



- 1           (1) Facilitating the timely enrollment of children of  
2           military families and ensuring that they are not  
3           placed at a disadvantage due to difficulty in the  
4           transfer of education records from the previous school  
5           district or variations in entrance and age  
6           requirements;
- 7           (2) Facilitating the student placement process through  
8           which children of military families are not  
9           disadvantaged by variations in attendance  
10          requirements, scheduling, sequencing, grading, course  
11          content, or assessment;
- 12          (3) Facilitating the qualification and eligibility for  
13          enrollment, educational programs, and participation in  
14          extracurricular academic, athletic, and social  
15          activities;
- 16          (4) Facilitating the on-time graduation of children of  
17          military families;
- 18          (5) Providing for the adoption and enforcement of  
19          administrative rules implementing the provisions of  
20          this compact;



- 1 (6) Providing for the uniform collection and sharing of  
2 information between and among member states, schools,  
3 and military families under this compact;
- 4 (7) Promoting coordination between this compact and other  
5 compacts affecting military children; and
- 6 (8) Promoting flexibility and cooperation between the  
7 educational system, parents, and the student to  
8 achieve educational success for the student.

9 **ARTICLE II**

10 **DEFINITIONS**

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

13 "Active duty" means full-time duty status in the active  
14 uniformed service of the United States, including members of the  
15 national guard and reserve on active duty orders pursuant to 10  
16 United States Code Section 101(d)(1) and Section 101(d)(6)(A).

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



1 "Children of military families" means school-aged children,  
2 enrolled in kindergarten through twelfth grade, in the  
3 households of active duty members.

4 "Compact" means the interstate compact on educational  
5 opportunity for military children.

6 "Compact commissioner" means the voting representative of  
7 each compacting state appointed pursuant to article VIII of this  
8 compact.

9 "Deployment" means the period of one month prior to the  
10 service members' departure from their home station on military  
11 orders through six months after return to their home station.

12 "Education records" means those official records, files,  
13 and data directly related to a student and maintained by the  
14 school or appropriate education agency, including records  
15 encompassing all the material kept in the student's cumulative  
16 folder such as general identifying data, records of attendance  
17 and of academic work completed, records of achievement and  
18 results of evaluative tests, health data, disciplinary status,  
19 test protocols, and individualized education programs.

20 "Extracurricular activities" means a voluntary activity  
21 sponsored by the school or appropriate education agency or an  
22 organization sanctioned by the appropriate education agency.



1 Extracurricular activities include preparation for and  
2 involvement in public performances, contests, athletic  
3 competitions, demonstrations, displays, and club activities.

4 "Interstate commission on educational opportunity for  
5 military children" or "interstate commission" means the  
6 commission that is created under article IX of this compact.

7 "Local education agency" means a public authority legally  
8 constituted by a state as an administrative agency to provide  
9 control of and direction for kindergarten through twelfth grade  
10 public educational institutions.

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

12 "Military installation" means a base, camp, post, station,  
13 yard, center, homeport facility for any ship, or other activity  
14 under the jurisdiction of the United States Department of  
15 Defense, including any leased facility, which is located within  
16 any of the several states, the District of Columbia, the  
17 Commonwealth of Puerto Rico, the United States Virgin Islands,  
18 Guam, American Samoa, the Northern Marianas Islands, and any  
19 other United States territory. The term shall not include any  
20 facility used primarily for civil works, rivers and harbors  
21 projects, or flood control projects.



1 "Non-member state" means a state that has not enacted this  
2 compact.

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

6 "Rule" means a written statement by the interstate  
7 commission promulgated pursuant to article XII of this compact  
8 that is of general applicability, implements, interprets, or  
9 prescribes a policy or provision of the compact, or an  
10 organizational, procedural, or practice requirement of the  
11 interstate commission, and has the force and effect of statutory  
12 law in a member state, and includes the amendment, repeal, or  
13 suspension of an existing rule.

14 "Sending state" means the state from which a child of a  
15 military family is sent, brought, or caused to be sent or  
16 brought.

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



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

4 "Student financial obligation" means any unpaid or  
5 outstanding fines or fees.

6 "Test period" means the date(s) in which schools are  
7 conducting testing, assessments, or both, that are required by  
8 federal or state laws.

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

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

17 "Veteran" means a person who served in the uniformed  
18 services and who was discharged or released therefrom under  
19 honorable conditions.



