F1 8lr1408

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Introduced and read first time: February 4, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2

Interstate Compact on Educational Opportunity for Military Children

3 FOR the purpose of establishing, through a certain Interstate Compact with certain 4 other member states, the Interstate Compact on Educational Opportunity for 5 Military Children for certain purposes; providing for the transfer of certain 6 educational records and enrollment of certain children in certain schools: 7 providing for the placement of certain children in certain courses, educational 8 programs, and special education services on transfer; establishing certain 9 eligibility criteria for certain school programs; establishing certain procedures 10 to facilitate the graduation of certain students from high school; establishing a certain State Council for coordinating certain services; establishing the 11 12 Interstate Commission on Educational Opportunity for Military Children; 13 providing for the composition, meetings, and powers and duties of the Interstate Commission; providing for the organization and operation and the rulemaking 14 functions of the Interstate Commission; providing for the oversight and 15 enforcement of the Interstate Compact and the resolution of disputes between 16 17 certain member states; providing for the financing of the Interstate Commission; establishing procedures for amending the Interstate Compact; 18 19 establishing certain withdrawal and dissolution procedures for certain members of the Interstate Compact; defining certain terms; making this Act subject to a 20 certain contingency; and generally relating to the Interstate Compact on 21 22 Educational Opportunity for Military Children.

23 BY adding to

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Article - Education

Section 7–1301 through 7–1303 to be under the new subtitle "Subtitle 13. Interstate Compact on Educational Opportunity for Military Children"



$\begin{array}{c} 1 \\ 2 \end{array}$	Annotated Code of Maryland (2006 Replacement Volume and 2007 Supplement)
$\begin{matrix} 3 \\ 4 \end{matrix}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
5	Article - Education
6 7	SUBTITLE 13. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.
8	7–1301.
9	(A) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE DO NOT APPLY TO
10	THE INTERSTATE COMPACT SET FORTH IN § 7–1303 OF THIS SUBTITLE.
11	(B) IN THE INTERSTATE COMPACT SET FORTH IN § 7-1303 OF THIS
12	SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, "ARTICLE"
13	"SECTION", AND "SUBSECTION" MEAN AN ARTICLE, SECTION, AND SUBSECTION
14	RESPECTIVELY, OF THE INTERSTATE COMPACT.
15	7–1302.
16	ON BEHALF OF THIS STATE, THE GOVERNOR SHALL EXECUTE, WITH THE
17	OTHER MEMBER STATES, THE INTERSTATE COMPACT SUBSTANTIALLY AS IT
18	APPEARS IN § 7–1303 OF THIS SUBTITLE.
19	7–1303.
20	THE STATE OF MARYLAND AND OTHER STATES, HEREINAFTER "MEMBER
21	STATES", HEREBY ENTER INTO AN INTERSTATE COMPACT, AS SET FORTH
22	BELOW, FOR THE PURPOSE OF FACILITATING THE TIMELY ENROLLMENT AND
23	TRANSFER OF CHILDREN OF MILITARY FAMILIES IN ELEMENTARY AND
24	SECONDARY SCHOOLS DUE TO THE FREQUENT MOVEMENT AND DEPLOYMENT
25	OF THEIR PARENTS. THIS INTERSTATE COMPACT SHALL BE KNOWN AND MAY
26	BE CITED AS THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR
27	MILITARY CHILDREN.
28	ARTICLE I
29	PURPOSE

- IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:
- A. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF
 MILITARY FAMILIES AND ENSURING THAT THEY ARE NOT PLACED AT A
 DISADVANTAGE DUE TO DIFFICULTY IN THE TRANSFER OF EDUCATION
 RECORDS FROM THE PREVIOUS SCHOOL DISTRICT OR VARIATIONS IN
 ENTRANCE OR AGE REQUIREMENTS;
- 9 B. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH 10 WHICH CHILDREN OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY 11 VARIATIONS IN ATTENDANCE REQUIREMENTS, SCHEDULING, SEQUENCING, 12 GRADING, COURSE CONTENT, OR ASSESSMENT;
- 13 C. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR 14 ENROLLMENT, EDUCATIONAL PROGRAMS, AND PARTICIPATION IN 15 EXTRACURRICULAR ACADEMIC, ATHLETIC, AND SOCIAL ACTIVITIES;
- 16 **D.** FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF 17 MILITARY FAMILIES;
- 18 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;
- 23 G. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER 24 COMPACTS AFFECTING MILITARY CHILDREN; AND
- H. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE EDUCATIONAL SYSTEM, PARENTS, AND THE STUDENT IN ORDER TO ACHIEVE EDUCATIONAL SUCCESS FOR THE STUDENT.

