

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0703.01 Jane Ritter

HOUSE BILL 08-1317

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A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN INTERSTATE COMPACT ON**
102 **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, AND**
103 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates an interstate compact on educational opportunity for military children. Directs the governor to enter into a compact on educational opportunity for military children ("compact") with other states to remove barriers to educational success that are imposed on children of military families ("military children") because of frequent moves and deployment of their parents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 11, 2008

HOUSE
Amended 2nd Reading
April 10, 2008

Enacts the following provisions through the compact:

- ! Facilitates the timely enrollment of military children because of difficulties in the transfer of education records from a previous school district or because of variations in entrance or age requirements;
- ! Facilitates the student placement process by allowing waivers to ensure that military children are not disadvantaged by variations in attendance requirements, scheduling, grading, course content, or assessment;
- ! Streamlines qualifications and eligibility for enrollment, educational programs, and participation in extracurricular programs for military children;
- ! Facilitates the on-time graduation of military children;
- ! Provides for the promulgation and enforcement of administrative rules to implement the provisions of the compact;
- ! Provides for the uniform collection and sharing of information between and among states participating in the compact, schools, and military families;
- ! Promotes coordination between this compact and any other compacts that affect military children; and
- ! Promotes flexibility and cooperation among the educational system, military parents, and military children to achieve educational success for the student.

Creates the interstate commission on educational opportunity for military children ("commission"). Establishes membership on the commission, meeting requirements, and powers and duties of the commission. Gives the commission rule-making authority to effectively and efficiently achieve the purposes of the compact. Outlines oversight, enforcement, dispute resolution, and financing for the commission. Allows for the withdrawal from the compact by a member state under certain conditions.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 90**

5 **Interstate Compact on Educational**

6 **Opportunity for Military Children**

7 **22-90-101. Interstate compact approved and ratified.**

1 PURSUANT TO SECTION 24-60-3402, C.R.S., THE GENERAL ASSEMBLY
2 APPROVED AND RATIFIED AND AUTHORIZED THE GOVERNOR TO ENTER INTO
3 A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH ANY OF THE
4 UNITED STATES OR OTHER JURISDICTIONS CONCERNING EDUCATIONAL
5 OPPORTUNITY FOR MILITARY CHILDREN.

6 **SECTION 2.** Article 60 of title 24, Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PART to read:

8 PART 34
9 INTERSTATE COMPACT ON EDUCATIONAL
10 OPPORTUNITY FOR MILITARY CHILDREN

11 **24-60-3401. Legislative declaration.** THE GENERAL ASSEMBLY
12 FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX
13 OF THE STATE CONSTITUTION, ADOPTING AN INTERSTATE COMPACT
14 CONCERNING EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN IS A
15 CRITICAL ELEMENT OF ACCOUNTABLE EDUCATION REFORM AND,
16 THEREFORE, MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND
17 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

18 **24-60-3402. Compact approved and ratified.** THE GENERAL
19 ASSEMBLY HEREBY APPROVES AND RATIFIES AND THE GOVERNOR SHALL
20 ENTER INTO A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
21 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
22 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

23 INTERSTATE COMPACT ON EDUCATIONAL
24 OPPORTUNITY FOR MILITARY CHILDREN
25 ARTICLE I - PURPOSE

26 IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS TO
27 EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES

1 BECAUSE OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:

2 A. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF
3 MILITARY FAMILIES AND ENSURING THAT THEY ARE NOT PLACED AT A
4 DISADVANTAGE DUE TO DIFFICULTY IN THE TRANSFER OF EDUCATION
5 RECORDS FROM THE PREVIOUS SCHOOL DISTRICT(S) OR VARIATIONS IN
6 ENTRANCE/AGE REQUIREMENTS.

7 B. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH
8 WHICH CHILDREN OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY
9 VARIATIONS IN ATTENDANCE REQUIREMENTS, SCHEDULING, SEQUENCING,
10 GRADING, COURSE CONTENT OR ASSESSMENT.

11 C. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR
12 ENROLLMENT, EDUCATIONAL PROGRAMS, AND PARTICIPATION IN
13 EXTRACURRICULAR ACADEMIC, ATHLETIC, AND SOCIAL ACTIVITIES.

14 D. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF
15 MILITARY FAMILIES.

16 E. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF
17 ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS
18 COMPACT.

19 F. PROVIDING FOR THE UNIFORM COLLECTION AND SHARING OF
20 INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND
21 MILITARY FAMILIES UNDER THIS COMPACT.

22 G. PROMOTING COORDINATION BETWEEN THIS COMPACT AND
23 OTHER COMPACTS AFFECTING MILITARY CHILDREN.

24 H. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE
25 EDUCATIONAL SYSTEM, PARENTS AND THE STUDENT IN ORDER TO ACHIEVE
26 EDUCATIONAL SUCCESS FOR THE STUDENT.

27 ARTICLE II - DEFINITIONS

1 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY
2 REQUIRES A DIFFERENT CONSTRUCTION:

3 A. "ACTIVE DUTY" MEANS: FULL-TIME DUTY STATUS IN THE
4 ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING
5 MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY
6 ORDERS PURSUANT TO 10 U.S.C. SECTION 1209 AND 1211.

7 B. "CHILDREN OF MILITARY FAMILIES" MEANS: A SCHOOL-AGED
8 CHILD(REN), ENROLLED IN KINDERGARTEN THROUGH TWELFTH (12TH)
9 GRADE, IN THE HOUSEHOLD OF AN ACTIVE DUTY MEMBER.

10 C. "COMPACT COMMISSIONER" MEANS: THE VOTING
11 REPRESENTATIVE OF EACH COMPACTING STATE APPOINTED PURSUANT TO
12 ARTICLE VIII OF THIS COMPACT.

