



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

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

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

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

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

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

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



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

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

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

21           H. "Local education agency" means: a public authority  
22 legally constituted by the state as an administrative agency to

1 provide control of and direction for Kindergarten through  
2 Twelfth (12th) grade public educational institutions.

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

5 J. "Military installation" means: a base, camp, post,  
6 station, yard, center, homeport facility for any ship, or other  
7 activity under the jurisdiction of the Department of Defense,  
8 including any leased facility, which is located within any of  
9 the several States, the District of Columbia, the Commonwealth  
10 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,  
11 the Northern Marianas Islands and any other U.S. Territory. Such  
12 term does not include any facility used primarily for civil  
13 works, rivers and harbors projects, or flood control projects.

14 K. "Non-member state" means: a state that has not enacted  
15 this compact.

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

19 M. "Rule" means: a written statement by the Interstate  
20 Commission promulgated pursuant to Article XII of this compact  
21 that is of general applicability, implements, interprets or  
22 prescribes a policy or provision of the Compact, or an

1 organizational, procedural, or practice requirement of the  
2 Interstate Commission, and has the force and effect of statutory  
3 law in a member state, and includes the amendment, repeal, or  
4 suspension of an existing rule.

5 N. "Sending state" means: the state from which a child of  
6 a military family is sent, brought, or caused to be sent or  
7 brought.

8 O. "State" means: a state of the United States, the  
9 District of Columbia, the Commonwealth of Puerto Rico, the U.S.  
10 Virgin Islands, Guam, American Samoa, the Northern Marianas  
11 Islands and any other U.S. Territory.

12 P. "Student" means: the child of a military family for  
13 whom the local education agency receives public funding and who  
14 is formally enrolled in Kindergarten through Twelfth (12th)  
15 grade.

16 Q. "Transition" means: 1) the formal and physical process  
17 of transferring from school to school or 2) the period of time  
18 in which a student moves from one school in the sending state to  
19 another school in the receiving state.

20 R. "Uniformed service(s)" means: the Army, Navy, Air  
21 Force, Marine Corps, Coast Guard as well as the Commissioned

1 Corps of the National Oceanic and Atmospheric Administration,  
2 and Public Health Services.

3 S. "Veteran" means: a person who served in the uniformed  
4 services and who was discharged or released there from under  
5 conditions other than dishonorable.

6 **ARTICLE III**

7 **APPLICABILITY**

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

- 10 1. Active duty members of the uniformed services as  
11 defined in this compact, including members of the  
12 National Guard and Reserve on active duty orders  
13 pursuant to 10 U.S.C. Sections 1209 and 1211;
- 14 2. Members or veterans of the uniformed services who are  
15 severely injured and medically discharged or retired  
16 for a period of one (1) year after medical discharge or  
17 retirement; and
- 18 3. Members of the uniformed services who die on active  
19 duty or as a result of injuries sustained on active  
20 duty for a period of one (1) year after death.

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

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

- 3 1. Inactive members of the national guard and military  
4 reserves;
- 5 2. Members of the uniformed services now retired, except  
6 as provided in Section A;
- 7 3. Veterans of the uniformed services, except as provided  
8 in Section A; and
- 9 4. Other U.S. Department of Defense personnel and other  
10 federal agency civilian and contract employees not  
11 defined as active duty members of the uniformed  
12 services.

13 **ARTICLE IV**

14 **EDUCATIONAL RECORDS AND ENROLLMENT**

15 A. Unofficial or "hand-carried" education records - In the  
16 event that official education records cannot be released to the  
17 parents for the purpose of transfer, the custodian of the  
18 records in the sending state shall prepare and furnish to the  
19 parent a complete set of unofficial educational records  
20 containing uniform information as determined by the Interstate  
21 Commission. Upon receipt of the unofficial education records by  
22 a school in the receiving state, the school shall enroll and



1 appropriately place the student based on the information  
2 provided in the unofficial records pending validation by the  
3 official records, as quickly as possible.

4 B. Official education records/transcripts - Simultaneous  
5 with the enrollment and conditional placement of the student,  
6 the school in the receiving state shall request the student's  
7 official education record from the school in the sending state.  
8 Upon receipt of this request, the school in the sending state  
9 will process and furnish the official education records to the  
10 school in the receiving state within ten (10) days or within  
11 such time as is reasonably determined under the rules  
12 promulgated by the Interstate Commission.

