compact
21 and the rules in any judicial or administrative
22 proceeding in a member state pertaining to the subject



1 matter of this compact which may affect the powers,
2 responsibilities, or actions of the Interstate
3 Commission.

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

11 (b) Default, Technical Assistance, Suspension and
12 Termination. If the Interstate Commission determines that a
13 member state has defaulted in the performance of its obligations
14 or responsibilities under this compact, or the bylaws or
15 promulgated rules, the Interstate Commission shall:

16 (1) Provide written notice to the defaulting state and
17 other member states, of the nature of the default, the
18 means of curing the default and any action taken by
19 the Interstate Commission. The Interstate Commission
20 shall specify the conditions by which the defaulting
21 state must cure its default; and



1 (2) Provide remedial training and specific technical
2 assistance regarding the default.

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

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

16 (e) The state which has been responsible for all
17 assessments, incurred through the effective termination
18 including obligations, extends beyond the effective termination.

19 (f) The Interstate Commission shall not bear any costs
20 relating to any state that has been found to be in default or
21 which has been suspended or terminated from the compact, unless



1 otherwise mutually agreed upon in writing between the Interstate
2 Commission and the defaulting state.

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

9 (h) Dispute Resolution.

10 (1) The Interstate Commission shall attempt, upon the
11 request of a member state, to resolve disputes which
12 are subject to the compact and which may arise among
13 member states and between member and non-member
14 states.

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

18 (i) Enforcement.

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



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

13 (3) The remedies herein shall not be the exclusive
14 remedies of the Interstate Commission. The Interstate
15 Commission may avail itself of any other remedies
16 available under state law or the regulation of a
17 profession.

18 ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

19 (a) The Interstate Commission shall pay, or provide for
20 the payment of the reasonable expenses of its establishment,
21 organization, and ongoing activities.



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

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

14 (d) The Interstate Commission shall keep accurate accounts
15 of all receipts and disbursements. The receipts and
16 disbursements of the Interstate Commission shall be subject to
17 the audit and accounting procedures established under its
18 bylaws. However, all receipts and disbursements of funds
19 handled by the Interstate Commission shall be audited yearly by
20 a certified or licensed public accountant and the report of the
21 audit shall be included in and become part of the annual report
22 of the Interstate Commission.



1 ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

2 (a) Any state is eligible to become a member state.

3 (b) The compact shall become effective and binding upon
4 legislative enactment of the compact into law by no less than
5 ten of the states. The effective date shall be no earlier than
6 December 1, 2007. Thereafter it shall become effective and
7 binding as to any other member state upon enactment of the
8 compact into law by that state. The governors of non-member
9 states or their designees shall be invited to participate in the
10 activities of the Interstate Commission on a non-voting basis
11 prior to adoption of the compact by all states.

12 (c) The Interstate Commission may propose amendments to
13 the compact for enactment by the member states. No amendment
14 shall become effective and binding upon the Interstate
15 Commission and the member states unless and until it is enacted
16 into law by unanimous consent of the member states.

17 ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

18 (a) Withdrawal.

19 (1) Once effective, the compact shall continue in force
20 and remain binding upon each and every member state;
21 provided that a member state may withdraw from the



1 compact specifically repealing the statute, which
2 enacted the compact into law.

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

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

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

21 (5) Reinstatement following withdrawal of a member state
22 shall occur upon the withdrawing state reenacting the



1 compact or upon such later date as determined by the
2 Interstate Commission.

3 (b) Dissolution of Compact.

4 (1) This compact shall dissolve effective upon the date of
5 the withdrawal or default of the member state which
6 reduces the membership in the compact to one (1)
7 member state.

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

14 ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

15 (a) The provisions of this compact shall be severable, and
16 if any phrase, clause, sentence or provision is deemed
17 unenforceable, the remaining provisions of the compact shall be
18 enforceable.

19 (b) The provisions of this compact shall be liberally
20 construed to effectuate its purposes.



1 (c) Nothing in this compact shall be construed to prohibit
2 the applicability of other interstate compacts to which the
3 states are members.

4 ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

5 A. Other laws.

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

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

11 B. Binding effect of the compact.

12 (1) All lawful actions of the Interstate Commission,
13 including all rules and bylaws promulgated by the
14 Interstate Commission, are binding upon the member
15 states.

16 (2) All agreements between the Interstate Commission and
17 the member states are binding in accordance with their
18 terms.

19 (3) If any provision of this compact exceeds the
20 constitutional limits imposed on the legislature of
21 any member state, such provision shall be ineffective



1 to the extent of the conflict with the constitutional
2 provision in question in that member state."

3 SECTION 2. This Act shall take effect upon its approval.

4

INTRODUCED BY:

[Handwritten Signature]
[Handwritten Signature]

JAN 22 2008



Report Title:

Education; Military Children

Description:

Enacts the interstate compact on educational opportunity for military children.