13 D. "DEPLOYMENT" MEANS: THE PERIOD ONE (1) MONTH PRIOR TO
14 THE SERVICE MEMBERS' DEPARTURE FROM THEIR HOME STATION ON
15 MILITARY ORDERS THROUGH SIX (6) MONTHS AFTER RETURN TO THEIR
16 HOME STATION.

17 E. "EDUCATION(AL) RECORDS" MEANS: THOSE OFFICIAL RECORDS,
18 FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY
19 THE SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED
20 TO RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S
21 CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF
22 ATTENDANCE AND OF ACADEMIC WORK COMPLETED, RECORDS OF
23 ACHIEVEMENT AND RESULTS OF EVALUATIVE TESTS, HEALTH DATA,
24 DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDIVIDUALIZED EDUCATION
25 PROGRAMS.

26 F. "EXTRACURRICULAR ACTIVITIES" MEANS: A VOLUNTARY
27 ACTIVITY SPONSORED BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR

1 AN ORGANIZATION SANCTIONED BY THE LOCAL EDUCATION AGENCY.
2 EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO,
3 PREPARATION FOR AND INVOLVEMENT IN PUBLIC PERFORMANCES,
4 CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND
5 CLUB ACTIVITIES.

6 G. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY
7 FOR MILITARY CHILDREN" MEANS: THE COMMISSION THAT IS CREATED
8 UNDER ARTICLE IX OF THIS COMPACT, WHICH IS GENERALLY REFERRED TO
9 AS INTERSTATE COMMISSION.

10 H. "LOCAL EDUCATION AGENCY" MEANS: A PUBLIC AUTHORITY
11 LEGALLY CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO
12 PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH
13 TWELFTH (12TH) GRADE PUBLIC EDUCATIONAL INSTITUTIONS.

14 I. "MEMBER STATE" MEANS: A STATE THAT HAS ENACTED THIS
15 COMPACT.

16 J. "MILITARY INSTALLATION" MEANS: A BASE, CAMP, POST,
17 STATION, YARD, CENTER, HOMEPORT FACILITY FOR ANY SHIP, OR OTHER
18 ACTIVITY UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE,
19 INCLUDING ANY LEASED FACILITY, WHICH IS LOCATED WITHIN ANY OF THE
20 SEVERAL STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF
21 PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE
22 NORTHERN MARIANAS ISLANDS AND ANY OTHER U.S. TERRITORY. SUCH
23 TERM DOES NOT INCLUDE ANY FACILITY USED PRIMARILY FOR CIVIL
24 WORKS, RIVERS AND HARBORS PROJECTS, OR FLOOD CONTROL PROJECTS.

25 K. "NON-MEMBER STATE" MEANS: A STATE THAT HAS NOT
26 ENACTED THIS COMPACT.

27 L. "RECEIVING STATE" MEANS: THE STATE TO WHICH A CHILD OF

1 A MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR
2 BROUGHT.

3 M. "RULE" MEANS: A WRITTEN STATEMENT BY THE INTERSTATE
4 COMMISSION PROMULGATED PURSUANT TO ARTICLE XII OF THIS COMPACT
5 THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR
6 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN
7 ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE
8 INTERSTATE COMMISSION, AND HAS THE FORCE AND EFFECT OF
9 STATUTORY LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT,
10 REPEAL, OR SUSPENSION OF AN EXISTING RULE.

11 N. "SENDING STATE" MEANS: THE STATE FROM WHICH A CHILD OF
12 A MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR
13 BROUGHT.

14 O. "STATE" MEANS: A STATE OF THE UNITED STATES, THE
15 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S.
16 VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS
17 ISLANDS AND ANY OTHER U.S. TERRITORY.

18 P. "STUDENT" MEANS: THE CHILD OF A MILITARY FAMILY FOR
19 WHOM THE LOCAL EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND
20 WHO IS FORMALLY ENROLLED IN KINDERGARTEN THROUGH TWELFTH
21 (12TH) GRADE.

22 Q. "TRANSITION" MEANS: 1) THE FORMAL AND PHYSICAL PROCESS
23 OF TRANSFERRING FROM SCHOOL TO SCHOOL OR 2) THE PERIOD OF TIME IN
24 WHICH A STUDENT MOVES FROM ONE SCHOOL IN THE SENDING STATE TO
25 ANOTHER SCHOOL IN THE RECEIVING STATE.

26 R. "UNIFORMED SERVICE(S)" MEANS: THE ARMY, NAVY, AIR
27 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 FROM THERE UNDER
5 CONDITIONS OTHER THAN DISHONORABLE.

6 ARTICLE III - APPLICABILITY

7 A. EXCEPT AS OTHERWISE PROVIDED IN SECTION C, THIS COMPACT
8 SHALL APPLY TO THE CHILDREN OF:

9 1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS
10 DEFINED IN THIS COMPACT, INCLUDING MEMBERS OF THE NATIONAL
11 GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C.
12 SECTION 1209 AND 1211;

13 2. MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO ARE
14 SEVERELY INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A
15 PERIOD OF ONE (1) YEAR AFTER MEDICAL DISCHARGE OR RETIREMENT; AND

16 3. MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE
17 DUTY OR AS A RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A
18 PERIOD OF ONE (1) YEAR AFTER DEATH.

19 B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY
20 APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.

21 C. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE
22 CHILDREN OF:

23 1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND MILITARY
24 RESERVES;

25 2. MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED, EXCEPT
26 AS PROVIDED IN SECTION A;

27 3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS PROVIDED

1 IN SECTION A; AND

2 4. OTHER U.S. DEPT. OF DEFENSE PERSONNEL AND OTHER FEDERAL
3 AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED AS ACTIVE
4 DUTY MEMBERS OF THE UNIFORMED SERVICES.