1 ARTICLE III

2 APPLICABILITY

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

5 (1) Active duty members of the uniformed services as  
6 defined in this compact, including members of the  
7 national guard and military reserves on active duty  
8 orders pursuant to 10 U.S.C. Sections 1209 and 1211;

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

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

16 (b) This interstate compact shall only apply to  
17 appropriate education agencies as defined in this compact.

18 (c) The provisions of this compact shall not apply to the  
19 children of:

20 (1) Inactive members of the national guard and military  
21 reserves;





- 1 (2) Members of the uniformed services now retired, except  
2 as provided in subsection (a);
- 3 (3) Veterans of the uniformed services, except as provided  
4 in subsection (a); and
- 5 (4) Other United States Department of Defense personnel  
6 and other federal agency civilian and contract  
7 employees not defined as active duty members of the  
8 uniformed services.

9 **ARTICLE IV**

10 **EDUCATIONAL RECORDS AND ENROLLMENT**

11 (a) Unofficial or "hand-carried" education records. If  
12 official education records cannot be released to the parents for  
13 the purpose of transfer, the custodian of the records in the  
14 sending state shall prepare and furnish to the parent a complete  
15 set of unofficial education records containing uniform  
16 information as determined by the interstate commission. The  
17 unofficial education records shall only be furnished to the  
18 parents if all student financial obligations have been met.  
19 Upon receipt of the unofficial education records by a school in  
20 the receiving state, the school shall enroll and appropriately  
21 place the student based on the information provided in the



1 unofficial records pending validation by the official records,  
2 as quickly as possible.

3 (b) Official education records and transcripts.

4 Simultaneous with the enrollment and conditional placement of  
5 the student, the school in the receiving state shall request the  
6 student's official education record from the school in the  
7 sending state. Upon receipt of this request, the school in the  
8 sending state will process and furnish the official education  
9 records to the school in the receiving state within ten days or  
10 within such time as is reasonably determined under the rules  
11 promulgated by the interstate commission. The official  
12 education records shall only be furnished to the parents if all  
13 student financial and school obligations have been met.

14 (c) Immunizations. Compacting states shall give thirty  
15 days from the date of enrollment or within such time as is  
16 reasonably determined under the rules promulgated by the  
17 interstate commission, for students to obtain any immunizations  
18 required by the receiving state. For a series of immunizations,  
19 initial vaccinations shall be obtained within thirty days or  
20 within such time as is reasonably determined under the rules  
21 promulgated by the interstate commission. This section shall



1 not prohibit state department of health requirements concerning  
2 tuberculosis examinations.

3 (d) Kindergarten and first grade entrance age. Students  
4 may continue their enrollment at grade level in the receiving  
5 state commensurate with their grade level (including  
6 kindergarten) from an appropriate education agency in the  
7 sending state at the time of transition, regardless of age. A  
8 student that has satisfactorily completed the prerequisite grade  
9 level in the appropriate education agency in the sending state  
10 shall be eligible for enrollment in the next higher grade level  
11 in the receiving state, regardless of age. A student  
12 transferring after the start of the school year in the receiving  
13 state shall enter the school in the receiving state on their  
14 validated level from an accredited school in the sending state.

15 **ARTICLE V**

16 **PLACEMENT AND ATTENDANCE**

17 (a) Course placement. If the student transfers before or  
18 during the school year, the receiving state school shall  
19 initially honor placement of the student in educational courses  
20 based on the student's enrollment in the sending state school or  
21 educational assessments conducted at the school in the sending  
22 state if the courses are offered or both; provided that these



1 programs exist in the receiving state school and space is  
2 available as determined by the principal. Course placement  
3 includes honors, international baccalaureate, advanced  
4 placement, vocational, technical, and career pathways courses.  
5 Continuing the student's academic program from the previous  
6 school and promoting placement in academically and career  
7 challenging courses should be paramount when considering  
8 placement. This subsection shall not preclude the school in the  
9 receiving state from performing subsequent evaluations to ensure  
10 appropriate placement and continued enrollment of the student in  
11 the course.

12 (b) Educational program placement. The receiving state  
13 school shall initially honor placement of the student in  
14 educational programs based on current educational assessments  
15 conducted at the school in the sending state or participation  
16 and placement in like programs in the sending state; provided  
17 that these programs exist in the receiving state school and  
18 space is available as determined by the principal. The programs  
19 include gifted and talented programs and English as a second  
20 language programs. This subsection shall not preclude the  
21 school in the receiving state from performing subsequent  
22 evaluations to ensure appropriate placement of the student.



1 (c) Special education services.