28 ARTICLE II

29 **DEFINITIONS**

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

- A. "ACTIVE DUTY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE
- 2 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE
- 3 NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10
- 4 U.S.C. SECTIONS 1209 AND 1211;
- 5 B. "CHILDREN OF MILITARY FAMILIES" MEANS SCHOOL-AGED
- 6 CHILDREN, ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE, IN THE
- 7 HOUSEHOLD OF AN ACTIVE DUTY MEMBER;
- 8 C. "COMPACT COMMISSIONER" MEANS THE VOTING REPRESENTATIVE
- 9 OF EACH COMPACTING STATE APPOINTED PURSUANT TO ARTICLE VIII OF THIS
- 10 **COMPACT**;
- 11 D. "DEPLOYMENT" MEANS THE PERIOD 1 MONTH PRIOR TO THE
- 12 SERVICE MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY
- 13 ORDERS THROUGH 6 MONTHS AFTER RETURN TO THEIR HOME STATION:
- 14 E. "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL RECORDS,
- 15 FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY THE
- 16 SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO
- 17 RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S
- 18 CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF
- 19 ATTENDANCE AND OF ACADEMIC WORK COMPLETED, RECORDS OF
- 20 ACHIEVEMENT AND RESULTS OF EVALUATIVE TESTS, HEALTH DATA,
- 21 DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDIVIDUALIZED EDUCATION
- 22 **PROGRAMS**;
- F. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY
- 24 SPONSORED BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN
- 25 ORGANIZATION SANCTIONED BY THE LOCAL EDUCATION AGENCY.
- 26 EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO,
- 27 PREPARATION FOR AND INVOLVEMENT IN PUBLIC PERFORMANCES, CONTESTS,
- 28 ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND CLUB
- 29 ACTIVITIES:
- 30 G. "Interstate Commission on Educational Opportunity for
- 31 MILITARY CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER
- 32 ARTICLE IX OF THIS COMPACT, WHICH IS GENERALLY REFERRED TO AS THE
- 33 Interstate Commission;
- 34 H. "LOCAL EDUCATION AGENCY" MEANS A PUBLIC AUTHORITY
- 35 LEGALLY CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO
- 36 PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH
- 37 12TH-GRADE PUBLIC EDUCATIONAL INSTITUTIONS;

- 1 I. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS 2 COMPACT:
- 3 J. "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, 1 STATION,
- 4 YARD, CENTER, HOME PORT FACILITY FOR ANY SHIP, OR OTHER ACTIVITY
- 5 UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY
- 6 LEASED FACILITY THAT IS LOCATED WITHIN ANY OF THE SEVERAL STATES, THE
- 7 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S.
- 8 VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS
- 9 ISLANDS AND ANY OTHER U.S. TERRITORY. SUCH TERM DOES NOT INCLUDE
- 10 ANY FACILITY USED PRIMARILY FOR CIVIL WORKS, RIVERS, HARBOR PROJECTS,
- 11 OR FLOOD CONTROL PROJECTS;
- 12 K. "Nonmember state" means a state that has not enacted
- 13 THIS COMPACT;
- 14 L. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A
- 15 MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;
- 16 M. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE
- 17 COMMISSION PROMULGATED PURSUANT TO ARTICLE XII OF THIS COMPACT
- 18 THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR
- 19 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN
- 20 ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE
- 21 Interstate Commission, and has the force and effect of statutory
- 22 LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL, OR
- 23 SUSPENSION OF AN EXISTING RULE:
- N. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A
- 25 MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;
- O. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT
- 27 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN
- 28 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND
- 29 ANY OTHER U.S. TERRITORY;

- 30 P. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM
- 31 THE LOCAL EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS
- 32 FORMALLY ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE;
 - Q. "TRANSITION" MEANS:

- 1 THE FORMAL AND PHYSICAL PROCESS OF TRANSFERRING 2 FROM SCHOOL TO SCHOOL; OR
- 3 2. THE PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE
- 4 SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN THE RECEIVING
- 5 STATE;
- 6 R. "Uniformed services" means the Army, Navy, Air Force,
- 7 MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF
- 8 THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC
- 9 HEALTH SERVICES; AND
- 10 S. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED
- 11 SERVICES AND WHO WAS DISCHARGED OR RELEASED THERE FROM UNDER
- 12 CONDITIONS OTHER THAN DISHONORABLE.

13 ARTICLE III

14 APPLICABILITY

- 15 A. EXCEPT AS OTHERWISE PROVIDED IN SECTION B, THIS COMPACT
- 16 SHALL APPLY TO THE CHILDREN OF:
- 17 1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS
- 18 DEFINED IN THIS COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD
- 19 AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS
- 20 **1209 AND 1211**;
- 21 **2.** MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO
- 22 ARE SEVERELY INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A
- 23 PERIOD OF 1 YEAR AFTER MEDICAL DISCHARGE OR RETIREMENT; AND
- 24 3. Members of the uniformed services who die on active
- 25 DUTY OR AS A RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD
- 26 OF 1 YEAR AFTER DEATH.
- B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY
- 28 APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.
- 29 C. The provisions of this Compact shall not apply to the
- 30 CHILDREN OF:
- 31 1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND
- 32 **MILITARY RESERVES**;