5 ARTICLE IV - EDUCATIONAL RECORDS & ENROLLMENT

6 A. UNOFFICIAL OR "HAND-CARRIED" EDUCATION RECORDS - IN THE
7 EVENT THAT OFFICIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE
8 PARENTS FOR THE PURPOSE OF TRANSFER, THE CUSTODIAN OF THE
9 RECORDS IN THE SENDING STATE SHALL PREPARE AND FURNISH TO THE
10 PARENT A COMPLETE SET OF UNOFFICIAL EDUCATIONAL RECORDS
11 CONTAINING UNIFORM INFORMATION AS DETERMINED BY THE INTERSTATE
12 COMMISSION. UPON RECEIPT OF THE UNOFFICIAL EDUCATION RECORDS BY
13 A SCHOOL IN THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND
14 APPROPRIATELY PLACE THE STUDENT BASED ON THE INFORMATION
15 PROVIDED IN THE UNOFFICIAL RECORDS PENDING VALIDATION BY THE
16 OFFICIAL RECORDS, AS QUICKLY AS POSSIBLE.

17 B. OFFICIAL EDUCATION RECORDS/TRANSCRIPTS - SIMULTANEOUS
18 WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT,
19 THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S
20 OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE.
21 UPON RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL
22 PROCESS AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL
23 IN THE RECEIVING STATE WITHIN TEN (10) DAYS OR WITHIN SUCH TIME AS
24 IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE
25 INTERSTATE COMMISSION.

26 C. IMMUNIZATIONS - COMPACTING STATES SHALL GIVE THIRTY
27 (30) DAYS FROM THE DATE OF ENROLLMENT OR WITHIN SUCH TIME AS IS

1 REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE
2 INTERSTATE COMMISSION, FOR STUDENTS TO OBTAIN ANY
3 IMMUNIZATION(S) REQUIRED BY THE RECEIVING STATE. FOR A SERIES OF
4 IMMUNIZATIONS, INITIAL VACCINATIONS MUST BE OBTAINED WITHIN
5 THIRTY (30) DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED
6 UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

7 D. KINDERGARTEN AND FIRST GRADE ENTRANCE AGE - STUDENTS
8 SHALL BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL
9 IN THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL
10 (INCLUDING KINDERGARTEN) FROM A LOCAL EDUCATION AGENCY IN THE
11 SENDING STATE AT THE TIME OF TRANSITION, REGARDLESS OF AGE. A
12 STUDENT THAT HAS SATISFACTORILY COMPLETED THE PREREQUISITE
13 GRADE LEVEL IN THE LOCAL EDUCATION AGENCY IN THE SENDING STATE
14 SHALL BE ELIGIBLE FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL
15 IN THE RECEIVING STATE, REGARDLESS OF AGE. A STUDENT
16 TRANSFERRING AFTER THE START OF THE SCHOOL YEAR IN THE RECEIVING
17 STATE SHALL ENTER THE SCHOOL IN THE RECEIVING STATE ON THEIR
18 VALIDATED LEVEL FROM AN ACCREDITED SCHOOL IN THE SENDING STATE.

19 ARTICLE V - PLACEMENT & ATTENDANCE

20 A. COURSE PLACEMENT - WHEN THE STUDENT TRANSFERS BEFORE
21 OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL
22 INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES
23 BASED ON THE STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL
24 AND/OR EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE
25 SENDING STATE IF THE COURSES ARE OFFERED. COURSE PLACEMENT
26 INCLUDES BUT IS NOT LIMITED TO HONORS, INTERNATIONAL
27 BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL

1 AND CAREER PATHWAYS COURSES. CONTINUING THE STUDENT'S
2 ACADEMIC PROGRAM FROM THE PREVIOUS SCHOOL AND PROMOTING
3 PLACEMENT IN ACADEMICALLY AND CAREER CHALLENGING COURSES
4 SHOULD BE PARAMOUNT WHEN CONSIDERING PLACEMENT. THIS DOES NOT
5 PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING
6 SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND
7 CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSE(S).

8 B. EDUCATIONAL PROGRAM PLACEMENT - THE RECEIVING STATE
9 SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN
10 EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL
11 ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR
12 PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE.
13 SUCH PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO: 1) GIFTED AND
14 TALENTED PROGRAMS; AND 2) ENGLISH AS A SECOND LANGUAGE (ESL).
15 THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
16 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE
17 PLACEMENT OF THE STUDENT.

18 C. SPECIAL EDUCATION SERVICES - 1) IN COMPLIANCE WITH THE
19 FEDERAL REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES
20 EDUCATION ACT (IDEA), 20 U.S.C.A. SECTION 1400 ET SEQ, THE
21 RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A
22 STUDENT WITH DISABILITIES BASED ON HIS/HER CURRENT INDIVIDUALIZED
23 EDUCATION PROGRAM (IEP); AND 2) IN COMPLIANCE WITH THE
24 REQUIREMENTS OF SECTION 504 OF THE REHABILITATION ACT, 29
25 U.S.C.A. SECTION 794, AND WITH TITLE II OF THE AMERICANS WITH
26 DISABILITIES ACT, 42 U.S.C.A. SECTIONS 12131-12165, THE RECEIVING
27 STATE SHALL MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS

1 TO ADDRESS THE NEEDS OF INCOMING STUDENTS WITH DISABILITIES,
2 SUBJECT TO AN EXISTING 504 OR TITLE II PLAN, TO PROVIDE THE STUDENT
3 WITH EQUAL ACCESS TO EDUCATION. THIS DOES NOT PRECLUDE THE
4 SCHOOL IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT
5 EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE STUDENT.

6 D. PLACEMENT FLEXIBILITY - LOCAL EDUCATION AGENCY
7 ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING
8 COURSE/PROGRAM PREREQUISITES, OR OTHER PRECONDITIONS FOR
9 PLACEMENT IN COURSES/PROGRAMS OFFERED UNDER THE JURISDICTION OF
10 THE LOCAL EDUCATION AGENCY.