2 (1) In compliance with the federal requirements of the  
3 Individuals with Disabilities Education Act (IDEA), 20  
4 U.S.C. Section 1400 et seq., the receiving state shall  
5 initially provide comparable services to a student  
6 with disabilities based on the student's current  
7 individualized education program.

8 (2) In compliance with the requirements of Section 504 of  
9 the Rehabilitation Act, 29 U.S.C.A. Section 794, and  
10 with Title II of the Americans with Disabilities Act,  
11 42 U.S.C.A. Sections 12131-12165, the receiving state  
12 shall make reasonable accommodations and modifications  
13 to address the needs of incoming students with  
14 disabilities, subject to an existing 504 or Title II  
15 Plan, to provide the student with equal access to  
16 education. This paragraph shall not preclude the  
17 school in the receiving state from performing  
18 subsequent evaluations to ensure appropriate placement  
19 of the student.

20 (d) Placement flexibility. Appropriate education agency  
21 administrative officials shall have flexibility in waiving a  
22 course or program prerequisites, or other precondition for



1 placement in courses or programs offered under the jurisdiction  
2 of the appropriate education agency.

3 (e) Absence as related to deployment activities. A  
4 student whose parent or legal guardian is an active duty member  
5 of the uniformed services, as defined by the compact, and has  
6 been called to duty for, is on leave from, or immediately  
7 returned from deployment to a combat zone or combat support  
8 posting, shall be granted additional excused absences at the  
9 discretion of the appropriate education agency superintendent to  
10 visit with the student's parent or legal guardian relative to  
11 such leave or deployment of the parent or guardian. This  
12 subsection shall not require excused absences to be granted  
13 during test periods.

14 **ARTICLE VI**

15 **ELIGIBILITY**

16 (a) Eligibility for enrollment.  
17 (1) Special power of attorney, relating to the  
18 guardianship of a child of a military family and  
19 executed under applicable law, shall be sufficient for  
20 the purposes of enrollment and all other actions  
21 requiring parental participation and consent.



1           (2) The appropriate education agency shall be prohibited  
2           from charging local tuition to a transitioning  
3           military child placed in the care of a non-custodial  
4           parent or other person standing in loco parentis who  
5           lives in a jurisdiction other than that of the  
6           custodial parent.

7           (3) A transitioning military child, placed in the care of  
8           a non-custodial parent or other person standing in  
9           loco parentis who lives in a jurisdiction other than  
10          that of the custodial parent, may continue to attend  
11          the school in which the child was permanently enrolled  
12          while residing with the custodial parent. Upon the  
13          return of the custodial parent, the child shall be  
14          allowed to finish the school year in the school  
15          currently enrolled, but shall enroll in the school  
16          within the jurisdiction of the custodial parent during  
17          the following school year.

18          (b) Eligibility for extracurricular participation. State  
19          education agencies and appropriate education agencies shall  
20          facilitate the opportunity for transitioning military children's  
21          inclusion in extracurricular activities, regardless of  
22          application deadlines, to the extent the children are otherwise



1 qualified and space is available in the receiving state school  
2 as determined by the principal.

3 **ARTICLE VII**

4 **GRADUATION**

5 To facilitate the on-time graduation of children of  
6 military families, state and appropriate education agencies  
7 shall incorporate the following procedures:

8 (1) Waiver requirements. Appropriate education agency  
9 administrative officials may waive specific courses  
10 required for graduation if similar coursework has been  
11 satisfactorily completed in another appropriate  
12 education agency or shall provide reasonable  
13 justification for denial. If a waiver is not granted  
14 to a student who would qualify to graduate from the  
15 sending school, the appropriate education agency shall  
16 provide an alternative means of acquiring required  
17 coursework so that graduation may occur on time. This  
18 section shall not obligate the school or appropriate  
19 education agency to pay for an online course if  
20 funding is unavailable.

21 (2) Exit exams. For students entering high school in the  
22 eleventh or twelfth grade, states shall accept:





- 1 (A) Exit or end-of-course exams required for  
2 graduation from the sending state;  
3 (B) National norm-referenced achievement tests; or  
4 (C) Alternative testing, in lieu of testing  
5 requirements for graduation in the receiving  
6 state.

7 If subparagraphs (A), (B), and (C) cannot be  
8 accommodated by the receiving state for a student  
9 transferring in student's senior year, then paragraph  
10 (3) shall apply.

