

HOUSE BILL 784

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8lr1408

By: **Delegates Kaiser, Barkley, Bartlett, Bates, Beitzel, Bohanan, Bromwell, Cardin, Carr, Costa, DeBoy, Dumais, George, Gutierrez, Hecht, Howard, James, Kelly, Kipke, Levy, Love, Mathias, McKee, Minnick, Montgomery, Robinson, Rudolph, Schuh, Schuler, Shank, Smigiel, Sophocleus, Stukes, Taylor, Weir, Weldon, ~~and Wood~~ Wood, Barve, Doory, Elmore, Frick, Gilchrist, Hixson, Ivey, Jennings, Krebs, Olszewski, Rice, Ross, Serafini, F. Turner, and Walker**

Introduced and read first time: February 4, 2008

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 28, 2008

CHAPTER _____

1 AN ACT concerning

2 ~~Interstate Compact on Educational Opportunity for Military Children~~
3 Task Force on Educational Issues Affecting Military Children

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~of the Interstate Compact; defining certain terms; making this Act subject to a~~
 2 ~~certain contingency; and generally relating to the Interstate Compact on~~
 3 ~~Educational Opportunity for Military Children a Task Force on Educational~~
 4 ~~Issues Affecting Military Children; establishing the membership and staffing of~~
 5 ~~the Task Force; providing for the designation of the chair of the Task Force;~~
 6 ~~requiring the Task Force to evaluate and make recommendations regarding~~
 7 ~~certain issues; requiring the Task Force to submit a certain report to the~~
 8 ~~Governor and General Assembly by a certain date; prohibiting a member of the~~
 9 ~~Task Force from receiving certain compensation; authorizing a member of the~~
 10 ~~Task Force to receive certain reimbursements; providing for the termination of~~
 11 ~~this Act; and generally relating to the Task Force on Educational Issues~~
 12 ~~Affecting Military Children.~~

13 ~~BY adding to~~
 14 ~~Article — Education~~
 15 ~~Section 7-1301 through 7-1303 to be under the new subtitle “Subtitle 13.~~
 16 ~~Interstate Compact on Educational Opportunity for Military Children”~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2006 Replacement Volume and 2007 Supplement)~~

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That ~~the Laws of Maryland read as follows:~~

21 ~~Article — Education~~

22 ~~SUBTITLE 13. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR~~
 23 ~~MILITARY CHILDREN.~~

24 ~~7-1301.~~

25 ~~(A) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE DO NOT APPLY TO~~
 26 ~~THE INTERSTATE COMPACT SET FORTH IN § 7-1303 OF THIS SUBTITLE.~~

27 ~~(B) IN THE INTERSTATE COMPACT SET FORTH IN § 7-1303 OF THIS~~
 28 ~~SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, “ARTICLE”,~~
 29 ~~“SECTION”, AND “SUBSECTION” MEAN AN ARTICLE, SECTION, AND SUBSECTION,~~
 30 ~~RESPECTIVELY, OF THE INTERSTATE COMPACT.~~

31 ~~7-1302.~~

32 ~~ON BEHALF OF THIS STATE, THE GOVERNOR SHALL EXECUTE, WITH THE~~
 33 ~~OTHER MEMBER STATES, THE INTERSTATE COMPACT SUBSTANTIALLY AS IT~~
 34 ~~APPEARS IN § 7-1303 OF THIS SUBTITLE.~~

35 ~~7-1303.~~

~~THE STATE OF MARYLAND AND OTHER STATES, HEREINAFTER "MEMBER STATES", HEREBY ENTER INTO AN INTERSTATE COMPACT, AS SET FORTH BELOW, FOR THE PURPOSE OF FACILITATING THE TIMELY ENROLLMENT AND TRANSFER OF CHILDREN OF MILITARY FAMILIES IN ELEMENTARY AND SECONDARY SCHOOLS DUE TO THE FREQUENT MOVEMENT AND DEPLOYMENT OF THEIR PARENTS. THIS INTERSTATE COMPACT SHALL BE KNOWN AND MAY BE CITED AS THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.~~