13 C. Immunizations - Compacting states shall give thirty  
14 (30) days from the date of enrollment or within such time as is  
15 reasonably determined under the rules promulgated by the  
16 Interstate Commission, for students to obtain any  
17 immunization(s) required by the receiving state. For a series  
18 of immunizations, initial vaccinations must be obtained within  
19 thirty (30) days or within such time as is reasonably determined  
20 under the rules promulgated by the Interstate Commission.

21 D. Kindergarten and First grade entrance age - Students  
22 shall be allowed to continue their enrollment at grade level in

1 the receiving state commensurate with their grade level  
2 (including Kindergarten) from a local education agency in the  
3 sending state at the time of transition, regardless of age. A  
4 student that has satisfactorily completed the prerequisite grade  
5 level in the local education agency in the sending state shall  
6 be eligible for enrollment in the next highest grade level in  
7 the receiving state, regardless of age. A student transferring  
8 after the start of the school year in the receiving state shall  
9 enter the school in the receiving state on their validated level  
10 from an accredited school in the sending state.

11 **ARTICLE V**

12 **PLACEMENT AND ATTENDANCE**

13 A. Course placement - When the student transfers before or  
14 during the school year, the receiving state school shall  
15 initially honor placement of the student in educational courses  
16 based on the student's enrollment in the sending state school  
17 and/or educational assessments conducted at the school in the  
18 sending state if the courses are offered. Course placement  
19 includes but is not limited to Honors, International  
20 Baccalaureate, Advanced Placement, vocational, technical and  
21 career pathways courses. Continuing the student's academic  
22 program from the previous school and promoting placement in

1 academically and career challenging courses should be paramount  
2 when considering placement. This does not preclude the school  
3 in the receiving state from performing subsequent evaluations to  
4 ensure appropriate placement and continued enrollment of the  
5 student in the course(s).

6 B. Educational program placement - The receiving state  
7 school shall initially honor placement of the student in  
8 educational programs based on current educational assessments  
9 conducted at the school in the sending state or  
10 participation/placement in like programs in the sending state.  
11 Such programs include, but are not limited to: 1) gifted and  
12 talented programs; and 2) English as a second language (ESL).  
13 This does not preclude the school in the receiving state from  
14 performing subsequent evaluations to ensure appropriate  
15 placement of the student.

16 C. Special education services - 1) In compliance with the  
17 federal requirements of the Individuals with Disabilities  
18 Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the  
19 receiving state shall initially provide comparable services to a  
20 student with disabilities based on his/her current  
21 Individualized Education Program (IEP); and 2) In compliance  
22 with the requirements of Section 504 of the Rehabilitation Act,

1 29 U.S.C.A. Section 794, and with Title II of the Americans with  
2 Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the  
3 receiving state shall make reasonable accommodations and  
4 modifications to address the needs of incoming students with  
5 disabilities, subject to an existing 504 or Title II Plan, to  
6 provide the student with equal access to education. This does  
7 not preclude the school in the receiving state from performing  
8 subsequent evaluations to ensure appropriate placement of the  
9 student.

10 D. Placement flexibility - Local education agency  
11 administrative officials shall have flexibility in waiving  
12 course/program prerequisites, or other preconditions for  
13 placement in courses/programs offered under the jurisdiction of  
14 the local education agency.

15 E. Absence as related to deployment activities - A student  
16 whose parent or legal guardian is an active duty member of the  
17 uniformed services, as defined by the compact, and has been  
18 called to duty for, is on leave from, or immediately returned  
19 from deployment to a combat zone or combat support posting,  
20 shall be granted additional excused absences at the discretion  
21 of the local education agency superintendent to visit with his

1 or her parent or legal guardian relative to such leave or  
2 deployment of the parent or guardian.

3 **ARTICLE VI**

4 **ELIGIBILITY**

5 A. Eligibility for enrollment

6 1. Special power of attorney, relative to the guardianship  
7 of a child of a military family and executed under  
8 applicable law shall be sufficient for the purposes of  
9 enrollment and all other actions requiring parental  
10 participation and consent.

11 2. A local education agency shall be prohibited from  
12 charging local tuition to a transitioning military  
13 child placed in the care of a non-custodial parent or  
14 other person standing in loco parentis who lives in a  
15 jurisdiction other than that of the custodial parent.

16 3. A transitioning military child, placed in the care of a  
17 non-custodial parent or other person standing in loco  
18 parentis who lives in a jurisdiction other than that of  
19 the custodial parent, may continue to attend the school  
20 in which he/she was enrolled while residing with the  
21 custodial parent.