- 11 (3) Transfers during senior year. If a military student  
12 transferring at the beginning or during the senior  
13 year is ineligible to graduate from the receiving  
14 appropriate education agency after all alternatives  
15 have been considered, the sending and receiving  
16 appropriate education agencies shall ensure the  
17 receipt of a diploma from the sending appropriate  
18 education agency, if the student meets the graduation  
19 requirements of the sending appropriate education  
20 agency. If one of the states in question is not a  
21 member of this compact, the member state shall use  
22 best efforts to facilitate the on-time graduation of



1 the student in accordance with paragraphs (1) and (2)  
2 of this article. This paragraph permits but shall not  
3 require a sending state to deny a diploma to a student  
4 transferring to a receiving state with an exit exam  
5 requirement if the student does not meet the  
6 graduation requirements of the appropriate education  
7 agency of the sending state.

#### 8 ARTICLE VIII

#### 9 STATE COORDINATION

10 (a) Each member state, through the creation of a state  
11 council or use of an existing body or board, shall provide for  
12 the coordination among its agencies of government, appropriate  
13 education agencies, and military installations concerning the  
14 state's participation in, and compliance with, this compact and  
15 interstate commission activities. While each member state may  
16 determine the membership of its state council, its membership  
17 shall include at least the state superintendent of education,  
18 superintendent of a school district with a high concentration of  
19 military children, representative from a military installation,  
20 one representative each from the legislative and executive  
21 branches of government, and other offices and stakeholder groups  
22 the state council deems appropriate. A member state that does



1 not have a school district deemed to contain a high  
2 concentration of military children may appoint a superintendent  
3 from another school district to represent appropriate education  
4 agencies on the state council.

5 (b) The state council of each member state shall appoint  
6 or designate a military family education liaison to assist  
7 military families and the state in facilitating the  
8 implementation of this compact.

9 (c) The compact commissioner responsible for the  
10 administration and management of the state's participation in  
11 the compact shall be recommended by the superintendent of  
12 education with the approval of the board of education.

13 (d) The compact commissioner and the military family  
14 education liaison designated herein shall be ex-officio members  
15 of the state council, unless either is already a full voting  
16 member of the state council.

17 **ARTICLE IX**

18 **INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY**

19 **FOR MILITARY CHILDREN**

20 (a) The member states hereby create the "interstate  
21 commission on educational opportunity for military children".

22 The activities of the interstate commission are the formation of



1 public policy and are a discretionary state function. The  
2 interstate commission shall:

3 (1) Be a body corporate and joint agency of the member  
4 states and shall have all the responsibilities,  
5 powers, and duties set forth herein, and such  
6 additional powers as may be conferred upon it by a  
7 subsequent concurrent action of the respective  
8 legislatures of the member states in accordance with  
9 the terms of this compact;

10 (2) Consist of one interstate commission voting  
11 representative from each member state who shall be  
12 that state's compact commissioner.

13 (A) Each member state represented at a meeting of the  
14 interstate commission is entitled to one vote.

15 (B) A majority of the total member states shall  
16 constitute a quorum for the transaction of  
17 business, unless a larger quorum is required by  
18 the bylaws of the interstate commission.

19 (C) A representative shall not delegate a vote to  
20 another member state. In the event the compact  
21 commissioner is unable to attend a meeting of the  
22 interstate commission, the governor or state



1 council may delegate voting authority to another  
2 person from their state for a specified meeting.

3 (D) The bylaws may provide for meetings of the  
4 interstate commission to be conducted by  
5 telecommunication or electronic communication;

6 (3) Include ex-officio, non-voting representatives who are  
7 members of interested organizations. The ex-officio  
8 members, as defined in the bylaws, may include members  
9 of the representative organizations of military family  
10 advocates, appropriate education agency officials,  
11 parent and teacher groups, the United States  
12 Department of Defense, the Education Commission of the  
13 States, the Interstate Agreement on the Qualification  
14 of Educational Personnel, and other interstate  
15 compacts affecting the education of children of  
16 military members;

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

21 (5) Establish an executive committee, whose members shall  
22 include the officers of the interstate commission and



1 such other members of the interstate commission as  
2 determined by the bylaws. Members of the executive  
3 committee shall serve a one-year term. Members of the  
4 executive committee shall be entitled to one vote  
5 each. The executive committee shall have the power to  
6 act on behalf of the interstate commission, with the  
7 exception of rulemaking, during periods when the  
8 interstate commission is not in session. The  
9 executive committee shall oversee the day-to-day  
10 activities of the administration of the compact,  
11 including enforcement and compliance with the  
12 provisions of the compact, its bylaws and rules, and  
13 other such duties as deemed necessary. The United  
14 States Department of Defense shall serve as an ex-  
15 officio, nonvoting member of the executive committee;

- 16 (6) Establish bylaws and rules that provide for conditions  
17 and procedures under which the interstate commission  
18 shall make its information and official records  
19 available to the public for inspection or copying.