~~ARTICLE I~~

~~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;~~

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

~~C. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR ENROLLMENT, EDUCATIONAL PROGRAMS, AND PARTICIPATION IN EXTRACURRICULAR ACADEMIC, ATHLETIC, AND SOCIAL ACTIVITIES;~~

~~D. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY FAMILIES;~~

~~E. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT;~~

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

~~G. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER COMPACTS AFFECTING MILITARY CHILDREN; AND~~

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

~~ARTICLE II~~

~~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 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS 1209 AND 1211;~~

~~B. "CHILDREN OF MILITARY FAMILIES" MEANS SCHOOL AGED CHILDREN, ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE, IN THE HOUSEHOLD OF AN ACTIVE DUTY MEMBER;~~

~~C. "COMPACT COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH COMPACTING STATE APPOINTED PURSUANT TO ARTICLE VIII OF THIS COMPACT;~~

~~D. "DEPLOYMENT" MEANS THE PERIOD 1 MONTH PRIOR TO THE SERVICE MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY ORDERS THROUGH 6 MONTHS AFTER RETURN TO THEIR HOME STATION;~~

~~E. "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY THE SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUATIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDIVIDUALIZED EDUCATION PROGRAMS;~~

~~F. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN ORGANIZATION SANCTIONED BY THE LOCAL EDUCATION AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, PREPARATION FOR AND INVOLVEMENT IN PUBLIC PERFORMANCES, CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND CLUB ACTIVITIES;~~

1 ~~G. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR~~
2 ~~MILITARY CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER~~
3 ~~ARTICLE IX OF THIS COMPACT, WHICH IS GENERALLY REFERRED TO AS THE~~
4 ~~INTERSTATE COMMISSION;~~

5 ~~H. "LOCAL EDUCATION AGENCY" MEANS A PUBLIC AUTHORITY~~
6 ~~LEGALLY CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO~~
7 ~~PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH ?18~~
8 ~~12TH GRADE PUBLIC EDUCATIONAL INSTITUTIONS;~~

9 ~~I. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS~~
10 ~~COMPACT;~~

11 ~~J. "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, 1 STATION,~~
12 ~~YARD, CENTER, HOME PORT FACILITY FOR ANY SHIP, OR OTHER ACTIVITY~~
13 ~~UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY~~
14 ~~LEASED FACILITY THAT IS LOCATED WITHIN ANY OF THE SEVERAL 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. SUCH TERM DOES NOT INCLUDE~~
18 ~~ANY FACILITY USED PRIMARILY FOR CIVIL WORKS, RIVERS, HARBOR PROJECTS,~~
19 ~~OR FLOOD CONTROL PROJECTS;~~

20 ~~K. "NONMEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED~~
21 ~~THIS COMPACT;~~

22 ~~L. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A~~
23 ~~MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;~~

24 ~~M. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE~~
25 ~~COMMISSION PROMULGATED PURSUANT TO ARTICLE XII OF THIS COMPACT~~
26 ~~THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR~~
27 ~~PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN~~
28 ~~ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE~~
29 ~~INTERSTATE COMMISSION, AND HAS THE FORCE AND EFFECT OF STATUTORY~~
30 ~~LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL, OR~~
31 ~~SUSPENSION OF AN EXISTING RULE;~~

32 ~~N. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A~~
33 ~~MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;~~

34 ~~O. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT~~
35 ~~OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN~~

~~1 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND
2 ANY OTHER U.S. TERRITORY;~~

~~3 P. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM
4 THE LOCAL EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS
5 FORMALLY ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE;~~

~~6 Q. "TRANSITION" MEANS:~~

~~7 1. THE FORMAL AND PHYSICAL PROCESS OF TRANSFERRING
8 FROM SCHOOL TO SCHOOL; OR~~

~~9 2. THE PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE
10 SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN THE RECEIVING
11 STATE;~~

~~12 R. "UNIFORMED SERVICES" MEANS THE ARMY, NAVY, AIR FORCE,
13 MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF
14 THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC
15 HEALTH SERVICES; AND~~