1 testing, in lieu of testing requirements for graduation in the  
2 receiving state. In the event the above alternatives cannot be  
3 accommodated by the receiving state for a student transferring  
4 in his or her Senior year, then the provisions of Article VII,  
5 Section C shall apply.

6 C. Transfers during Senior year - Should a military  
7 student transferring at the beginning or during his or her  
8 Senior year be ineligible to graduate from the receiving local  
9 education agency after all alternatives have been considered,  
10 the sending and receiving local education agencies shall ensure  
11 the receipt of a diploma from the sending local education  
12 agency, if the student meets the graduation requirements of the  
13 sending local education agency. In the event that one of the  
14 states in question is not a member of this compact, the member  
15 state shall use best efforts to facilitate the on-time  
16 graduation of the student in accordance with Sections A and B of  
17 this Article.

18 **ARTICLE VIII**

19 **STATE COORDINATION**

20 A. Each member state shall, through the creation of a  
21 State Council or use of an existing body or board, provide for  
22 the coordination among its agencies of government, local

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

16 B. The State Council of each member state shall appoint or  
17 designate a military family education liaison to assist military  
18 families and the state in facilitating the implementation of  
19 this compact.

20 C. The compact commissioner responsible for the  
21 administration and management of the state's participation in



1 the compact shall be appointed by the Governor or as otherwise  
2 determined by each member state.

3 D. The compact commissioner and the military family  
4 education liaison designated herein shall be ex-officio members  
5 of the State Council, unless either is already a full voting  
6 member of the State Council.

7 **ARTICLE IX**

8 **INTERSTATE COMMISSION ON EDUCATIONAL**

9 **OPPORTUNITY FOR MILITARY CHILDREN**

10 The member states hereby create the "Interstate Commission  
11 on Educational Opportunity for Military Children." The  
12 activities of the Interstate Commission are the formation of  
13 public policy and are a discretionary state function. The  
14 Interstate Commission shall:

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

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

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

6           2. A majority of the total member states shall constitute  
7 a quorum for the transaction of business, unless a  
8 larger quorum is required by the bylaws of the  
9 Interstate Commission.

10          3. A representative shall not delegate a vote to another  
11 member state. In the event the compact commissioner is  
12 unable to attend a meeting of the Interstate Commission,  
13 the Governor or State Council may delegate voting  
14 authority to another person from their state for a  
15 specified meeting.

16          4. The bylaws may provide for meetings of the Interstate  
17 Commission to be conducted by telecommunication or  
18 electronic communication.

19          C. Consist of ex-officio, non-voting representatives who  
20 are members of interested organizations. Such ex-officio  
21 members, as defined in the bylaws, may include but not be  
22 limited to, members of the representative organizations of

1 military family advocates, local education agency officials,  
2 parent and teacher groups, the U.S. Department of Defense, the  
3 Education Commission of the States, the Interstate Agreement on  
4 the Qualification of Educational Personnel and other interstate  
5 compacts affecting the education of children of military  
6 members.

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

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

1 deemed necessary. The U.S. Department of Defense, shall serve  
2 as an ex-officio, nonvoting member of the executive committee.

3 F. Establish bylaws and rules that provide for conditions  
4 and procedures under which the Interstate Commission shall make  
5 its information and official records available to the public for  
6 inspection or copying. The Interstate Commission may exempt  
7 from disclosure information or official records to the extent  
8 they would adversely affect personal privacy rights or  
9 proprietary interests.

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

- 16 1. Relate solely to the Interstate Commission's internal  
17 personnel practices and procedures;
- 18 2. Disclose matters specifically exempted from disclosure  
19 by federal and state statute;
- 20 3. Disclose trade secrets or commercial or financial  
21 information which is privileged or confidential;

- 1           4. Involve accusing a person of a crime, or formally
- 2           censuring a person;
- 3           5. Disclose information of a personal nature where
- 4           disclosure would constitute a clearly unwarranted
- 5           invasion of personal privacy;
- 6           6. Disclose investigative records compiled for law
- 7           enforcement purposes; or
- 8           7. Specifically relate to the Interstate Commission's
- 9           participation in a civil action or other legal
- 10          proceeding.

11          H. Cause its legal counsel or designee to certify that a

12 meeting may be closed and shall reference each relevant

13 exemptible provision for any meeting, or portion of a meeting,

14 which is closed pursuant to this provision. The Interstate

15 Commission shall keep minutes which shall fully and clearly

16 describe all matters discussed in a meeting and shall provide a

17 full and accurate summary of actions taken, and the reasons

18 therefore, including a description of the views expressed and the

19 record of a roll call vote. All documents considered in

20 connection with an action shall be identified in such minutes.