11 E. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES - A STUDENT
12 WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE
13 UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN
14 CALLED TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED
15 FROM DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING,
16 SHALL BE GRANTED ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION
17 OF THE LOCAL EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH HIS OR
18 HER PARENT OR LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR
19 DEPLOYMENT OF THE PARENT OR GUARDIAN.

20 ARTICLE VI - ELIGIBILITY

21 A. ELIGIBILITY FOR ENROLLMENT

22 1. SPECIAL POWER OF ATTORNEY, RELATIVE TO THE GUARDIANSHIP
23 OF A CHILD OF A MILITARY FAMILY AND EXECUTED UNDER APPLICABLE
24 LAW SHALL BE SUFFICIENT FOR THE PURPOSES OF ENROLLMENT AND ALL
25 OTHER ACTIONS REQUIRING PARENTAL PARTICIPATION AND CONSENT.

26 2. A LOCAL EDUCATION AGENCY SHALL BE PROHIBITED FROM
27 CHARGING LOCAL TUITION TO A TRANSITIONING MILITARY CHILD PLACED

1 IN THE CARE OF A NON-CUSTODIAL PARENT OR OTHER PERSON STANDING
2 IN LOCO PARENTIS WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE
3 CUSTODIAL PARENT.

4 3. A TRANSITIONING MILITARY CHILD, PLACED IN THE CARE OF A
5 NON-CUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS
6 WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL
7 PARENT, MAY CONTINUE TO ATTEND THE SCHOOL IN WHICH HE/SHE WAS
8 ENROLLED WHILE RESIDING WITH THE CUSTODIAL PARENT.

9 B. ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION - STATE
10 AND LOCAL EDUCATION AGENCIES SHALL FACILITATE THE OPPORTUNITY
11 FOR TRANSITIONING MILITARY CHILDREN'S INCLUSION IN
12 EXTRACURRICULAR ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES,
13 TO THE EXTENT THEY ARE OTHERWISE QUALIFIED.

14 ARTICLE VII - GRADUATION

15 IN ORDER TO FACILITATE THE ON-TIME GRADUATION OF CHILDREN
16 OF MILITARY FAMILIES STATES AND LOCAL EDUCATION AGENCIES SHALL
17 INCORPORATE THE FOLLOWING PROCEDURES:

18 A. WAIVER REQUIREMENTS - LOCAL EDUCATION AGENCY
19 ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIFIC COURSES REQUIRED
20 FOR GRADUATION IF SIMILAR COURSE WORK HAS BEEN SATISFACTORILY
21 COMPLETED IN ANOTHER LOCAL EDUCATION AGENCY OR SHALL PROVIDE
22 REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE
23 GRANTED TO A STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE
24 SENDING SCHOOL, THE LOCAL EDUCATION AGENCY SHALL PROVIDE AN
25 ALTERNATIVE MEANS OF ACQUIRING REQUIRED COURSEWORK SO THAT
26 GRADUATION MAY OCCUR ON TIME.

27 B. EXIT EXAMS - STATES SHALL ACCEPT: 1) EXIT OR

1 END-OF-COURSE EXAMS REQUIRED FOR GRADUATION FROM THE SENDING
2 STATE; OR 2) NATIONAL NORM-REFERENCED ACHIEVEMENT TESTS OR 3)
3 ALTERNATIVE TESTING, IN LIEU OF TESTING REQUIREMENTS FOR
4 GRADUATION IN THE RECEIVING STATE. IN THE EVENT THE ABOVE
5 ALTERNATIVES CANNOT BE ACCOMMODATED BY THE RECEIVING STATE
6 FOR A STUDENT TRANSFERRING IN HIS OR HER SENIOR YEAR, THEN THE
7 PROVISIONS OF ARTICLE VII, SECTION C SHALL APPLY.

8 C. TRANSFERS DURING SENIOR YEAR - SHOULD A MILITARY
9 STUDENT TRANSFERRING AT THE BEGINNING OR DURING HIS OR HER
10 SENIOR YEAR BE INELIGIBLE TO GRADUATE FROM THE RECEIVING LOCAL
11 EDUCATION AGENCY AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED,
12 THE SENDING AND RECEIVING LOCAL EDUCATION AGENCIES SHALL ENSURE
13 THE RECEIPT OF A DIPLOMA FROM THE SENDING LOCAL EDUCATION
14 AGENCY, IF THE STUDENT MEETS THE GRADUATION REQUIREMENTS OF THE
15 SENDING LOCAL EDUCATION AGENCY. IN THE EVENT THAT ONE OF THE
16 STATES IN QUESTION IS NOT A MEMBER OF THIS COMPACT, THE MEMBER
17 STATE SHALL USE BEST EFFORTS TO FACILITATE THE ON-TIME GRADUATION
18 OF THE STUDENT IN ACCORDANCE WITH SECTIONS A AND B OF THIS
19 ARTICLE.

20 ARTICLE VIII - STATE COORDINATION

21 A. EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A
22 STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR
23 THE COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL
24 EDUCATION AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE
25 STATE'S PARTICIPATION IN, AND COMPLIANCE WITH, THIS COMPACT AND
26 INTERSTATE COMMISSION ACTIVITIES. WHILE EACH MEMBER STATE MAY
27 DETERMINE THE MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS

1 MEMBERSHIP MUST INCLUDE AT LEAST: THE STATE SUPERINTENDENT OF
2 EDUCATION, SUPERINTENDENT OF A SCHOOL DISTRICT WITH A HIGH
3 CONCENTRATION OF MILITARY CHILDREN, REPRESENTATIVE FROM A
4 MILITARY INSTALLATION, ONE REPRESENTATIVE EACH FROM THE
5 LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT, AND OTHER
6 OFFICES AND STAKEHOLDER GROUPS THE STATE COUNCIL DEEMS
7 APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE A SCHOOL
8 DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF MILITARY
9 CHILDREN MAY APPOINT A SUPERINTENDENT FROM ANOTHER SCHOOL
10 DISTRICT TO REPRESENT LOCAL EDUCATION AGENCIES ON THE STATE
11 COUNCIL.