20 The interstate commission may exempt from disclosure  
21 information or official records to the extent they



1           would adversely affect personal privacy rights or  
2           proprietary interests.

3           (b) Public notice shall be given by the interstate  
4 commission of all meetings and all meetings shall be open to the  
5 public, except as set forth in the rules or as otherwise  
6 provided in the compact. The interstate commission and its  
7 committees may close a meeting, or portion thereof, where it  
8 determines by two-thirds vote that an open meeting would be  
9 likely to:

- 10           (1) Relate solely to the interstate commission's internal  
11           personnel practices and procedures;
- 12           (2) Disclose matters specifically exempted from disclosure  
13           by federal and state statute;
- 14           (3) Disclose trade secrets or commercial or financial  
15           information which is privileged or confidential;
- 16           (4) Involve accusing a person of a crime, or formally  
17           censuring a person;
- 18           (5) Disclose information of a personal nature where  
19           disclosure would constitute a clearly unwarranted  
20           invasion of personal privacy;
- 21           (6) Disclose investigative records compiled for law  
22           enforcement purposes; or



1           (7) Specifically relate to the interstate commission's  
2           participation in a civil action or other legal  
3           proceeding.

4           (c) For a meeting, or portion of a meeting, closed  
5           pursuant to subsection (b), the interstate commission's legal  
6           counsel or designee shall certify that the meeting may be closed  
7           and shall reference each relevant exemptible provision. The  
8           interstate commission shall keep minutes which shall fully and  
9           clearly describe all matters discussed in a meeting and shall  
10          provide a full and accurate summary of actions taken, and the  
11          reasons therefor, including a description of the views expressed  
12          and the record of roll call votes. All documents considered in  
13          connection with an action shall be identified in the minutes.  
14          All minutes and documents of a closed meeting shall remain under  
15          seal, subject to release by a majority vote of the interstate  
16          commission.

17          (d) The interstate commission shall collect standardized  
18          data concerning the educational transition of the children of  
19          military families under this compact as directed through its  
20          rules which shall specify the data to be collected, the means of  
21          collection, and data exchange and reporting requirements. The  
22          methods of data collection, exchange, and reporting, as is





1 reasonably possible, shall conform to current technology and  
2 coordinate its information functions with the appropriate  
3 custodian of records as identified in the bylaws and rules.

4 (e) The interstate commission shall create a process that  
5 permits military officials, education officials, and parents to  
6 inform the interstate commission if and when there are alleged  
7 violations of the compact or its rules or when issues subject to  
8 the jurisdiction of the compact or its rules are not addressed  
9 by the state or appropriate education agency. This section  
10 shall not be construed to create a private right of action  
11 against the interstate commission, any member state, or any  
12 state education agency or appropriate education agency.

#### 13 ARTICLE X

#### 14 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

15 The interstate commission shall have the following powers:

- 16 (1) To provide for dispute resolution among member states;  
17 (2) To promulgate rules and take all necessary actions to  
18 effect the goals, purposes, and obligations as  
19 enumerated in this compact. The rules shall have the  
20 force and effect of statutory law and shall be binding  
21 in the compact states to the extent and in the manner  
22 provided in this compact;



- 1           (3) To issue, upon request of a member state, advisory  
2           opinions concerning the meaning or interpretation of  
3           the interstate compact, its bylaws, rules, and  
4           actions;
- 5           (4) To enforce compliance with the compact provisions, the  
6           rules promulgated by the interstate commission, and  
7           the bylaws, use all necessary and proper means,  
8           including the use of judicial process. Any action to  
9           enforce compliance with the compact provisions by the  
10          interstate commission shall be brought against a  
11          member state only;
- 12          (5) To establish and maintain offices which shall be  
13          located within one or more of the member states;
- 14          (6) To purchase and maintain insurance and bonds;
- 15          (7) To borrow, accept, hire, or contract for services of  
16          personnel;
- 17          (8) To establish and appoint committees including an  
18          executive committee as required by article IX,  
19          subsection (a), paragraph (5), which shall have the  
20          power to act on behalf of the interstate commission in  
21          carrying out its powers and duties hereunder;