~~16 S. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED
17 SERVICES AND WHO WAS DISCHARGED OR RELEASED THERE FROM UNDER
18 CONDITIONS OTHER THAN DISHONORABLE.~~

~~19 ARTICLE III~~

~~20 APPLICABILITY~~

~~21 A. EXCEPT AS OTHERWISE PROVIDED IN SECTION B, THIS COMPACT
22 SHALL APPLY TO THE CHILDREN OF:~~

~~23 1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS
24 DEFINED IN THIS COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD
25 AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS
26 1209 AND 1211;~~

~~27 2. MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO
28 ARE SEVERELY INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A
29 PERIOD OF 1 YEAR AFTER MEDICAL DISCHARGE OR RETIREMENT; AND~~

~~30 3. MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE
31 DUTY OR AS A RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD
32 OF 1 YEAR AFTER DEATH.~~

1 ~~B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY~~
2 ~~APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.~~

3 ~~C. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE~~
4 ~~CHILDREN OF:~~

5 ~~1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND~~
6 ~~MILITARY RESERVES;~~

7 ~~2. MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED,~~
8 ~~EXCEPT AS PROVIDED IN SECTION A;~~

9 ~~3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS~~
10 ~~PROVIDED IN SECTION A; AND~~

11 ~~4. OTHER U.S. DEPARTMENT OF DEFENSE PERSONNEL AND~~
12 ~~OTHER FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED~~
13 ~~AS ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.~~

14 ~~ARTICLE IV~~

15 ~~EDUCATIONAL RECORDS AND ENROLLMENT~~

16 ~~A. UNOFFICIAL OR "HAND CARRIED" EDUCATION RECORDS — IN THE~~
17 ~~EVENT THAT OFFICIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE~~
18 ~~PARENTS FOR THE PURPOSE OF TRANSFER, THE CUSTODIAN OF THE RECORDS~~
19 ~~IN THE SENDING STATE SHALL PREPARE AND FURNISH TO THE PARENT A~~
20 ~~COMPLETE SET OF UNOFFICIAL EDUCATIONAL RECORDS CONTAINING UNIFORM~~
21 ~~INFORMATION AS DETERMINED BY THE INTERSTATE COMMISSION. UPON~~
22 ~~RECEIPT OF THE UNOFFICIAL EDUCATION RECORDS BY A SCHOOL IN THE~~
23 ~~RECEIVING STATE, THE SCHOOL SHALL ENROLL AND APPROPRIATELY PLACE~~
24 ~~THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE UNOFFICIAL~~
25 ~~RECORDS PENDING VALIDATION BY THE OFFICIAL RECORDS AS QUICKLY AS~~
26 ~~POSSIBLE.~~

27 ~~B. OFFICIAL EDUCATION RECORDS/TRANSCRIPTS — SIMULTANEOUS~~
28 ~~WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT, THE~~
29 ~~SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S OFFICIAL~~
30 ~~EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON~~
31 ~~RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS~~
32 ~~AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE~~
33 ~~RECEIVING STATE WITHIN 10 DAYS OR WITHIN SUCH TIME AS IS REASONABLY~~
34 ~~DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE~~
35 ~~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 IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.~~

~~D. KINDERGARTEN AND FIRST GRADE ENTRANCE AGE — STUDENTS SHALL BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL (INCLUDING KINDERGARTEN) FROM A LOCAL EDUCATION AGENCY IN THE SENDING STATE AT THE TIME OF TRANSITION, REGARDLESS OF AGE. A STUDENT WHO HAS SATISFACTORILY COMPLETED THE PREREQUISITE GRADE LEVEL IN THE LOCAL EDUCATION AGENCY IN THE SENDING STATE SHALL BE ELIGIBLE FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE, REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE START OF THE SCHOOL YEAR IN THE RECEIVING STATE SHALL ENTER THE SCHOOL IN THE RECEIVING STATE ON THE STUDENT'S VALIDATED LEVEL FROM AN ACCREDITED SCHOOL IN THE SENDING STATE.~~

~~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.~~

~~B. EDUCATIONAL PROGRAM PLACEMENT — THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS~~