- 2. Members of the uniformed services now retired, except as provided in Section A;
- 3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS 4 PROVIDED IN SECTION A; AND
- 4. OTHER U.S. DEPARTMENT OF DEFENSE PERSONNEL AND OTHER FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED AS ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

8 ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT

- A. Unofficial or "hand-carried" education records In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records as quickly as possible.
- B. OFFICIAL EDUCATION RECORDS/TRANSCRIPTS SIMULTANEOUS WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT, THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE RECEIVING STATE WITHIN 10 DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.
- C. Immunizations Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as

- 1 IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE 2 INTERSTATE COMMISSION.
- 3 KINDERGARTEN AND FIRST-GRADE ENTRANCE AGE - STUDENTS D. 4 SHALL BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN 5 THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL (INCLUDING 6 KINDERGARTEN) FROM A LOCAL EDUCATION AGENCY IN THE SENDING STATE AT 7 THE TIME OF TRANSITION, REGARDLESS OF AGE. A STUDENT WHO HAS 8 SATISFACTORILY COMPLETED THE PREREQUISITE GRADE LEVEL IN THE LOCAL 9 EDUCATION AGENCY IN THE SENDING STATE SHALL BE ELIGIBLE FOR 10 ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE, 11 REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE START OF THE 12 SCHOOL YEAR IN THE RECEIVING STATE SHALL ENTER THE SCHOOL IN THE 13 RECEIVING STATE ON THE STUDENT'S VALIDATED LEVEL FROM AN ACCREDITED 14 SCHOOL IN THE SENDING STATE.

15 ARTICLE V

PLACEMENT AND ATTENDANCE

- A. COURSE PLACEMENT WHEN THE STUDENT TRANSFERS BEFORE OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES BASED ON THE STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL AND/OR EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE IF THE COURSES ARE OFFERED. COURSE PLACEMENT INCLUDES BUT IS NOT LIMITED TO HONORS, INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL AND CAREER PATHWAYS COURSES. CONTINUING THE STUDENT'S ACADEMIC PROGRAM FROM THE PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACEMENT. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSES.
- 31 В. EDUCATIONAL PROGRAM PLACEMENT - THE RECEIVING STATE 32 SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE 33 EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS 34 CONDUCTED \mathbf{AT} THE SCHOOL IN THE SENDING 35 PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE. SUCH 36 PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:

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2. ENGLISH AS A SECOND LANGUAGE (ESL).

This does not preclude the school in the receiving state from Performing subsequent evaluations to ensure appropriate Placement of the student.

C. SPECIAL EDUCATION SERVICES -

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- 1. IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C.A. SECTION 1400 ET SEQ., THE RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON THE STUDENT'S CURRENT INDIVIDUALIZED EDUCATION PROGRAM (IEP).
- 11 IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504 12 OF THE REHABILITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II 13 OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS 14 SHALL 12131-12165, THE RECEIVING STATE MAKE REASONABLE 15 ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS THE NEEDS OF INCOMING 16 STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING 504 OR TITLE II 17 PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCATION. THIS 18 DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM 19 PERFORMING SUBSEQUENT EVALUATIONS TO **ENSURE APPROPRIATE** 20 PLACEMENT OF THE STUDENT.
- 21D. PLACEMENT FLEXIBILITY LOCAL **EDUCATION AGENCY** 22**ADMINISTRATIVE HAVE** FLEXIBILITY **OFFICIALS** SHALL IN WAIVING 23 COURSE/PROGRAM **PREREQUISITES** \mathbf{OR} **OTHER PRECONDITIONS** 24PLACEMENT IN COURSES/PROGRAMS OFFERED UNDER THE JURISDICTION OF 25 THE LOCAL EDUCATION AGENCY.
- 26 Е. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES – A STUDENT 27 WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE 28 UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN CALLED 29 TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM 30 DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE 31 GRANTED ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL 32 EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR 33 LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT 34 OR GUARDIAN.

35 ARTICLE VI

A. ELIGIBILITY FOR ENROLLMENT –

- 2 1. SPECIAL POWER OF ATTORNEY RELATIVE TO THE 3 GUARDIANSHIP OF A CHILD OF A MILITARY FAMILY AND EXECUTED UNDER 4 APPLICABLE LAW SHALL BE SUFFICIENT FOR THE PURPOSES OF ENROLLMENT 5 AND ALL OTHER ACTIONS REQUIRING PARENTAL PARTICIPATION AND
- 6 CONSENT.
- 7 2. A LOCAL EDUCATION AGENCY SHALL BE PROHIBITED FROM
- 8 CHARGING LOCAL TUITION TO A TRANSITIONING MILITARY CHILD PLACED IN
- 9 THE CARE OF A NONCUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO
- 10 PARENTIS WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE
- 11 CUSTODIAL PARENT.
- 12 3. A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A
- 13 NONCUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO
- 14 LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT MAY
- 15 CONTINUE TO ATTEND THE SCHOOL IN WHICH THE CHILD WAS ENROLLED
- 16 WHILE RESIDING WITH THE CUSTODIAL PARENT.
- 17 B. ELIGIBILITY FOR EXTRACURRICULAR PARTICIPATION STATE AND
- 18 LOCAL EDUCATION AGENCIES SHALL FACILITATE THE OPPORTUNITY FOR
- 19 TRANSITIONING MILITARY CHILDREN'S INCLUSION IN EXTRACURRICULAR
- 20 ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES, TO THE EXTENT THEY
- 21 ARE OTHERWISE QUALIFIED.