12 B. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT
13 OR DESIGNATE A MILITARY FAMILY EDUCATION LIAISON TO ASSIST
14 MILITARY FAMILIES AND THE STATE IN FACILITATING THE
15 IMPLEMENTATION OF THIS COMPACT.

16 C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE
17 ADMINISTRATION AND MANAGEMENT OF THE STATE'S PARTICIPATION IN
18 THE COMPACT SHALL BE APPOINTED BY THE GOVERNOR OR AS OTHERWISE
19 DETERMINED BY EACH MEMBER STATE.

20 D. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY
21 EDUCATION LIAISON DESIGNATED HEREIN SHALL BE EX-OFFICIO MEMBERS
22 OF THE STATE COUNCIL, UNLESS EITHER IS ALREADY A FULL VOTING
23 MEMBER OF THE STATE COUNCIL.

24 ARTICLE IX - INTERSTATE COMMISSION ON EDUCATIONAL
25 OPPORTUNITY FOR MILITARY CHILDREN

26 THE MEMBER STATES HEREBY CREATE THE "INTERSTATE
27 COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."

1 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF
2 PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION. THE
3 INTERSTATE COMMISSION SHALL:

4 A. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER
5 STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS AND DUTIES
6 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE
7 CONFERRED UPON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE
8 RESPECTIVE LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH
9 THE TERMS OF THIS COMPACT.

10 B. CONSIST OF ONE INTERSTATE COMMISSION VOTING
11 REPRESENTATIVE FROM EACH MEMBER STATE WHO SHALL BE THAT
12 STATE'S COMPACT COMMISSIONER.

13 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE
14 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.

15 2. A MAJORITY OF THE TOTAL MEMBER STATES SHALL CONSTITUTE
16 A QUORUM FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER
17 QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION.

18 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER
19 MEMBER STATE. IN THE EVENT THE COMPACT COMMISSIONER IS UNABLE
20 TO ATTEND A MEETING OF THE INTERSTATE COMMISSION, THE GOVERNOR
21 OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO ANOTHER
22 PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.

23 4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE
24 COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC
25 COMMUNICATION.

26 C. CONSIST OF EX-OFFICIO, NON-VOTING REPRESENTATIVES WHO
27 ARE MEMBERS OF INTERESTED ORGANIZATIONS. SUCH EX-OFFICIO

1 MEMBERS, AS DEFINED IN THE BYLAWS, MAY INCLUDE BUT NOT BE LIMITED
2 TO, MEMBERS OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY
3 FAMILY ADVOCATES, LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND
4 TEACHER GROUPS, THE U.S. DEPARTMENT OF DEFENSE, THE EDUCATION
5 COMMISSION OF THE STATES, THE INTERSTATE AGREEMENT ON THE
6 QUALIFICATION OF EDUCATIONAL PERSONNEL AND OTHER INTERSTATE
7 COMPACTS AFFECTING THE EDUCATION OF CHILDREN OF MILITARY
8 MEMBERS.

9 D. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE
10 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST
11 OF A SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL
12 MEETINGS.

13 E. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS SHALL
14 INCLUDE THE OFFICERS OF THE INTERSTATE COMMISSION AND SUCH
15 OTHER MEMBERS OF THE INTERSTATE COMMISSION AS DETERMINED BY
16 THE BYLAWS. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL SERVE A
17 ONE YEAR TERM. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE
18 ENTITLED TO ONE VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE
19 THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH
20 THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE
21 COMMISSION IS NOT IN SESSION. THE EXECUTIVE COMMITTEE SHALL
22 OVERSEE THE DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF THE
23 COMPACT INCLUDING ENFORCEMENT AND COMPLIANCE WITH THE
24 PROVISIONS OF THE COMPACT, ITS BYLAWS AND RULES, AND OTHER SUCH
25 DUTIES AS DEEMED NECESSARY. THE U.S. DEPT. OF DEFENSE, SHALL
26 SERVE AS AN EX-OFFICIO, NONVOTING MEMBER OF THE EXECUTIVE
27 COMMITTEE.

1 F. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR CONDITIONS
2 AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION SHALL
3 MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE
4 PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY
5 EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL RECORDS TO THE
6 EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR
7 PROPRIETARY INTERESTS.

8 G. GIVE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS
9 SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS
10 OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION
11 AND ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION THEREOF,
12 WHERE IT DETERMINES BY TWO-THIRDS VOTE THAT AN OPEN MEETING
13 WOULD BE LIKELY TO:

14 1. RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL
15 PERSONNEL PRACTICES AND PROCEDURES;

16 2. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE
17 BY FEDERAL AND STATE STATUTE;

18 3. DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL
19 INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

20 4. INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY
21 CENSURING A PERSON;

22 5. DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE
23 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
24 PERSONAL PRIVACY;

25 6. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW
26 ENFORCEMENT PURPOSES; OR

27 7. SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S

1 PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

2 H. SHALL CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY
3 THAT A MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT
4 EXEMPTIBLE PROVISION FOR ANY MEETING, OR PORTION OF A MEETING,
5 WHICH IS CLOSED PURSUANT TO THIS PROVISION. THE INTERSTATE
6 COMMISSION SHALL KEEP MINUTES WHICH SHALL FULLY AND CLEARLY
7 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A
8 FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS
9 THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED AND THE
10 RECORD OF A ROLL CALL VOTE. ALL DOCUMENTS CONSIDERED IN
11 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES.
12 ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN
13 UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE
14 INTERSTATE COMMISSION.