21 All minutes and documents of a closed meeting shall remain under

1 seal, subject to release by a majority vote of the Interstate  
2 Commission.

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

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

20 **ARTICLE X**

21 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

22 The Interstate Commission shall have the following powers:

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

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

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

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

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

16          F. To purchase and maintain insurance and bonds.

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

19          H. To establish and appoint committees including, but not  
20 limited to, an executive committee as required by Article IX,  
21 Section E, which shall have the power to act on behalf of the

1 Interstate Commission in carrying out its powers and duties  
2 hereunder.

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

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

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

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

19 M. To establish a budget and make expenditures.

20 N. To adopt a seal and bylaws governing the management and  
21 operation of the Interstate Commission.



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

6           P. To coordinate education, training and public awareness  
7           regarding the compact, its implementation and operation for  
8           officials and parents involved in such activity.

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

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

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

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

18    **ARTICLE XI**

19                      **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

20          A. The Interstate Commission shall, by a majority of the  
21          members present and voting, within twelve (12) months after the  
22          first Interstate Commission meeting, adopt bylaws to govern its

1 conduct as may be necessary or appropriate to carry out the  
2 purposes of the compact, including, but not limited to:

- 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.
- 20 7. Providing "start up" rules for initial administration  
21 of the compact.

1           B. The Interstate Commission shall, by a majority of the  
2 members, elect annually from among its members a chairperson, a  
3 vice-chairperson, and a treasurer, each of whom shall have such  
4 authority and duties as may be specified in the bylaws. The  
5 chairperson or, in the chairperson's absence or disability, the  
6 vice-chairperson, shall preside at all meetings of the  
7 Interstate Commission. The officers so 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 and expenses incurred by them in the  
12 performance of their responsibilities as officers of the  
13 Interstate Commission.

14           C. Executive Committee, Officers and Personnel

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

- 18           a. Managing the affairs of the Interstate Commission  
19                 in a manner consistent with the bylaws and purposes  
20                 of the Interstate Commission;
- 21           b. Overseeing an organizational structure within, and  
22                 appropriate procedures for the Interstate

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

4 c. 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 2. The executive committee may, subject to the approval of  
9 the Interstate Commission, appoint or retain an  
10 executive director for such period, upon such terms and  
11 conditions and for such compensation, as the Interstate  
12 Commission may deem appropriate. The executive  
13 director shall serve as secretary to the Interstate  
14 Commission, but shall not be a Member of the Interstate  
15 Commission. The executive director shall hire and  
16 supervise such other persons as may be authorized by  
17 the Interstate Commission.

18 D. The Interstate Commission's executive director and its  
19 employees shall be immune from suit and liability, either  
20 personally or in their official capacity, for a claim for damage  
21 to or loss of property or personal injury or other civil  
22 liability caused or arising out of or relating to an actual or

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

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

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

17          3. To the extent not covered by the state involved, member  
18          state, or the Interstate Commission, the  
19          representatives or employees of the Interstate  
20          Commission shall be held harmless in the amount of a  
21          settlement or judgment, including attorney's fees and  
22          costs, obtained against such persons arising out of an

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

#### 10 ARTICLE XII

#### 11 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

12 A. Rulemaking Authority - The Interstate Commission shall  
13 promulgate reasonable rules in order to effectively and  
14 efficiently achieve the purposes of this Compact.

15 Notwithstanding the foregoing, in the event the Interstate  
16 Commission exercises its rulemaking authority in a manner that  
17 is beyond the scope of the purposes of this Act, or the powers  
18 granted hereunder, then such an action by the Interstate  
19 Commission shall be invalid and have no force or effect.

20 B. Rulemaking Procedure - Rules shall be made pursuant to  
21 a rulemaking process that substantially conforms to the "Model  
22 State Administrative Procedure Act," of 1981 Act, Uniform Laws

1 Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate  
2 to the operations of the Interstate Commission.

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

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

17 **ARTICLE XIII**

18 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

19 A. Oversight

20 1. The executive, legislative and judicial branches of  
21 state government in each member state shall enforce  
22 this compact and shall take all actions necessary and



1 appropriate to effectuate the compact's purposes and  
2 intent. The provisions of this compact and the rules  
3 promulgated hereunder shall have standing as statutory  
4 law.

5 2. All courts shall take judicial notice of the compact  
6 and the rules in any judicial or administrative  
7 proceeding in a member state pertaining to the subject  
8 matter of this compact which may affect the powers,  
9 responsibilities or actions of the Interstate  
10 Commission.