1 ~~CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR~~
2 ~~PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE. SUCH~~
3 ~~PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:~~

4 ~~1. GIFTED AND TALENTED PROGRAMS; AND~~

5 ~~2. ENGLISH AS A SECOND LANGUAGE (ESL).~~

6 ~~THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM~~
7 ~~PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE~~
8 ~~PLACEMENT OF THE STUDENT.~~

9 ~~C. SPECIAL EDUCATION SERVICES~~

10 ~~1. IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE~~
11 ~~INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C.A.~~
12 ~~SECTION 1400 ET SEQ., THE RECEIVING STATE SHALL INITIALLY PROVIDE~~
13 ~~COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON THE~~
14 ~~STUDENT'S CURRENT INDIVIDUALIZED EDUCATION PROGRAM (IEP).~~

15 ~~2. IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504~~
16 ~~OF THE REHABILITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II~~
17 ~~OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS~~
18 ~~12131-12165, THE RECEIVING STATE SHALL MAKE REASONABLE~~
19 ~~ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS THE NEEDS OF INCOMING~~
20 ~~STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING 504 OR TITLE II~~
21 ~~PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCATION. THIS~~
22 ~~DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM~~
23 ~~PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE~~
24 ~~PLACEMENT OF THE STUDENT.~~

25 ~~D. PLACEMENT FLEXIBILITY~~ ~~LOCAL EDUCATION AGENCY~~
26 ~~ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING~~
27 ~~COURSE/PROGRAM PREREQUISITES OR OTHER PRECONDITIONS FOR~~
28 ~~PLACEMENT IN COURSES/PROGRAMS OFFERED UNDER THE JURISDICTION OF~~
29 ~~THE LOCAL EDUCATION AGENCY.~~

30 ~~E. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES~~ ~~A STUDENT~~
31 ~~WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE~~
32 ~~UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN CALLED~~
33 ~~TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM~~
34 ~~DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE~~
35 ~~GRANTED ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL~~
36 ~~EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR~~

~~LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT OR GUARDIAN.~~

~~ARTICLE VI~~

~~ELIGIBILITY~~

~~A. ELIGIBILITY FOR ENROLLMENT~~

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

~~2. A LOCAL EDUCATION AGENCY SHALL BE PROHIBITED FROM CHARGING LOCAL TUITION TO A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A NONCUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT.~~

~~3. A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A NONCUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT MAY CONTINUE TO ATTEND THE SCHOOL IN WHICH THE CHILD WAS ENROLLED WHILE RESIDING WITH THE CUSTODIAL PARENT.~~

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

~~ARTICLE VII~~

~~GRADUATION~~

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

~~A. WAIVER REQUIREMENTS — LOCAL EDUCATION AGENCY ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIFIC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSE WORK HAS BEEN SATISFACTORILY COMPLETED IN ANOTHER LOCAL EDUCATION AGENCY OR SHALL PROVIDE~~

~~1 REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE GRANTED
2 TO A STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING
3 SCHOOL, THE LOCAL EDUCATION AGENCY SHALL PROVIDE AN ALTERNATIVE
4 MEANS OF ACQUIRING REQUIRED COURSE WORK SO THAT GRADUATION MAY
5 OCCUR ON TIME;~~

~~6 B. EXIT EXAMS —~~

~~7 1. STATES SHALL ACCEPT:~~

~~8 I. EXIT OR END OF COURSE EXAMS REQUIRED FOR
9 GRADUATION FROM THE SENDING STATE;~~

~~10 II. NATIONAL NORM REFERENCED ACHIEVEMENT TESTS;
11 OR~~

~~12 III. ALTERNATIVE TESTING, IN LIEU OF TESTING
13 REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE; AND~~

~~14 2. IN THE EVENT THE ABOVE ALTERNATIVES CANNOT BE
15 ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANSFERRING IN
16 HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF ARTICLE VII, SECTION C
17 SHALL APPLY; AND~~