15 I. SHALL COLLECT STANDARDIZED DATA CONCERNING THE
16 EDUCATIONAL TRANSITION OF THE CHILDREN OF MILITARY FAMILIES
17 UNDER THIS COMPACT AS DIRECTED THROUGH ITS RULES WHICH SHALL
18 SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF COLLECTION AND
19 DATA EXCHANGE AND REPORTING REQUIREMENTS. SUCH METHODS OF
20 DATA COLLECTION, EXCHANGE AND REPORTING SHALL, IN SO FAR AS IS
21 REASONABLY POSSIBLE, CONFORM TO CURRENT TECHNOLOGY AND
22 COORDINATE ITS INFORMATION FUNCTIONS WITH THE APPROPRIATE
23 CUSTODIAN OF RECORDS AS IDENTIFIED IN THE BYLAWS AND RULES.

24 J. SHALL CREATE A PROCESS THAT PERMITS MILITARY OFFICIALS,
25 EDUCATION OFFICIALS AND PARENTS TO INFORM THE INTERSTATE
26 COMMISSION IF AND WHEN THERE ARE ALLEGED VIOLATIONS OF THE
27 COMPACT OR ITS RULES OR WHEN ISSUES SUBJECT TO THE JURISDICTION OF

1 THE COMPACT OR ITS RULES ARE NOT ADDRESSED BY THE STATE OR LOCAL
2 EDUCATION AGENCY. THIS SECTION SHALL NOT BE CONSTRUED TO CREATE
3 A PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE COMMISSION OR
4 ANY MEMBER STATE.

5 ARTICLE X - POWERS AND DUTIES OF
6 THE INTERSTATE COMMISSION

7 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING
8 POWERS:

9 A. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER
10 STATES.

11 B. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO
12 EFFECT THE GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS
13 COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF STATUTORY
14 LAW AND SHALL BE BINDING IN THE COMPACT STATES TO THE EXTENT AND
15 IN THE MANNER PROVIDED IN THIS COMPACT.

16 C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY
17 OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE
18 INTERSTATE COMPACT, ITS BYLAWS, RULES AND ACTIONS.

19 D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE
20 RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE
21 BYLAWS, USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT
22 LIMITED TO THE USE OF JUDICIAL PROCESS.

23 E. TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE
24 LOCATED WITHIN ONE OR MORE OF THE MEMBER STATES.

25 F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

26 G. TO BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF
27 PERSONNEL.

1 H. TO ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT
2 LIMITED TO, AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE IX,
3 SECTION E, WHICH SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
4 INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES
5 HEREUNDER.

6 I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,
7 AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE
8 THEIR DUTIES AND DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH
9 THE INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
10 RELATING TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND
11 QUALIFICATIONS OF PERSONNEL.

12 J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,
13 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE,
14 UTILIZE, AND DISPOSE OF IT.

15 K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS
16 OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL,
17 PERSONAL, OR MIXED.

18 L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
19 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR
20 MIXED.

21 M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

22 N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT
23 AND OPERATION OF THE INTERSTATE COMMISSION.

24 O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,
25 JUDICIARY, AND STATE COUNCILS OF THE MEMBER STATES CONCERNING
26 THE ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING
27 YEAR. SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS

1 THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION.

2 P. TO COORDINATE EDUCATION, TRAINING AND PUBLIC
3 AWARENESS REGARDING THE COMPACT, ITS IMPLEMENTATION AND
4 OPERATION FOR OFFICIALS AND PARENTS INVOLVED IN SUCH ACTIVITY.

5 Q. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING,
6 COLLECTING AND EXCHANGING OF DATA.

7 R. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN
8 ACCORDANCE WITH THE BYLAWS.

9 S. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
10 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT.

11 T. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF
12 INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND
13 MILITARY FAMILIES UNDER THIS COMPACT.

14 ARTICLE XI - ORGANIZATION AND OPERATION
15 OF THE INTERSTATE COMMISSION

16 A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE
17 MEMBERS PRESENT AND VOTING, WITHIN 12 MONTHS AFTER THE FIRST
18 INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS
19 CONDUCT AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE
20 PURPOSES OF THE COMPACT, INCLUDING, BUT NOT LIMITED TO:

21 1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE
22 COMMISSION;

23 2. ESTABLISHING AN EXECUTIVE COMMITTEE, AND SUCH OTHER
24 COMMITTEES AS MAY BE NECESSARY;

25 3. PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR
26 GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR
27 FUNCTION OF THE INTERSTATE COMMISSION;

1 4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND
2 CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION, AND ENSURING
3 REASONABLE NOTICE OF EACH SUCH MEETING;

4 5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE
5 OFFICERS AND STAFF OF THE INTERSTATE COMMISSION;

6 6. PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS
7 OF THE INTERSTATE COMMISSION AND THE RETURN OF SURPLUS FUNDS
8 THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE
9 PAYMENT AND RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS.

10 7. PROVIDING "START UP" RULES FOR INITIAL ADMINISTRATION OF
11 THE COMPACT.

12 B. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE
13 MEMBERS, ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON,
14 A VICE-CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE
15 SUCH AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE
16 CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE
17 VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE
18 COMMISSION. THE OFFICERS SO ELECTED SHALL SERVE WITHOUT
19 COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION;
20 PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE
21 OFFICERS SHALL BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS
22 AND EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR
23 RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.