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

18 B. Default, Technical Assistance, Suspension and  
19 Termination - If the Interstate Commission determines that a  
20 member state has defaulted in the performance of its obligations  
21 or responsibilities under this compact, or the bylaws or  
22 promulgated rules, the Interstate Commission shall:

- 1        1. Provide written notice to the defaulting state and  
2            other member states, of the nature of the default, the  
3            means of curing the default and any action taken by the  
4            Interstate Commission. The Interstate Commission shall  
5            specify the conditions by which the defaulting state  
6            must cure its default.
- 7        2. Provide remedial training and specific technical  
8            assistance regarding the default.
- 9        3. If the defaulting state fails to cure the default, the  
10           defaulting state shall be terminated from the compact  
11           upon an affirmative vote of a majority of the member  
12           states and all rights, privileges and benefits  
13           conferred by this compact shall be terminated from the  
14           effective date of termination. A cure of the default  
15           does not relieve the offending state of obligations or  
16           liabilities incurred during the period of the default.
- 17       4. Suspension or termination of membership in the compact  
18           shall be imposed only after all other means of securing  
19           compliance have been exhausted. Notice of intent to  
20           suspend or terminate shall be given by the Interstate  
21           Commission to the Governor, the majority and minority

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1           leaders of the defaulting state's legislature, and each  
2           of the member states.

3           5. The state which has been suspended or terminated is  
4           responsible for all assessments, obligations and  
5           liabilities incurred through the effective date of  
6           suspension or termination including obligations, the  
7           performance of which extends beyond the effective date  
8           of suspension or termination.

9           6. The Interstate Commission shall not bear any costs  
10          relating to any state that has been found to be in  
11          default or which has been suspended or terminated from  
12          the compact, unless otherwise mutually agreed upon in  
13          writing between the Interstate Commission and the  
14          defaulting state.

15          7. The defaulting state may appeal the action of the  
16          Interstate Commission by petitioning the U.S. District  
17          Court for the District of Columbia or the federal  
18          district where the Interstate Commission has its  
19          principal offices. The prevailing party shall be  
20          awarded all costs of such litigation including  
21          reasonable attorney's fees.

22          C. Dispute Resolution

- 1        1. The Interstate Commission shall attempt, upon the  
2                request of a member state, to resolve disputes which  
3                are subject to the compact and which may arise among  
4                member states and between member and non-member states.
- 5        2. The Interstate Commission shall promulgate a rule  
6                providing for both mediation and binding dispute  
7                resolution for disputes as appropriate.
- 8        D. Enforcement
- 9        1. The Interstate Commission, in the reasonable exercise  
10               of its discretion, shall enforce the provisions and  
11               rules of this compact.
- 12       2. The Interstate Commission, may by majority vote of the  
13               members, initiate legal action in the United States  
14               District Court for the District of Columbia or, at the  
15               discretion of the Interstate Commission, in the federal  
16               district where the Interstate Commission has its  
17               principal offices, to enforce compliance with the  
18               provisions of the compact, its promulgated rules and  
19               bylaws, against a member state in default. The relief  
20               sought may include both injunctive relief and damages.  
21               In the event judicial enforcement is necessary the

1 prevailing party shall be awarded all costs of such  
2 litigation including reasonable attorney's fees.

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

8 **ARTICLE XIV**

9 **FINANCING OF THE INTERSTATE COMMISSION**

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

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

21 C. The Interstate Commission shall not incur obligations  
22 of any kind prior to securing the funds adequate to meet the

1 same; nor shall the Interstate Commission pledge the credit of  
2 any of the member states, except by and with the authority of  
3 the member state.

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

13 **ARTICLE XV**

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

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

16 B. The compact shall become effective and binding upon  
17 legislative enactment of the compact into law by no less than  
18 ten (10) of the states. The effective date shall be no earlier  
19 than December 1, 2007. Thereafter it shall become effective and  
20 binding as to any other member state upon enactment of the  
21 compact into law by that state. The governors of non-member  
22 states or their designees shall be invited to participate in the

1 activities of the Interstate Commission on a non-voting basis  
2 prior to adoption of the compact by all states.

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

8 **ARTICLE XVI**

9 **WITHDRAWAL AND DISSOLUTION**

10 A. Withdrawal

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

16 2. Withdrawal from this compact shall be by the enactment  
17 of a statute repealing the same, but shall not take  
18 effect until one (1) year after the effective date of  
19 such statute and until written notice of the withdrawal  
20 has been given by the withdrawing state to the Governor  
21 of each other member jurisdiction.