22 ARTICLE VII

23 GRADUATION

- 24 IN ORDER TO FACILITATE THE ON-TIME GRADUATION OF CHILDREN OF
- 25 MILITARY FAMILIES, STATES AND LOCAL EDUCATION AGENCIES SHALL
- 26 INCORPORATE THE FOLLOWING PROCEDURES:
- 27 A. WAIVER REQUIREMENTS LOCAL EDUCATION AGENCY
- 28 ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIFIC COURSES REQUIRED FOR
- 29 GRADUATION IF SIMILAR COURSE WORK HAS BEEN SATISFACTORILY
- 30 COMPLETED IN ANOTHER LOCAL EDUCATION AGENCY OR SHALL PROVIDE
- 31 REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE GRANTED
- teasonable gostification for benial, should a waiven not be directed
- 32 TO A STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING
- 33 SCHOOL, THE LOCAL EDUCATION AGENCY SHALL PROVIDE AN ALTERNATIVE
- 34 MEANS OF ACQUIRING REQUIRED COURSE WORK SO THAT GRADUATION MAY
- 35 OCCUR ON TIME;

1 B. EXIT EXAMS –

- 2 1. STATES SHALL ACCEPT:
- 3 I. EXIT OR END-OF-COURSE EXAMS REQUIRED FOR 4 GRADUATION FROM THE SENDING STATE;
- 5 II. NATIONAL NORM-REFERENCED ACHIEVEMENT TESTS:
- 6 **OR**
- 7 III. ALTERNATIVE TESTING, IN LIEU OF TESTING
- 8 REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE; AND
- 9 2. In the event the above alternatives cannot be
- 10 ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANSFERRING IN
- 11 HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF ARTICLE VII, SECTION C
- 12 SHALL APPLY; AND
- 13 C. Transfers during senior year Should a military student
- 14 TRANSFERRING AT THE BEGINNING OR DURING HIS OR HER SENIOR YEAR BE
- 15 INELIGIBLE TO GRADUATE FROM THE RECEIVING LOCAL EDUCATION AGENCY
- 16 AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED, THE SENDING AND
- 17 RECEIVING LOCAL EDUCATION AGENCIES SHALL ENSURE THE RECEIPT OF A
- 18 DIPLOMA FROM THE SENDING LOCAL EDUCATION AGENCY IF THE STUDENT
- 19 MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCATION
- 20 AGENCY. IN THE EVENT THAT ONE OF THE STATES IN QUESTION IS NOT A
- 21 MEMBER OF THIS COMPACT, THE MEMBER STATE SHALL USE BEST EFFORTS TO
- 22 FACILITATE THE ON-TIME GRADUATION OF THE STUDENT IN ACCORDANCE
- 23 WITH SECTIONS A AND B OF THIS ARTICLE.

24 ARTICLE VIII

25 STATE COORDINATION

- A. EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR THE
- 28 COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION 29 AGENCIES. AND MILITARY INSTALLATIONS CONCERNING THE STATE'S
- 29 AGENCIES, AND MILITARY INSTALLATIONS CONCERNING THE STATE'S 30 PARTICIPATION IN AND COMPLIANCE WITH THIS COMPACT AND INTERSTATE
- 31 Commission activities. While each member state may determine the
- 32 MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT
- MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT
- 33 LEAST THE STATE SUPERINTENDENT OF SCHOOLS, A SUPERINTENDENT OF A
- 34 SCHOOL DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN, A