24 C. EXECUTIVE COMMITTEE, OFFICERS AND PERSONNEL

25 1. THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY AND
26 DUTIES AS MAY BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT
27 LIMITED TO:

1 a. MANAGING THE AFFAIRS OF THE INTERSTATE COMMISSION IN A
2 MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF THE
3 INTERSTATE COMMISSION;

4 b. OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND
5 APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE
6 FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND
7 ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND

8 c. PLANNING, IMPLEMENTING, AND COORDINATING
9 COMMUNICATIONS AND ACTIVITIES WITH OTHER STATE, FEDERAL AND
10 LOCAL GOVERNMENT ORGANIZATIONS IN ORDER TO ADVANCE THE GOALS
11 OF THE INTERSTATE COMMISSION.

12 3. THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE APPROVAL
13 OF THE INTERSTATE COMMISSION, APPOINT OR RETAIN AN EXECUTIVE
14 DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND CONDITIONS AND FOR
15 SUCH COMPENSATION, AS THE INTERSTATE COMMISSION MAY DEEM
16 APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO
17 THE INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE
18 INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND
19 SUPERVISE SUCH OTHER PERSONS AS MAY BE AUTHORIZED BY THE
20 INTERSTATE COMMISSION.

21 D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS
22 EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER
23 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE
24 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY
25 CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT,
26 ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
27 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF

1 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
2 PROVIDED, THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
3 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE
4 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

5 1. THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE
6 DIRECTOR AND EMPLOYEES OR INTERSTATE COMMISSION
7 REPRESENTATIVES, ACTING WITHIN THE SCOPE OF SUCH PERSON'S
8 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING
9 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY
10 SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
11 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE
12 COMMISSION IS CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES
13 FOR THE PURPOSES OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION
14 SHALL BE CONSTRUED TO PROTECT SUCH PERSON FROM SUIT OR LIABILITY
15 FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL
16 OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

17 2. THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE
18 DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE
19 ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE
20 MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION
21 REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION
22 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY
23 ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
24 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
25 DUTIES OR RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A
26 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
27 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,

1 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID
2 NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT
3 ON THE PART OF SUCH PERSON.

4 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
5 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES
6 OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD
7 HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING
8 ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING
9 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
10 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
11 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE
12 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE
13 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED
14 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT
15 FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART
16 OF SUCH PERSONS.

17 ARTICLE XII - RULEMAKING FUNCTIONS
18 OF THE INTERSTATE COMMISSION

19 A. RULEMAKING AUTHORITY - THE INTERSTATE COMMISSION
20 SHALL PROMULGATE REASONABLE RULES IN ORDER TO EFFECTIVELY AND
21 EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
22 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE INTERSTATE
23 COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT
24 IS BEYOND THE SCOPE OF THE PURPOSES OF THIS ACT, OR THE POWERS
25 GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE INTERSTATE
26 COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

27 B. RULEMAKING PROCEDURE - RULES SHALL BE MADE PURSUANT

1 TO A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE
2 "MODEL STATE ADMINISTRATIVE PROCEDURE ACT," OF 1981 ACT,
3 UNIFORM LAWS ANNOTATED, VOL. 15, P.1 (2000) AS AMENDED, AS MAY
4 BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE COMMISSION.

5 C. NOT LATER THAN THIRTY (30) DAYS AFTER A RULE IS
6 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW
7 OF THE RULE; PROVIDED, THAT THE FILING OF SUCH A PETITION SHALL NOT
8 STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE
9 UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL
10 LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE
11 ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE
12 LAW AND SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE
13 REPRESENTS A REASONABLE EXERCISE OF THE INTERSTATE COMMISSION'S
14 AUTHORITY.

15 D. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING
16 STATES REJECTS A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN
17 THE SAME MANNER USED TO ADOPT THE COMPACT, THEN SUCH RULE
18 SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY COMPACTING STATE.

19 ARTICLE XIII - OVERSIGHT, ENFORCEMENT,
20 AND DISPUTE RESOLUTION

21 A. OVERSIGHT

22 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF
23 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
24 COMPACT AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE
25 TO EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS
26 OF THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL
27 HAVE STANDING AS STATUTORY LAW, AND SHALL BE REVIEWED ANNUALLY

1 BY THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE
2 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
3 COMMITTEES, AND THE DEPARTMENT OF EDUCATION, BEGINNING JANUARY
4 30, 2010.

5 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
6 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
7 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT
8 WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE
9 INTERSTATE COMMISSION.

10 3. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE
11 ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE
12 STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES.
13 FAILURE TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE
14 COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
15 INTERSTATE COMMISSION, THIS 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
19 OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT, OR THE BYLAWS
20 OR 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 MEANS OF
23 CURING THE DEFAULT AND ANY ACTION TAKEN BY THE INTERSTATE
24 COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE
25 CONDITIONS BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT.

26 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
27 ASSISTANCE REGARDING THE DEFAULT.

1 3. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE
2 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN
3 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES AND ALL
4 RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS COMPACT SHALL
5 BE TERMINATED FROM THE EFFECTIVE DATE OF TERMINATION. A CURE OF
6 THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS
7 OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

8 4. SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT
9 SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING
10 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR
11 TERMINATE SHALL BE GIVEN BY THE INTERSTATE COMMISSION TO THE
12 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING
13 STATE'S LEGISLATURE, AND EACH OF THE MEMBER STATES.

14 5. THE STATE WHICH HAS BEEN SUSPENDED OR TERMINATED IS
15 RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES
16 INCURRED THROUGH THE EFFECTIVE DATE OF SUSPENSION OR
17 TERMINATION INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH
18 EXTENDS BEYOND THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.

19 6. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
20 RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR
21 WHICH HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT,
22 UNLESS OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE
23 INTERSTATE COMMISSION AND THE DEFAULTING STATE.

24 7. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
25 INTERSTATE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR
26 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
27 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING

1 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING
2 REASONABLE ATTORNEY'S FEES.

