

SENATE BILL 457

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8lr2292
CF HB 784

By: **Senator Astle**

Introduced and read first time: January 31, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

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
11 certain State Council for coordinating certain services; establishing the
12 Interstate Commission on Educational Opportunity for Military Children;
13 providing for the composition, meetings, and powers and duties of the Interstate
14 Commission; providing for the organization and operation and the rulemaking
15 functions of the Interstate Commission; providing for the oversight and
16 enforcement of the Interstate Compact and the resolution of disputes between
17 certain member states; providing for the financing of the Interstate
18 Commission; establishing procedures for amending the Interstate Compact;
19 establishing certain withdrawal and dissolution procedures for certain members
20 of the Interstate Compact; defining certain terms; making this Act subject to a
21 certain contingency; providing for the termination of this Act, subject to a
22 certain contingency; and generally relating to the Interstate Compact on
23 Educational Opportunity for Military Children.

24 BY adding to

25 Article – Education

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 Section 7–1301 through 7–1303 to be under the new subtitle “Subtitle 13.
2 Interstate Compact on Educational Opportunity for Military Children”
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2007 Supplement)

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

7 **Article – Education**

8 **SUBTITLE 13. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR**
9 **MILITARY CHILDREN.**

10 **7–1301.**

11 (A) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE DO NOT APPLY TO
12 THE INTERSTATE COMPACT SET FORTH IN § 7–1303 OF THIS SUBTITLE.

13 (B) IN THE INTERSTATE COMPACT SET FORTH IN § 7–1303 OF THIS
14 SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, “ARTICLE”,
15 “SECTION”, AND “SUBSECTION” MEAN AN ARTICLE, SECTION, AND SUBSECTION,
16 RESPECTIVELY, OF THE INTERSTATE COMPACT.

17 **7–1302.**

18 ON BEHALF OF THIS STATE, THE GOVERNOR SHALL EXECUTE, WITH THE
19 OTHER MEMBER STATES, THE INTERSTATE COMPACT SUBSTANTIALLY AS IT
20 APPEARS IN § 7–1303 OF THIS SUBTITLE.

21 **7–1303.**

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

30 **ARTICLE I**

31 **PURPOSE**

1 IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS TO
2 EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES
3 BECAUSE OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:

4 A. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF
5 MILITARY FAMILIES AND ENSURING THAT THEY ARE NOT PLACED AT A
6 DISADVANTAGE DUE TO DIFFICULTY IN THE TRANSFER OF EDUCATION
7 RECORDS FROM THE PREVIOUS SCHOOL DISTRICT OR VARIATIONS IN
8 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
19 ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT;

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

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

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

28 **ARTICLE II**

29 **DEFINITIONS**

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

32 A. "ACTIVE DUTY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE
33 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE

1 NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10
2 U.S.C. SECTIONS 1209 AND 1211;

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

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

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

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

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

28 G. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
29 MILITARY CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER
30 ARTICLE IX OF THIS COMPACT, WHICH IS GENERALLY REFERRED TO AS THE
31 INTERSTATE COMMISSION;

32 H. "LOCAL EDUCATION AGENCY" MEANS A PUBLIC AUTHORITY
33 LEGALLY CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO
34 PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH
35 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;**

24 **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;**

26 **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;**

33 **Q. “TRANSITION” MEANS:**

34 **1. THE FORMAL AND PHYSICAL PROCESS OF TRANSFERRING**
35 **FROM SCHOOL TO SCHOOL; OR**

1 **2. THE PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE**
2 **SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN THE RECEIVING**
3 **STATE;**

4 **R. “UNIFORMED SERVICES” MEANS THE ARMY, NAVY, AIR FORCE,**
5 **MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF**
6 **THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC**
7 **HEALTH SERVICES; AND**

8 **S. “VETERAN” MEANS A PERSON WHO SERVED IN THE UNIFORMED**
9 **SERVICES AND WHO WAS DISCHARGED OR RELEASED THERE FROM UNDER**
10 **CONDITIONS OTHER THAN DISHONORABLE.**

11 **ARTICLE III**

12 **APPLICABILITY**

13 **A. EXCEPT AS OTHERWISE PROVIDED IN SECTION B, THIS COMPACT**
14 **SHALL APPLY TO THE CHILDREN OF:**

15 **1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS**
16 **DEFINED IN THIS COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD**
17 **AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS**
18 **1209 AND 1211;**