- 1 REPRESENTATIVE FROM A MILITARY INSTALLATION, ONE REPRESENTATIVE
- 2 EACH FROM THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT.
- 3 AND REPRESENTATIVES OF OTHER OFFICES AND STAKEHOLDER GROUPS THE
- 4 STATE COUNCIL DEEMS APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE
- 5 A SCHOOL DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF
- 6 MILITARY CHILDREN MAY APPOINT A SUPERINTENDENT FROM ANOTHER
- 7 SCHOOL DISTRICT TO REPRESENT LOCAL EDUCATION AGENCIES ON THE STATE
- 8 COUNCIL.
- 9 B. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT OR
- 10 DESIGNATE A MILITARY FAMILY EDUCATION LIAISON TO ASSIST MILITARY
- 11 FAMILIES AND THE STATE IN FACILITATING THE IMPLEMENTATION OF THIS
- 12 **COMPACT.**
- 13 C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE
- 14 ADMINISTRATION AND MANAGEMENT OF THE STATE'S PARTICIPATION IN THE
- 15 COMPACT SHALL BE APPOINTED BY THE GOVERNOR OR AS OTHERWISE
- 16 DETERMINED BY EACH MEMBER STATE.
- 17 D. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY
- 18 EDUCATION LIAISON DESIGNATED HEREIN SHALL BE EX OFFICIO MEMBERS OF
- 19 THE STATE COUNCIL, UNLESS EITHER IS ALREADY A FULL VOTING MEMBER OF
- 20 THE STATE COUNCIL.

21 ARTICLE IX

22 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR 23 MILITARY CHILDREN

- 24 A. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE
- 25 COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."
- 26 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF
- 27 PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION.

28 B. THE INTERSTATE COMMISSION SHALL:

- 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER
- 30 STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES
- 31 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED
- 32 UPON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE
- 33 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF
- 34 THIS COMPACT: AND

- 2. Consist of one Interstate Commission voting Representative from each member state who shall be that state's Compact commissioner.
- 4 C. 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE 5 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.
- 2. A MAJORITY OF THE TOTAL MEMBER STATES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS UNLESS A LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE COMMISSION.
- 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO
 ANOTHER MEMBER STATE. IN THE EVENT THE COMPACT COMMISSIONER IS
 UNABLE TO ATTEND A MEETING OF THE INTERSTATE COMMISSION, THE
 GOVERNOR OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO
 ANOTHER PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.
- 15 **4.** THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE 16 INTERSTATE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR 17 ELECTRONIC COMMUNICATION.

18 **D.** THE INTERSTATE COMMISSION SHALL:

- 19 1. CONSIST OF EX OFFICIO, NONVOTING REPRESENTATIVES WHO 20 ARE MEMBERS OF INTERESTED ORGANIZATIONS. SUCH EX OFFICIO MEMBERS, 21AS DEFINED IN THE BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS 22OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY FAMILY ADVOCATES, 23 LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND TEACHER GROUPS, THE 24U.S. DEPARTMENT OF DEFENSE, THE EDUCATION COMMISSION OF THE 25STATES, THE INTERSTATE AGREEMENT ON THE QUALIFICATION OF 26EDUCATIONAL PERSONNEL, AND OTHER INTERSTATE COMPACTS AFFECTING 27THE EDUCATION OF CHILDREN OF MILITARY MEMBERS:
- 28 **2. MEET** AT LEAST ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL MEETINGS;
- 32 3. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS
 33 SHALL INCLUDE THE OFFICERS OF THE INTERSTATE COMMISSION AND SUCH
 34 OTHER MEMBERS OF THE INTERSTATE COMMISSION AS DETERMINED BY THE
 35 BYLAWS. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL SERVE A 1-YEAR
 36 TERM. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ENTITLED TO ONE

- 1 VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON
- 2 BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF
- 3 RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT
- 4 IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE DAY-TO-DAY
- 5 ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING
- 6 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS
- 7 BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE
- 8 U.S. DEPARTMENT OF DEFENSE SHALL SERVE AS AN EX OFFICIO, NONVOTING
- 9 MEMBER OF THE EXECUTIVE COMMITTEE:
- 4. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR
- 11 CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION
- 12 SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE
- 13 PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY
- 14 EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL RECORDS TO THE
- 15 EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR
- 16 PROPRIETARY INTERESTS;
- 5. GIVE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS
- 18 SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS
- 19 OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION AND
- 20 ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION THEREOF, WHERE IT
- 21 DETERMINES BY TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY
- 22 **TO:**
- 23 I. Relate solely to the Interstate Commission's
- 24 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;
- 25 II. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM
- 26 DISCLOSURE BY FEDERAL AND STATE STATUTE;
- 27 III. DISCLOSE TRADE SECRETS OR COMMERCIAL OR
- 28 FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;
- 29 IV. INVOLVE ACCUSING A PERSON OF A CRIME OR
- 30 FORMALLY CENSURING A PERSON;
- 31 V. DISCLOSE INFORMATION OF A PERSONAL NATURE
- 32 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION
- 33 **OF PERSONAL PRIVACY:**
- 34 VI. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR
- 35 LAW ENFORCEMENT PURPOSES; OR