- 1           (9) To elect or appoint such officers, attorneys,  
2           employees, agents, or consultants, and to fix their  
3           compensation, define their duties, and determine their  
4           qualifications; and to establish the interstate  
5           commission's personnel policies and programs relating  
6           to conflicts of interest, rates of compensation, and  
7           qualifications of personnel;
- 8           (10) To accept any and all donations and grants of money,  
9           equipment, supplies, materials, and services, and to  
10          receive, use, and dispose of it;
- 11          (11) To lease, purchase, accept contributions or donations  
12          of, or otherwise to own, hold, improve, or use any  
13          property, real, personal, or mixed;
- 14          (12) To sell, convey, mortgage, pledge, lease, exchange,  
15          abandon, or otherwise dispose of any property, real,  
16          personal, or mixed;
- 17          (13) To establish a budget and make expenditures;
- 18          (14) To adopt a seal and bylaws governing the management  
19          and operation of the interstate commission;
- 20          (15) To report annually to the legislatures, governors,  
21          judiciary, and state councils of the member states  
22          concerning the activities of the interstate commission





1 conduct as may be necessary or appropriate to carry out the  
2 purposes of the compact including:

- 3 (1) Establishing the fiscal year of the interstate  
4 commission;
- 5 (2) Establishing an executive committee and such other  
6 committees as may be necessary;
- 7 (3) Providing for the establishment of committees and for  
8 governing any general or specific delegation of  
9 authority or function of the interstate commission;
- 10 (4) Providing reasonable procedures for calling and  
11 conducting meetings of the interstate commission, and  
12 ensuring reasonable notice of each such meeting;
- 13 (5) Establishing the titles and responsibilities of the  
14 officers and staff of the interstate commission;
- 15 (6) Providing a mechanism for concluding the operations of  
16 the interstate commission and the return of surplus  
17 funds that may exist upon the termination of the  
18 compact after the payment and reserving of all of its  
19 debts and obligations; and
- 20 (7) Providing "start up" rules for the initial  
21 administration of the compact.



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

13           (c) The executive committee shall have such authority and  
14 duties as may be set forth in the bylaws, including:

15           (1) Managing the affairs of the interstate commission in a  
16 manner consistent with the bylaws and purposes of the  
17 interstate commission;

18           (2) Overseeing an organizational structure within, and  
19 appropriate procedures for, the interstate commission  
20 to provide for the creation of rules, operating  
21 procedures, and administrative and technical support  
22 functions; and



1           (3) Planning, implementing, and coordinating  
2           communications and activities with other state,  
3           federal, and local government organizations to advance  
4           the goals of the interstate commission.

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

14          (e) The interstate commission's executive director and its  
15          employees shall be immune from suit and liability, either  
16          personally or in their official capacity, for a claim for damage  
17          to or loss of property or personal injury or other civil  
18          liability caused or arising out of or relating to an actual or  
19          alleged act, error, or omission that occurred, or that such  
20          person had a reasonable basis for believing occurred, within the  
21          scope of interstate commission employment, duties, or  
22          responsibilities; provided that such person shall not be



1 protected from suit or liability for damage, loss, injury, or  
2 liability caused by the intentional or wilful and wanton  
3 misconduct of such person.

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

18 (2) The interstate commission shall defend the executive  
19 director and its employees and, subject to the  
20 approval of the attorney general or other appropriate  
21 legal counsel of the member state represented by an  
22 interstate commission representative, shall defend





1 such interstate commission representative in any civil  
2 action seeking to impose liability arising out of an  
3 actual or alleged act, error, or omission that  
4 occurred within the scope of interstate commission  
5 employment, duties, or responsibilities, or that the  
6 defendant had a reasonable basis for believing  
7 occurred within the scope of interstate commission  
8 employment, duties, or responsibilities; provided that  
9 the actual or alleged act, error, or omission did not  
10 result from intentional or wilful and wanton  
11 misconduct on the part of such person.

12 (3) To the extent not covered by the state involved, a  
13 member state, the interstate commission, or the  
14 representatives or employees of the interstate  
15 commission shall be held harmless in the amount of a  
16 settlement or judgment, including attorney's fees and  
17 costs, obtained against such persons arising out of an  
18 actual or alleged act, error, or omission that  
19 occurred within the scope of interstate commission  
20 employment, duties, or responsibilities, or that such  
21 persons had a reasonable basis for believing occurred  
22 within the scope of interstate commission employment,



1 duties, or responsibilities; provided that the actual  
2 or alleged act, error, or omission did not result from  
3 intentional or wilful and wanton misconduct on the  
4 part of such persons.