19 **2. MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO**
20 **ARE SEVERELY INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A**
21 **PERIOD OF 1 YEAR AFTER MEDICAL DISCHARGE OR RETIREMENT; AND**

22 **3. MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE**
23 **DUTY OR AS A RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD**
24 **OF 1 YEAR AFTER DEATH.**

25 **B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY**
26 **APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.**

27 **C. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE**
28 **CHILDREN OF:**

29 **1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND**
30 **MILITARY RESERVES;**

31 **2. MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED,**
32 **EXCEPT AS PROVIDED IN SECTION A;**

1 **3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS**
2 **PROVIDED IN SECTION A; AND**

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

6 **ARTICLE IV**

7 **EDUCATIONAL RECORDS AND ENROLLMENT**

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

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

28 **C. IMMUNIZATIONS – COMPACTING STATES SHALL GIVE 30 DAYS FROM**
29 **THE DATE OF ENROLLMENT OR WITHIN SUCH TIME AS IS REASONABLY**
30 **DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE**
31 **COMMISSION, FOR STUDENTS TO OBTAIN ANY IMMUNIZATION(S) REQUIRED BY**
32 **THE RECEIVING STATE. FOR A SERIES OF IMMUNIZATIONS, INITIAL**
33 **VACCINATIONS MUST BE OBTAINED WITHIN 30 DAYS OR WITHIN SUCH TIME AS**
34 **IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE**
35 **INTERSTATE COMMISSION.**

36 **D. KINDERGARTEN AND FIRST-GRADE ENTRANCE AGE – STUDENTS**
37 **SHALL BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN**

1 THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL (INCLUDING
2 KINDERGARTEN) FROM A LOCAL EDUCATION AGENCY IN THE SENDING STATE AT
3 THE TIME OF TRANSITION, REGARDLESS OF AGE. A STUDENT WHO HAS
4 SATISFACTORILY COMPLETED THE PREREQUISITE GRADE LEVEL IN THE LOCAL
5 EDUCATION AGENCY IN THE SENDING STATE SHALL BE ELIGIBLE FOR
6 ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE,
7 REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE START OF THE
8 SCHOOL YEAR IN THE RECEIVING STATE SHALL ENTER THE SCHOOL IN THE
9 RECEIVING STATE ON THE STUDENT'S VALIDATED LEVEL FROM AN ACCREDITED
10 SCHOOL IN THE SENDING STATE.

11 ARTICLE V

12 PLACEMENT AND ATTENDANCE

13 A. COURSE PLACEMENT – WHEN THE STUDENT TRANSFERS BEFORE
14 OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL
15 INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES
16 BASED ON THE STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL
17 AND/OR EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE
18 SENDING STATE IF THE COURSES ARE OFFERED. COURSE PLACEMENT
19 INCLUDES BUT IS NOT LIMITED TO HONORS, INTERNATIONAL BACCALAUREATE,
20 ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL AND CAREER PATHWAYS
21 COURSES. CONTINUING THE STUDENT'S ACADEMIC PROGRAM FROM THE
22 PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND
23 CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING
24 PLACEMENT. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE
25 FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE
26 PLACEMENT AND CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSES.

27 B. EDUCATIONAL PROGRAM PLACEMENT – THE RECEIVING STATE
28 SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN
29 EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS
30 CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR
31 PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE. SUCH
32 PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:

- 33 1. GIFTED AND TALENTED PROGRAMS; AND
- 34 2. ENGLISH AS A SECOND LANGUAGE (ESL).

35 THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
36 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE
37 PLACEMENT OF THE STUDENT.

1 **C. SPECIAL EDUCATION SERVICES –**

2 1. **IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE**
3 **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C.A.**
4 **SECTION 1400 ET SEQ., THE RECEIVING STATE SHALL INITIALLY PROVIDE**
5 **COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON THE**
6 **STUDENT’S CURRENT INDIVIDUALIZED EDUCATION PROGRAM (IEP).**

7 2. **IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504**
8 **OF THE REHABILITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II**
9 **OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS**
10 **12131–12165, THE RECEIVING STATE SHALL MAKE REASONABLE**
11 **ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS THE NEEDS OF INCOMING**
12 **STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING 504 OR TITLE II**
13 **PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCATION. THIS**
14 **DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM**
15 **PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE**
16 **PLACEMENT OF THE STUDENT.**