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

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

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

17          B. Dissolution of Compact

18          1. This compact shall dissolve effective upon the date of  
19          the withdrawal or default of the member state which  
20          reduces the membership in the compact to one (1) member  
21          state.



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

**ARTICLE XVII**

**SEVERABILITY AND CONSTRUCTION**

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

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

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

**ARTICLE XVIII**

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

19  
20          A. Other Laws

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

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

6        B. Binding Effect of the Compact

7        1. All lawful actions of the Interstate Commission,  
8        including all rules and bylaws promulgated by the  
9        Interstate Commission, are binding upon the member  
10       states.

11       2. All agreements between the Interstate Commission and  
12       the member states are binding in accordance with their  
13       terms.

14       3. In the event any provision of this compact exceeds the  
15       constitutional limits imposed on the legislature of any  
16       member state, such provision shall be ineffective to  
17       the extent of the conflict with the constitutional  
18       provision in question in that member state.

19       **§ -2 Local education agency defined.** As used in this  
20       compact, "local education agency" shall be the department of  
21       education.

1           **§ -3 State council on educational opportunity for**  
2 **military children established.** There is established within the  
3 department of defense for administrative purposes the state  
4 council on educational opportunity for military children  
5 consisting of eleven (11) members who shall be appointed by the  
6 governor in accordance with section 26-34 as follows:

- 7           (1) The state superintendent of education;
- 8           (2) One complex area superintendent of a school district  
9           with a high concentration of military children shall  
10           be appointed from a list of nominees submitted by the  
11           superintendent of education;
- 12           (3) One representative from a military installation shall  
13           be appointed from a list of nominees submitted by the  
14           commanding officer of the United States pacific  
15           command;
- 16           (4) One representative from the state legislature shall be  
17           appointed from a list of nominees submitted by the  
18           speaker of the house and president of the senate;
- 19           (5) One representative from the executive branch;
- 20           (6) One representative from the joint venture education  
21           forum shall be appointed from a list of nominees  
22           submitted by the co-chairs of the forum; and

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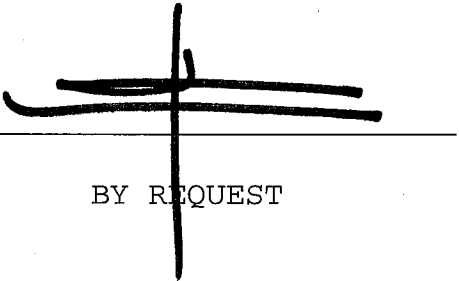
1           (7) The army, air force, coast guard, marine, and navy  
2           school liaison officers.

3 The members of the council shall serve without compensation but  
4 shall be reimbursed for expenses, including travel expenses,  
5 necessary for the performance of their duties. The council  
6 shall serve as the state council under this compact."

7           SECTION 2. This Act shall take effect on July 1, 2009.

8  
9  
10

INTRODUCED BY: \_\_\_\_\_



BY REQUEST

**Report Title:**

Education; Interstate Compact on Educational Opportunity for Military Children.

**Description:**

Removes barriers to educational success imposed on children of military families by frequent moves and deployment of their parents through the adoption of the Interstate Compact on Educational Opportunity for Military Children.

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

PURPOSE: This Act adopts the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.
- D. Facilitating the on-time graduation of children of military families.
- E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

- F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.
- G. Promoting coordination between this compact and other compacts affecting military children.
- H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

MEANS:

Add a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION:

Due to different education requirements imposed by different school systems, students whose families relocate due to military service often have difficulty transitioning into their new schools.

The Interstate Compact on Educational Opportunity for Military Children provides detailed requirements that sending and receiving schools of military children must meet in order to facilitate transition. Specific rules or timelines are provided regarding: timely transfer of educational records, timely immunization prior to enrollment, flexibility on age restrictions for kindergarten and first grade enrollment, flexibility for inclusion in extracurricular activities, flexibility in course and educational program placement, facilitation of comparable special education services, and facilitation of on-time graduation.

Adopting the compact will address key issues regarding K-12 eligibility, enrollment, placement and graduation of children whose parents are active duty servicemembers, or recent veterans of the military.

Impact on the public: Improved transition for military dependent children transferring into or out of the Hawaii public school system.

Impact on the department and other agencies: Clear timelines and requirements that will ensure a smooth transition for military dependent children in the Hawaii public school system.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2009.