5 (f) The compact commissioner and any person representing  
6 the state in the interstate commission, in their individual or  
7 official capacity, and the member state, shall be immune from  
8 suit and liability caused by or arising out of actions, errors,  
9 or omissions of the interstate commission.

## 10 ARTICLE XII

### 11 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

12 (a) The interstate commission shall promulgate reasonable  
13 rules to effectively and efficiently achieve the purposes of  
14 this compact. Notwithstanding the foregoing, in the event the  
15 interstate commission exercises its rulemaking authority in a  
16 manner that is beyond the scope of the purposes of this compact,  
17 then the action by the interstate commission shall be invalid  
18 and have no force or effect.

19 (b) Rules shall be made pursuant to a rulemaking process  
20 that substantially conforms to the Model State Administrative  
21 Procedure Act of 1981, as may be appropriate to the operations  
22 of the interstate commission.



1 (c) Not later than thirty days after a rule is  
2 promulgated, any person may file a petition for judicial review  
3 of the rule; provided that the filing of such a petition shall  
4 not stay or otherwise prevent the rule from becoming effective  
5 unless the court finds that the petitioner has a substantial  
6 likelihood of success. The court shall give deference to the  
7 actions of the interstate commission consistent with applicable  
8 law and shall not find the rule to be unlawful if the rule  
9 represents a reasonable exercise of the interstate commission's  
10 authority.

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

15 **ARTICLE XIII**

16 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

17 (a) Oversight.

18 (1) The executive, legislative, and judicial branches of  
19 state government in each member state shall enforce  
20 this compact and shall take all actions necessary and  
21 appropriate to effectuate the compact's purposes and  
22 intent. The provisions of this compact and the rules



1           adopted hereunder shall have the force and effect of  
2           law.

3           (2) All courts shall take judicial notice of the compact  
4           and the rules in any judicial or administrative  
5           proceeding in a member state pertaining to the subject  
6           matter of this compact which may affect the powers,  
7           responsibilities, or actions of the interstate  
8           commission.

9           (3) The interstate commission shall be entitled to receive  
10          all service of process in any such proceeding, and  
11          shall have standing to intervene in the proceeding for  
12          all purposes. Failure to provide service of process  
13          to the interstate commission shall render a judgment  
14          or order void as to the interstate commission, this  
15          compact, or promulgated rules.

16          (b) Default, technical assistance, suspension, and  
17          termination. If the interstate commission determines that a  
18          member state has defaulted in the performance of its obligations  
19          or responsibilities under this compact, or the bylaws or  
20          promulgated rules, the interstate commission shall:

21           (1) Provide written notice to the defaulting state and  
22           other member states, of the nature of the default, the



1 means of curing the default, and any action taken by  
2 the interstate commission. The interstate commission  
3 shall specify the conditions by which the defaulting  
4 state must cure its default; and

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

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

14 (d) Suspension or termination of membership in the compact  
15 shall be imposed only after all other means of securing  
16 compliance have been exhausted. Notice of intent to suspend or  
17 terminate shall be given by the interstate commission to the  
18 governor, the majority and minority leaders of the defaulting  
19 state's legislature, and each of the member states.

20 (e) The state which has been suspended or terminated is  
21 responsible for all assessments, obligations, and liabilities  
22 incurred through the effective date of suspension or termination



1 including obligations, the performance of which extends beyond  
2 the effective date of suspension or termination.

3 (f) The interstate commission shall not bear any costs  
4 relating to any state that has been found to be in default or  
5 which has been suspended or terminated from the compact, unless  
6 otherwise mutually agreed upon in writing between the interstate  
7 commission and the defaulting state.

8 (g) The defaulting state may appeal the action of the  
9 interstate commission by petitioning the United States District  
10 Court for the District of Columbia or the federal district where  
11 the interstate commission has its principal offices. The  
12 prevailing party shall be awarded all costs of such litigation  
13 including reasonable attorney's fees.

14 (h) Dispute resolution.

15 (1) The interstate commission shall attempt, upon the  
16 request of a member state, to resolve disputes which  
17 are subject to the compact and which may arise among  
18 member states and between member and non-member  
19 states.

20 (2) The interstate commission shall promulgate rules  
21 providing for both mediation and binding dispute  
22 resolution for disputes as appropriate.



1 (i) Enforcement.

2 (1) The interstate commission, in the reasonable exercise  
3 of its discretion, shall enforce the provisions and  
4 rules of this compact.