~~18 C. TRANSFERS DURING SENIOR YEAR — SHOULD A MILITARY STUDENT
19 TRANSFERRING AT THE BEGINNING OR DURING HIS OR HER SENIOR YEAR BE
20 INELIGIBLE TO GRADUATE FROM THE RECEIVING LOCAL EDUCATION AGENCY
21 AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED, THE SENDING AND
22 RECEIVING LOCAL EDUCATION AGENCIES SHALL ENSURE THE RECEIPT OF A
23 DIPLOMA FROM THE SENDING LOCAL EDUCATION AGENCY IF THE STUDENT
24 MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCATION
25 AGENCY. IN THE EVENT THAT ONE OF THE STATES IN QUESTION IS NOT A
26 MEMBER OF THIS COMPACT, THE MEMBER STATE SHALL USE BEST EFFORTS TO
27 FACILITATE THE ON-TIME GRADUATION OF THE STUDENT IN ACCORDANCE
28 WITH SECTIONS A AND B OF THIS ARTICLE.~~

~~29 ARTICLE VIII~~

~~30 STATE COORDINATION~~

~~31 A. EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A STATE
32 COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR THE
33 COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION
34 AGENCIES, AND MILITARY INSTALLATIONS CONCERNING THE STATE'S
35 PARTICIPATION IN AND COMPLIANCE WITH THIS COMPACT AND INTERSTATE~~

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

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

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

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

~~ARTICLE IX~~

~~INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN~~

~~28 A. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE
29 COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."
30 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF
31 PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION.~~

~~32 B. THE INTERSTATE COMMISSION SHALL:~~

~~33 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER
34 STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES
35 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED
36 UPON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE~~

~~1 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF
2 THIS COMPACT; AND~~

~~3 2. CONSIST OF ONE INTERSTATE COMMISSION VOTING
4 REPRESENTATIVE FROM EACH MEMBER STATE WHO SHALL BE THAT STATE'S
5 COMPACT COMMISSIONER.~~

~~6 C. 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE
7 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.~~

~~8 2. A MAJORITY OF THE TOTAL MEMBER STATES SHALL
9 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS UNLESS A
10 LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE
11 COMMISSION.~~

~~12 3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO
13 ANOTHER MEMBER STATE. IN THE EVENT THE COMPACT COMMISSIONER IS
14 UNABLE TO ATTEND A MEETING OF THE INTERSTATE COMMISSION, THE
15 GOVERNOR OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO
16 ANOTHER PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.~~

~~17 4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE
18 INTERSTATE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR
19 ELECTRONIC COMMUNICATION.~~

~~20 D. THE INTERSTATE COMMISSION SHALL:~~

~~21 1. CONSIST OF EX OFFICIO, NONVOTING REPRESENTATIVES WHO
22 ARE MEMBERS OF INTERESTED ORGANIZATIONS. SUCH EX OFFICIO MEMBERS,
23 AS DEFINED IN THE BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS
24 OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY FAMILY ADVOCATES,
25 LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND TEACHER GROUPS, THE
26 U.S. DEPARTMENT OF DEFENSE, THE EDUCATION COMMISSION OF THE
27 STATES, THE INTERSTATE AGREEMENT ON THE QUALIFICATION OF
28 EDUCATIONAL PERSONNEL, AND OTHER INTERSTATE COMPACTS AFFECTING
29 THE EDUCATION OF CHILDREN OF MILITARY MEMBERS;~~

~~30 2. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE
31 CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A
32 SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL
33 MEETINGS;~~

~~34 3. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS
35 SHALL INCLUDE THE OFFICERS OF THE INTERSTATE COMMISSION AND SUCH
36 OTHER MEMBERS OF THE INTERSTATE COMMISSION AS DETERMINED BY THE~~

1 ~~BYLAWS. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL SERVE A 1-YEAR~~
2 ~~TERM. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ENTITLED TO ONE~~
3 ~~VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON~~
4 ~~BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF~~
5 ~~RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT~~
6 ~~IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE DAY-TO-DAY~~
7 ~~ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING~~
8 ~~ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS~~
9 ~~BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE~~
10 ~~U.S. DEPARTMENT OF DEFENSE SHALL SERVE AS AN EX OFFICIO, NONVOTING~~
11 ~~MEMBER OF THE EXECUTIVE COMMITTEE;~~