3 C. DISPUTE RESOLUTION

4 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
5 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT
6 TO THE COMPACT AND WHICH MAY ARISE AMONG MEMBER STATES AND
7 BETWEEN MEMBER AND NON-MEMBER STATES.

8 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE
9 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR
10 DISPUTES AS APPROPRIATE.

11 D. ENFORCEMENT

12 1. THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE
13 OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
14 COMPACT.

15 2. THE INTERSTATE COMMISSION, MAY BY MAJORITY VOTE OF THE
16 MEMBERS, INITIATE LEGAL ACTION IN THE UNITED STATE DISTRICT COURT
17 FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE
18 INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE
19 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE
20 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS PROMULGATED
21 RULES AND BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF
22 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
23 EVENT JUDICIAL ENFORCEMENT IS NECESSARY THE PREVAILING PARTY
24 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING
25 REASONABLE ATTORNEY'S FEES.

26 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
27 OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY

1 AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR
2 THE REGULATION OF A PROFESSION.

3 ARTICLE XIV - FINANCING OF THE
4 INTERSTATE COMMISSION

5 A. THE INTERSTATE COMMISSION SHALL PAY, OR PROVIDE FOR THE
6 PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT,
7 ORGANIZATION AND ONGOING ACTIVITIES.

8 B. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN
9 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF
10 THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND
11 ITS STAFF WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE
12 INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR.
13 THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED
14 BASED UPON A FORMULA TO BE DETERMINED BY THE INTERSTATE
15 COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING UPON ALL
16 MEMBER STATES.

17 C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS
18 OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE
19 SAME; NOR SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF
20 ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF
21 THE MEMBER STATE.

22 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE
23 ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
24 DISBURSEMENTS OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO
25 THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
26 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS
27 HANDLED BY THE INTERSTATE COMMISSION SHALL BY AUDITED YEARLY

1 BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF
2 THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL
3 REPORT OF THE INTERSTATE COMMISSION.

4 ARTICLE XV - MEMBER STATES, EFFECTIVE
5 DATE AND AMENDMENT

6 A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE.

7 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
8 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN
9 TEN (10) OF THE STATES. THE EFFECTIVE DATE SHALL BE NO EARLIER
10 THAN DECEMBER 1, 2007. THEREAFTER IT SHALL BECOME EFFECTIVE AND
11 BINDING AS TO ANY OTHER MEMBER STATE UPON ENACTMENT OF THE
12 COMPACT INTO LAW BY THAT STATE. THE GOVERNORS OF NON-MEMBER
13 STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTICIPATE IN THE
14 ACTIVITIES OF THE INTERSTATE COMMISSION ON A NON-VOTING BASIS
15 PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

16 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO
17 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT
18 SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE
19 COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED
20 INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

21 ARTICLE XVI - WITHDRAWAL AND DISSOLUTION

22 A. WITHDRAWAL

23 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND
24 REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED THAT
25 A MEMBER STATE MAY WITHDRAW FROM THE COMPACT SPECIFICALLY
26 REPEALING THE STATUTE, WHICH ENACTED THE COMPACT INTO LAW.

27 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE

1 ENACTMENT OF A STATUTE REPEALING THE SAME AND WRITTEN
2 NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING
3 STATE TO THE GOVERNOR OF EACH OTHER MEMBER JURISDICTION.

4 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
5 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
6 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
7 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE
8 OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO
9 WITHDRAW WITHIN SIXTY (60) DAYS OF ITS RECEIPT THEREOF.

10 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL
11 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE
12 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE
13 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
14 WITHDRAWAL.

15 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE
16 SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT
17 OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE
18 COMMISSION.

19 B. DISSOLUTION OF COMPACT

20 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF
21 THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES
22 THE MEMBERSHIP IN THE COMPACT TO ONE (1) MEMBER STATE.

23 2. UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT
24 BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE OR
25 EFFECT, AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION
26 SHALL BE CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN
27 ACCORDANCE WITH THE BYLAWS.

1 ARTICLE XVII - SEVERABILITY AND CONSTRUCTION

2 A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND
3 IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION IS DEEMED
4 UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE
5 ENFORCEABLE.

6 B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY
7 CONSTRUED TO EFFECTUATE ITS PURPOSES.

8 C. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT
9 THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE
10 STATES ARE MEMBERS.

11 ARTICLE XVIII - BINDING EFFECT OF
12 COMPACT AND OTHER LAWS

13 A. OTHER LAWS

14 1. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
15 LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

16 2. ALL MEMBER STATES' LAWS CONFLICTING WITH THIS COMPACT
17 ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

18 B. BINDING EFFECT OF THE COMPACT

19 1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,
20 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE
21 COMMISSION, ARE BINDING UPON THE MEMBER STATES.

22 2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND
23 THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

24 3. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE
25 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
26 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
27 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT

1 MEMBER STATE.

2 **SECTION 3. Appropriation.** In addition to any other
3 appropriation, there is hereby appropriated, out of any moneys in the state
4 education fund not otherwise appropriated, to the department of
5 education, for the fiscal year beginning July 1, 2008, the sum of
6 thirty-two thousand, one hundred eighty-five dollars (\$32,185), or so
7 much thereof as may be necessary, for the implementation of this act.

8 **SECTION 4. Effective date.** This act shall take effect at 12:01
9 a.m. on the day following the expiration of the ninety-day period after
10 final adjournment of the general assembly that is allowed for submitting
11 a referendum petition pursuant to article V, section 1 (3) of the state
12 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
13 except that, if a referendum petition is filed against this act or an item,
14 section, or part of this act within such period, then the act, item, section,
15 or part, if approved by the people, shall take effect on the date of the
16 official declaration of the vote thereon by proclamation of the governor.