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

17 (3) The remedies herein shall not be the exclusive  
18 remedies of the interstate commission. The interstate  
19 commission may avail itself of any other remedies  
20 available under state law or the regulation of a  
21 profession.  
22







1 bylaws. All receipts and disbursements of funds handled by the  
2 interstate commission shall be audited yearly by a certified or  
3 licensed public accountant and the report of the audit shall be  
4 included in and become part of the annual report of the  
5 interstate commission.

6 **ARTICLE XV**

7 **MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT**

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

9 (b) The compact shall become effective and binding upon  
10 legislative enactment of the compact into law by no less than  
11 ten of the states. The effective date shall be no earlier than  
12 December 1, 2007. Thereafter it shall become effective and  
13 binding as to any other member state upon enactment of the  
14 compact into law by that state. The governors of non-member  
15 states or their designees shall be invited to participate in the  
16 activities of the interstate commission on a non-voting basis  
17 prior to adoption of the compact by all states.

18 (c) The interstate commission may propose amendments to  
19 the compact for enactment by the member states. No amendment  
20 shall become effective and binding upon the interstate  
21 commission and the member states unless and until it is enacted  
22 into law by unanimous consent of the member states.





- 1           (4) The withdrawing state is responsible for all  
2           assessments, obligations, and liabilities incurred  
3           through the effective date of withdrawal, including  
4           obligations, the performance of which extend beyond  
5           the effective date of withdrawal.
- 6           (5) Reinstatement following withdrawal of a member state  
7           shall occur upon the withdrawing state reenacting the  
8           compact or upon such later date as determined by the  
9           interstate commission.
- 10          (b) Dissolution of compact.
- 11          (1) This compact shall dissolve effective upon the date of  
12          the withdrawal or default of the member state which  
13          reduces the membership in the compact to one member  
14          state.
- 15          (2) Upon the dissolution of this compact, the compact  
16          becomes void and shall be of no further force or  
17          effect, and the business and affairs of the interstate  
18          commission shall be concluded and surplus funds shall  
19          be distributed in accordance with the bylaws.
- 20





1 interstate commission, shall be binding upon the  
2 member states.

3 (2) All agreements between the interstate commission and  
4 the member states shall be binding in accordance with  
5 their terms.

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

11 § -2 State council. There is established within the  
12 board of education for administrative purposes the state council  
13 on educational opportunity for military children. The board of  
14 education shall establish the state council, as required by  
15 article VIII of the compact. The membership of the state  
16 council shall include, at a minimum:

17 (1) The superintendent of education or the  
18 superintendent's designee;

19 (2) The complex area superintendents of the administrative  
20 districts that contain the Leilehua, Radford/Moanalua,  
21 and Kalaheo school complexes;



- 1 (3) A complex area superintendent from the Leeward  
2 district;
- 3 (4) The military liaison from the department of education;
- 4 (5) A military representative from the United States  
5 Pacific Command;
- 6 (6) One installation-level representative from each branch  
7 of service of the Air Force, Army, Marine Corps, Navy,  
8 and Coast Guard;
- 9 (7) A representative of the executive branch of  
10 government;
- 11 (8) The chairperson of the senate education committee or  
12 the chairperson's designee;
- 13 (9) The chairperson of the house education committee or  
14 the chairperson's designee; and
- 15 (10) Other offices and stakeholder groups the state council  
16 deems necessary.
- 17 Members of the state council may delegate voting authority to  
18 another person for a specified meeting or meetings. The state  
19 council shall appoint or designate a military family education  
20 liaison to assist military families and the state in  
21 facilitating the implementation of this compact. The compact  
22 commissioner and the military family education liaison



1 designated herein shall be ex-officio members of the state  
2 council, unless either is already a full voting member of the  
3 state council.

4 The council shall establish policies and procedures  
5 governing its operations but subject to the open meeting  
6 requirements of chapter 92.

7 § -3 Appointment of compact commissioner. As required  
8 by article VIII of the compact, the state superintendent of  
9 education shall recommend, with approval of the board of  
10 education, the compact commissioner, who shall be responsible  
11 for the administration and management of the State's  
12 participation in the compact."

13 SECTION 2. This Act shall take effect on July 1, 2009, and  
14 shall be repealed on July 1, 2011.



S.B. NO. 1164  
S.D. 2  
H.D. 2

**Report Title:**

Education; Military Children

**Description:**

Enacts the interstate compact on educational opportunity for military children to remove barriers to educational attainment faced by children of military families due to frequent moves and deployment of parents. (SB1164 HD2)

SB1164 HD2 HMS 2009-3534