12 ~~4. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR~~
13 ~~CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION~~
14 ~~SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE~~
15 ~~PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY~~
16 ~~EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL RECORDS TO THE~~
17 ~~EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR~~
18 ~~PROPRIETARY INTERESTS;~~

19 ~~5. GIVE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS~~
20 ~~SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS~~
21 ~~OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION AND~~
22 ~~ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION THEREOF, WHERE IT~~
23 ~~DETERMINES BY TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY~~
24 ~~TO:~~

25 ~~I. RELATE SOLELY TO THE INTERSTATE COMMISSION'S~~
26 ~~INTERNAL PERSONNEL PRACTICES AND PROCEDURES;~~

27 ~~II. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM~~
28 ~~DISCLOSURE BY FEDERAL AND STATE STATUTE;~~

29 ~~III. DISCLOSE TRADE SECRETS OR COMMERCIAL OR~~
30 ~~FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;~~

31 ~~IV. INVOLVE ACCUSING A PERSON OF A CRIME OR~~
32 ~~FORMALLY CENSURING A PERSON;~~

33 ~~V. DISCLOSE INFORMATION OF A PERSONAL NATURE~~
34 ~~WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION~~
35 ~~OF PERSONAL PRIVACY;~~

1 ~~VI. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR~~
2 ~~LAW ENFORCEMENT PURPOSES; OR~~

3 ~~VII. SPECIFICALLY RELATE TO THE INTERSTATE~~
4 ~~COMMISSION'S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL~~
5 ~~PROCEEDING;~~

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

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

27 ~~8. CREATE A PROCESS THAT PERMITS MILITARY OFFICIALS,~~
28 ~~EDUCATION OFFICIALS, AND PARENTS TO INFORM THE INTERSTATE~~
29 ~~COMMISSION IF AND WHEN THERE ARE ALLEGED VIOLATIONS OF THE COMPACT~~
30 ~~OR ITS RULES OR WHEN ISSUES SUBJECT TO THE JURISDICTION OF THE~~
31 ~~COMPACT OR ITS RULES ARE NOT ADDRESSED BY THE STATE OR LOCAL~~
32 ~~EDUCATION AGENCY. THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A~~
33 ~~PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE COMMISSION OR ANY~~
34 ~~MEMBER STATE.~~

35 **ARTICLE X**

36 **~~POWERS AND DUTIES OF THE INTERSTATE COMMISSION~~**

37 **~~THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:~~**

1 ~~A. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES;~~

2 ~~B. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO~~
3 ~~EFFECT THE GOALS, PURPOSES, AND OBLIGATIONS AS ENUMERATED IN THIS~~
4 ~~COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF STATUTORY~~
5 ~~LAW AND SHALL BE BINDING IN THE COMPACT STATES TO THE EXTENT AND IN~~
6 ~~THE MANNER PROVIDED IN THIS COMPACT;~~

7 ~~C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY~~
8 ~~OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE~~
9 ~~INTERSTATE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;~~

10 ~~D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE~~
11 ~~RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,~~
12 ~~USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO~~
13 ~~THE USE OF JUDICIAL PROCESS;~~

14 ~~E. TO ESTABLISH AND MAINTAIN OFFICES THAT SHALL BE LOCATED~~
15 ~~WITHIN ONE OR MORE OF THE MEMBER STATES;~~

16 ~~F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;~~

17 ~~G. TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF~~
18 ~~PERSONNEL;~~

19 ~~H. TO ESTABLISH AND APPOINT COMMITTEES, INCLUDING BUT NOT~~
20 ~~LIMITED TO AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE IX, SECTION~~
21 ~~D, THAT SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE~~
22 ~~COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES HEREUNDER;~~

23 ~~I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,~~
24 ~~AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR~~
25 ~~DUTIES, DETERMINE THEIR QUALIFICATIONS, AND TO ESTABLISH THE~~
26 ~~INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING~~
27 ~~TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS~~
28 ~~OF PERSONNEL;~~