- VII. SPECIFICALLY RELATE TO THE INTERSTATE
 COMMISSION'S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL
 PROCEEDING:
- 4 6. CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY THAT A 5 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT 6 EXEMPTIBLE PROVISION FOR ANY MEETING, OR PORTION OF A MEETING, THAT 7 IS CLOSED PURSUANT TO THIS PROVISION. THE INTERSTATE COMMISSION 8 SHALL KEEP MINUTES THAT SHALL FULLY AND CLEARLY DESCRIBE ALL 9 MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND 10 ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, 11 INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED AND THE RECORD OF A 12 ROLL CALL VOTE. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN 13 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND 14 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO 15 RELEASE BY A MAJORITY VOTE OF THE INTERSTATE COMMISSION:
- 16 7. COLLECT STANDARDIZED DATA **CONCERNING** THE 17 EDUCATIONAL TRANSITION OF THE CHILDREN OF MILITARY FAMILIES UNDER 18 THIS COMPACT AS DIRECTED THROUGH ITS RULES THAT SHALL SPECIFY THE 19 DATA TO BE COLLECTED, THE MEANS OF COLLECTION, AND DATA EXCHANGE 20 AND REPORTING REQUIREMENTS. SUCH METHODS OF DATA COLLECTION, 21EXCHANGE AND REPORTING SHALL, IN SO FAR AS IS REASONABLY POSSIBLE, 22 CONFORM TO CURRENT TECHNOLOGY AND COORDINATE ITS INFORMATION 23FUNCTIONS WITH THE APPROPRIATE CUSTODIAN OF RECORDS AS IDENTIFIED 24IN THE BYLAWS AND RULES; AND
- 25 CREATE A PROCESS THAT PERMITS MILITARY OFFICIALS, 26 EDUCATION OFFICIALS, AND PARENTS TO INFORM THE INTERSTATE 27COMMISSION IF AND WHEN THERE ARE ALLEGED VIOLATIONS OF THE COMPACT 28 OR ITS RULES OR WHEN ISSUES SUBJECT TO THE JURISDICTION OF THE 29 COMPACT OR ITS RULES ARE NOT ADDRESSED BY THE STATE OR LOCAL 30 EDUCATION AGENCY. THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A 31 PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE COMMISSION OR ANY 32 MEMBER STATE.

33 ARTICLE X

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POWERS AND DUTIES OF THE INTERSTATE COMMISSION

- 35 THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:
- 36 A. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES;

- B. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO
- 2 EFFECT THE GOALS, PURPOSES, AND OBLIGATIONS AS ENUMERATED IN THIS
- 3 COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF STATUTORY
- 4 LAW AND SHALL BE BINDING IN THE COMPACT STATES TO THE EXTENT AND IN
- 5 THE MANNER PROVIDED IN THIS COMPACT;
- 6 C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY
- 7 OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE
- 8 INTERSTATE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;
- 9 D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE
- 10 RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,
- 11 USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO
- 12 THE USE OF JUDICIAL PROCESS;
- 13 E. TO ESTABLISH AND MAINTAIN OFFICES THAT SHALL BE LOCATED
- 14 WITHIN ONE OR MORE OF THE MEMBER STATES;
- 15 F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 16 G. TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF 17 PERSONNEL;
- 18 H. TO ESTABLISH AND APPOINT COMMITTEES, INCLUDING BUT NOT
- 19 LIMITED TO AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE IX, SECTION
- 20 D, THAT SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE
- 21 COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES HEREUNDER;
- 22 I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,
- 23 AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR
- 24 DUTIES, DETERMINE THEIR QUALIFICATIONS, AND TO ESTABLISH THE
- 25 Interstate Commission's personnel policies and programs relating
- 26 TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS
- 27 **OF PERSONNEL**;
- J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,
- 29 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE,
- 30 AND DISPOSE OF THEM;
- 31 K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,
- 32 OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,
- 33 PERSONAL, OR MIXED;

1	L. To sell, convey, mortgage, pledge, lease, exchange,
$\frac{1}{2}$	ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR
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3	MIXED;
4	M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;
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5	N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND
6	OPERATION OF THE INTERSTATE COMMISSION;
7	O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,
8	JUDICIARY, AND STATE COUNCILS OF THE MEMBER STATES CONCERNING THE
9	ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR.
10	SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT MAY
11	HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;
12	P. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS
13	REGARDING THE COMPACT, ITS IMPLEMENTATION, AND OPERATION FOR
14	OFFICIALS AND PARENTS INVOLVED IN SUCH ACTIVITY;
	officials in a finite of the involved in section in it.
15	Q. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING,
16	COLLECTING, AND EXCHANGING OF DATA;
17	R. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE
18	WITH THE BYLAWS;
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19	S. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR
20	APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT; AND
21	T. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF
22	INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS, AND
23	MILITARY FAMILIES UNDER THIS COMPACT.
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24	ARTICLE XI
25	ORGANIZATION AND OPERATION OF THE INTERSTATE
26	COMMISSION
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27	A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE
28	MEMBERS PRESENT AND VOTING, WITHIN 12 MONTHS AFTER THE FIRST
29	INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT
30	AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE
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COMPACT, INCLUDING BUT NOT LIMITED TO:

- 1 ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE
- 2 Commission;
- 3 2. ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER 4 COMMITTEES AS MAY BE NECESSARY;
- 5 3. PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR
- 7 FUNCTION OF THE INTERSTATE COMMISSION;
- 4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION AND ENSURING REASONABLE NOTICE OF EACH SUCH MEETING;
- 5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND STAFF OF THE INTERSTATE COMMISSION;
- 13 **6.** PROVIDING A MECHANISM FOR CONCLUDING THE
 14 OPERATIONS OF THE INTERSTATE COMMISSION AND THE RETURN OF SURPLUS
 15 FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE
 16 PAYMENT AND RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS; AND
- 17 **7.** PROVIDING "START-UP" RULES FOR INITIAL 18 ADMINISTRATION OF THE COMPACT.
- 19 В. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE 20 MEMBERS, ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON, A VICE-CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE SUCH 2122 AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE 23CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE 24VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE 25 COMMISSION. THE OFFICERS SO ELECTED SHALL SERVE WITHOUT 26 COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION, 27 PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE 28 OFFICERS SHALL BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND 29 EXPENSES INCURRED \mathbf{BY} THEM IN THE PERFORMANCE OF **THEIR** 30 RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.
 - C. EXECUTIVE COMMITTEE, OFFICERS, AND PERSONNEL -
- 1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

- I. MANAGING THE AFFAIRS OF THE INTERSTATE
 COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF
 THE INTERSTATE COMMISSION;
- 4 II. OVERSEEING AN ORGANIZATIONAL STRUCTURE 5 WITHIN, AND APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION 6 TO PROVIDE FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND 7 ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND
- 8 III. PLANNING, IMPLEMENTING, AND COORDINATING 9 COMMUNICATIONS AND ACTIVITIES WITH OTHER STATE, FEDERAL, AND LOCAL 10 GOVERNMENT ORGANIZATIONS IN ORDER TO ADVANCE THE GOALS OF THE 11 INTERSTATE COMMISSION.
- 12 2. THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE 13 APPROVAL OF THE INTERSTATE COMMISSION, APPOINT OR RETAIN AN 14 EXECUTIVE DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND CONDITIONS 15 AND FOR SUCH COMPENSATION, AS THE INTERSTATE COMMISSION MAY DEEM 16 APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO THE 17 INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE INTERSTATE 18 COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND SUPERVISE SUCH 19 OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.

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- D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.
- 1. The Liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to

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- 1 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY,
- 2 OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON
- 3 MISCONDUCT OF SUCH PERSON.
- 4 2. INTERSTATE COMMISSION SHALL THE **DEFEND** 5 EXECUTIVE DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL 6 OF THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE 7 **MEMBER** STATE REPRESENTED \mathbf{BY} $\mathbf{A}\mathbf{N}$ INTERSTATE COMMISSION 8 REPRESENTATIVE, SHALL **DEFEND** SUCH INTERSTATE COMMISSION 9 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING 10 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED 11 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR 12 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR 13 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION 14 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR 15 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR 16 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.
 - 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

29 ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

- B. Rulemaking Procedure. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000), as amended, as may be appropriate to the operations of the Interstate Commission.
- 6 JUDICIAL REVIEW. NOT LATER THAN 30 DAYS AFTER A RULE IS 7 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF 8 THE RULE, PROVIDED THAT THE FILING OF SUCH A PETITION SHALL NOT STAY 9 OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE 10 COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF 11 SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE 12 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT 13 FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE 14 EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.
- D. REJECTION OF RULES. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECTS A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY COMPACTING STATE.

20 ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

22 A. OVERSIGHT.

- 23 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
 24 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT
 25 AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE
 26 THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT
 27 AND THE RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS
 28 STATUTORY LAW.
- 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
 30 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
 31 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT THAT
 32 MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE
 33 INTERSTATE COMMISSION.
- 34 3. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE

- 1 TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL
- 2 RENDER A JUDGMENT OR ORDER VOID AS TO THE INTERSTATE COMMISSION,
- 3 THIS COMPACT, OR ITS PROMULGATED RULES.
- 4 B. DEFAULT, TECHNICAL ASSISTANCE, SUSPENSION AND
- 5 TERMINATION. IF THE INTERSTATE COMMISSION DETERMINES THAT A
- 6 MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS
- 7 OR RESPONSIBILITIES UNDER THIS COMPACT OR ITS BYLAWS OR
- 8 PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:
- 9 1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
- 10 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF
- 11 CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE
- 12 COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS
- 13 BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT; AND
- 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
- 15 ASSISTANCE REGARDING THE DEFAULT.
- 16 C. If the defaulting state fails to cure the default, the
- 17 DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN
- 18 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES AND ALL RIGHTS,
- 19 PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT SHALL BE
- 20 TERMINATED FROM THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE
- 21 DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR
- 22 LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.
- 23 D. Suspension or termination of membership in the Compact
- 24 SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE
- 25 HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL
- 26 BE GIVEN BY THE INTERSTATE COMMISSION TO THE GOVERNOR, THE
- 27 MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
- 28 LEGISLATURE, AND EACH OF THE MEMBER STATES.
- 29 E. THE STATE THAT HAS BEEN SUSPENDED OR TERMINATED IS
- 30 RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES
- 31 INCURRED THROUGH THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION
- 32 INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND
- 33 THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.
- F. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
- 35 RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT
- 36 HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT, UNLESS