29 ~~J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,~~
30 ~~EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE,~~
31 ~~AND DISPOSE OF THEM;~~

32 ~~K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,~~
33 ~~OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,~~
34 ~~PERSONAL, OR MIXED;~~

1 ~~L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,~~
2 ~~ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR~~
3 ~~MIXED;~~

4 ~~M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;~~

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;~~

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;~~

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.~~

24 ~~ARTICLE XI~~

25 ~~ORGANIZATION AND OPERATION OF THE INTERSTATE~~ 26 ~~COMMISSION~~

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~~
31 ~~COMPACT, INCLUDING BUT NOT LIMITED TO:~~

1 ~~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~~
6 ~~FOR GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR~~
7 ~~FUNCTION OF THE INTERSTATE COMMISSION;~~

8 ~~4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND~~
9 ~~CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION AND ENSURING~~
10 ~~REASONABLE NOTICE OF EACH SUCH MEETING;~~

11 ~~5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE~~
12 ~~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 ~~B. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE~~
20 ~~MEMBERS, ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON, A~~
21 ~~VICE CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE SUCH~~
22 ~~AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE~~
23 ~~CHAIRPERSON OR, IN THE CHAIRPERSON'S ABSENCE OR DISABILITY, THE~~
24 ~~VICE 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 BY THEM IN THE PERFORMANCE OF THEIR~~
30 ~~RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.~~

31 ~~C. EXECUTIVE COMMITTEE, OFFICERS, AND PERSONNEL~~

32 ~~1. THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY~~
33 ~~AND DUTIES AS MAY BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT~~
34 ~~LIMITED TO:~~

~~I. MANAGING THE AFFAIRS OF THE INTERSTATE COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF THE INTERSTATE COMMISSION;~~

~~H. OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND~~

~~III. PLANNING, IMPLEMENTING, AND COORDINATING COMMUNICATIONS AND ACTIVITIES WITH OTHER STATE, FEDERAL, AND LOCAL GOVERNMENT ORGANIZATIONS IN ORDER TO ADVANCE THE GOALS OF THE INTERSTATE COMMISSION.~~

~~2. THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE APPROVAL OF THE INTERSTATE COMMISSION, APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION, AS THE INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND SUPERVISE SUCH OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.~~

~~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~~

~~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. THE INTERSTATE COMMISSION SHALL DEFEND THE
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 BY AN 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.~~

~~17 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,
18 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR
19 EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN
20 THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES
21 AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR
22 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
23 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR
24 THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED
25 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
26 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
27 OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
28 MISCONDUCT ON THE PART OF SUCH PERSONS.~~

~~29 ARTICLE XII~~

~~30 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION~~

~~31 A. RULEMAKING AUTHORITY. THE INTERSTATE COMMISSION SHALL
32 PROMULGATE REASONABLE RULES IN ORDER TO EFFECTIVELY AND
33 EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT. NOTWITHSTANDING
34 THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION EXERCISES ITS
35 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE
36 PURPOSES OF THIS ACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH
37 AN ACTION BY THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO
38 FORCE AND EFFECT.~~

1 ~~**B. RULEMAKING PROCEDURE. RULES SHALL BE MADE PURSUANT TO**~~
2 ~~**A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE “MODEL**~~
3 ~~**STATE ADMINISTRATIVE PROCEDURE ACT” OF 1981, UNIFORM LAWS**~~
4 ~~**ANNOTATED, VOL. 15, P.1 (2000), AS AMENDED, AS MAY BE APPROPRIATE TO**~~
5 ~~**THE OPERATIONS OF THE INTERSTATE COMMISSION.**~~

6 ~~**C. 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.**~~

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

20 ~~ARTICLE XIII~~

21 ~~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.**~~

29 ~~**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**~~
35 ~~**RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE**~~
36 ~~**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~~

~~14 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.~~

~~34 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.~~

9 ~~H. DISPUTE RESOLUTION.~~

10 ~~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.~~

31 ~~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.~~

35 ~~ARTICLE XIV~~

~~FINANCING OF THE INTERSTATE COMMISSION~~

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

~~B. THE INTERSTATE COMMISSION MAY LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF THAT MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL 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.~~

~~D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE COMMISSION.~~

~~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~~

~~9 WITHDRAWAL AND DISSOLUTION~~

~~10 A. WITHDRAWAL.~~

~~11 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.~~

~~15 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.~~

~~B. DISSOLUTION OF COMPACT.~~

~~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.~~

~~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.~~

~~ARTICLE XVII~~

~~SEVERABILITY AND CONSTRUCTION~~

~~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.~~

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

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

~~ARTICLE XVIII~~

~~BINDING EFFECT OF COMPACT AND OTHER LAWS~~

~~A. OTHER LAWS.~~

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

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

~~B. BINDING EFFECT OF THE COMPACT.~~

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

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

3 ~~3. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS~~
4 ~~THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER~~
5 ~~STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE~~
6 ~~CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT~~
7 ~~MEMBER STATE.~~

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take~~
9 ~~effect until the enactment of a similar Act by no fewer than 10 of the states; that no~~
10 ~~fewer than 10 states are requested to concur in this Act of the General Assembly of~~
11 ~~Maryland by the passage of a similar Act; that the Department of Legislative Services~~
12 ~~shall notify the appropriate officials of the passage of this Act; and that upon~~
13 ~~concurrence in this Act by no fewer than 10 states, the Governor of the State of~~
14 ~~Maryland shall issue a proclamation declaring this Act valid and effective and shall~~
15 ~~forward a copy of the proclamation to the Director of the Department of Legislative~~
16 ~~Services.~~

17 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions~~
18 ~~of Section 2 of this Act, this Act shall take effect July 1, 2008.~~

19 (a) There is a Task Force on Educational Issues Affecting Military Children.

20 (b) The Task Force consists of the following members:

21 (1) One member of the Senate of Maryland, appointed by the
22 President of the Senate;

23 (2) One member of the House of Delegates, appointed by the Speaker
24 of the House;

25 (3) The State Superintendent of Schools, or the Superintendent's
26 designee; and

27 (4) The following members appointed by the Governor:

28 (i) One representative from the Maryland Association of Boards
29 of Education;

30 (ii) One local superintendent, as a representative from the
31 Public School Superintendents Association of Maryland;

32 (iii) Two school principals from school systems significantly
33 affected by the federal Base Realignment and Closure (BRAC);

1 (iv) One representative from an organization that represents
2 military families; and

3 (v) Two military school liaison officers.

4 (c) The members of the Task Force shall elect a chair from among the
5 members of the Task Force.

6 (d) The Department of Education shall provide staff support for the Task
7 Force.

8 (e) A member of the Task Force:

9 (1) May not receive compensation as a member of the Task Force; but

10 (2) Is entitled to reimbursement for expenses under the Standard
11 State Travel Regulations, as provided in the State budget.

12 (f) The Task Force shall:

13 (1) Identify and examine educational issues that affect military
14 children;

15 (2) Identify and examine existing efforts in the State to ease the
16 transition of children of military families to Maryland schools;

17 (3) Make recommendations on efforts that would ease the transition of
18 children of military families to Maryland schools, including recommendations
19 concerning:

20 (i) The awarding of credit for previously completed work;

21 (ii) The timely receipt of paperwork necessary for local school
22 systems to facilitate transfers of children of military families into Maryland schools;

23 (iii) The opportunity for children of military families
24 transitioning to Maryland schools to graduate on time and the effect of the State's
25 graduation requirements on children in military families;

26 (iv) The transition of children in military families with
27 disabilities; and

28 (v) The participation of children in military families in
29 extracurricular activities; and

30 (4) Examine and make recommendations on issues surrounding the
31 feasibility of the State joining the Interstate Compact on Educational Opportunities
32 for Military Children.

1 (g) On or before December 1, 2008, the Task Force shall report its findings
2 and recommendations to the Governor and, in accordance with § 2-1246 of the State
3 Government Article, the General Assembly.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 June 1, 2008. It shall remain effective for a period of 1 year and, at the end of May 31,
6 2009, with no further action required by the General Assembly, this Act shall be
7 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.