- 1 OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE
- 2 COMMISSION AND THE DEFAULTING STATE.
- 3 G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
- 4 Interstate Commission by petitioning the U.S. District Court for
- 5 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
- 6 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING
- 7 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING
- 8 REASONABLE ATTORNEY'S FEES.

H. DISPUTE RESOLUTION.

- 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE
- 11 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO
- 12 THE COMPACT AND THAT MAY ARISE AMONG MEMBER STATES AND BETWEEN
- 13 MEMBER AND NONMEMBER STATES.
- 14 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE
- 15 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR
- 16 DISPUTES AS APPROPRIATE.

17 I. ENFORCEMENT.

- 18 1. THE INTERSTATE COMMISSION, IN THE REASONABLE
- 19 EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF
- 20 THIS COMPACT.

- 21 2. THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF
- 22 THE MEMBERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT
- 23 COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE
- 24 Interstate Commission, in the federal district where the Interstate
- 25 COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH
- 26 THE PROVISIONS OF THE COMPACT AND ITS PROMULGATED RULES AND
- 27 BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY
- 28 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
- 29 ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE AWARDED ALL
- 30 COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S FEES.
- 3. The remedies herein shall not be the exclusive
- 32 REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION
- 33 MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR
- 34 THE REGULATION OF A PROFESSION.

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FINANCING OF THE INTERSTATE COMMISSION

- 2 A. THE INTERSTATE COMMISSION SHALL PAY, OR PROVIDE FOR THE 3 PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, 4 ORGANIZATION, AND ONGOING ACTIVITIES.
- 5 B. THE INTERSTATE COMMISSION MAY LEVY AND COLLECT AN 6 ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE 7 OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF 8 THAT MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE 9 COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE 10 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A FORMULA 11 TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL 12 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.
- C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF
 ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR
 SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE
 MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER
 STATE.
- 18 D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS 19 OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS 20 OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND 21 ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL 22 RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE INTERSTATE 23 COMMISSION SHALL BY AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC 24ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND 25 BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE COMMISSION.

26 ARTICLE XV

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE.
- B. The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the Compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate

- 1 COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY
- 2 ALL STATES.

- 3 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO
- 4 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT
- 5 SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION
- 6 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
- 7 UNANIMOUS CONSENT OF THE MEMBER STATES.

8 ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

10 A. WITHDRAWAL.

- 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE
- 12 AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE, PROVIDED THAT
- 13 A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY
- 14 REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.
- 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE
- 16 ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE
- 17 EFFECT UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND
- 18 UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE
- 19 WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER
- 20 JURISDICTION.
- 21 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
- 22 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
- 23 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
- 24 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE
- 25 OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW
- 26 WITHIN 60 DAYS OF ITS RECEIPT THEREOF.
- 27 4. The withdrawing state is responsible for all
- 28 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
- 29 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS THE
- 30 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
- 31 WITHDRAWAL.
- 32 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER
- 33 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE
- 34 Compact or upon such later date as determined by the Interstate
- 35 COMMISSION.

В.

1	B. DISSOLUTION OF COMPACT.
$2\\3\\4$	1. This Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one member state.
5 6 7 8 9	2. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force and effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.
10	ARTICLE XVII
11	SEVERABILITY AND CONSTRUCTION
12 13 14	A. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND, IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.
15 16	B. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES.
17 18 19	C. Nothing in this Compact shall be construed to prohibit the applicability of other Interstate Compacts to which the states are members.
20	ARTICLE XVIII
21	BINDING EFFECT OF COMPACT AND OTHER LAWS
22	A. OTHER LAWS.
23 24 25	1. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.
26 27	2. ALL MEMBER STATES' LAWS CONFLICTING WITH THIS COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

BINDING EFFECT OF THE COMPACT.

- 1 1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, 2 INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE 3 COMMISSION, ARE BINDING UPON THE MEMBER STATES.
 - 2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

- 3. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.
- 11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect until the enactment of a similar Act by no fewer than 10 of the states; that no 12 13 fewer than 10 states are requested to concur in this Act of the General Assembly of 14 Maryland by the passage of a similar Act; that the Department of Legislative Services shall notify the appropriate officials of the passage of this Act; and that upon 15 concurrence in this Act by no fewer than 10 states, the Governor of the State of 16 17 Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative 18 19 Services.
- SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect July 1, 2008.