17 **D. PLACEMENT FLEXIBILITY – LOCAL EDUCATION AGENCY**
18 **ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING**
19 **COURSE/PROGRAM PREREQUISITES OR OTHER PRECONDITIONS FOR**
20 **PLACEMENT IN COURSES/PROGRAMS OFFERED UNDER THE JURISDICTION OF**
21 **THE LOCAL EDUCATION AGENCY.**

22 **E. ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES – A STUDENT**
23 **WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE**
24 **UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN CALLED**
25 **TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM**
26 **DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE**
27 **GRANTED ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL**
28 **EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR**
29 **LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT**
30 **OR GUARDIAN.**

31 **ARTICLE VI**

32 **ELIGIBILITY**

33 **A. ELIGIBILITY FOR ENROLLMENT –**

34 1. **SPECIAL POWER OF ATTORNEY RELATIVE TO THE**
35 **GUARDIANSHIP OF A CHILD OF A MILITARY FAMILY AND EXECUTED UNDER**
36 **APPLICABLE LAW SHALL BE SUFFICIENT FOR THE PURPOSES OF ENROLLMENT**

1 SCHOOL DISTRICT TO REPRESENT LOCAL EDUCATION AGENCIES ON THE STATE
2 COUNCIL.

3 B. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT OR
4 DESIGNATE A MILITARY FAMILY EDUCATION LIAISON TO ASSIST MILITARY
5 FAMILIES AND THE STATE IN FACILITATING THE IMPLEMENTATION OF THIS
6 COMPACT.

7 C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE
8 ADMINISTRATION AND MANAGEMENT OF THE STATE'S PARTICIPATION IN THE
9 COMPACT SHALL BE APPOINTED BY THE GOVERNOR OR AS OTHERWISE
10 DETERMINED BY EACH MEMBER STATE.

11 D. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY
12 EDUCATION LIAISON DESIGNATED HEREIN SHALL BE EX OFFICIO MEMBERS OF
13 THE STATE COUNCIL, UNLESS EITHER IS ALREADY A FULL VOTING MEMBER OF
14 THE STATE COUNCIL.

15 ARTICLE IX

16 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR 17 MILITARY CHILDREN

18 A. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE
19 COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN."
20 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF
21 PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION.

22 B. THE INTERSTATE COMMISSION SHALL:

23 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER
24 STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES
25 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED
26 UPON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE
27 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF
28 THIS COMPACT; AND

29 2. CONSIST OF ONE INTERSTATE COMMISSION VOTING
30 REPRESENTATIVE FROM EACH MEMBER STATE WHO SHALL BE THAT STATE'S
31 COMPACT COMMISSIONER.

32 C. 1. EACH MEMBER STATE REPRESENTED AT A MEETING OF THE
33 INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.

1 **2. A MAJORITY OF THE TOTAL MEMBER STATES SHALL**
2 **CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS UNLESS A**
3 **LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE**
4 **COMMISSION.**

5 **3. A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO**
6 **ANOTHER MEMBER STATE. IN THE EVENT THE COMPACT COMMISSIONER IS**
7 **UNABLE TO ATTEND A MEETING OF THE INTERSTATE COMMISSION, THE**
8 **GOVERNOR OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO**
9 **ANOTHER PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.**

10 **4. THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE**
11 **INTERSTATE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR**
12 **ELECTRONIC COMMUNICATION.**

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

14 **1. CONSIST OF EX OFFICIO, NONVOTING REPRESENTATIVES WHO**
15 **ARE MEMBERS OF INTERESTED ORGANIZATIONS. SUCH EX OFFICIO MEMBERS,**
16 **AS DEFINED IN THE BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS**
17 **OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY FAMILY ADVOCATES,**
18 **LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND TEACHER GROUPS, THE**
19 **U.S. DEPARTMENT OF DEFENSE, THE EDUCATION COMMISSION OF THE**
20 **STATES, THE INTERSTATE AGREEMENT ON THE QUALIFICATION OF**
21 **EDUCATIONAL PERSONNEL, AND OTHER INTERSTATE COMPACTS AFFECTING**
22 **THE EDUCATION OF CHILDREN OF MILITARY MEMBERS;**

23 **2. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE**
24 **CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A**
25 **SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL**
26 **MEETINGS;**

27 **3. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS**
28 **SHALL INCLUDE THE OFFICERS OF THE INTERSTATE COMMISSION AND SUCH**
29 **OTHER MEMBERS OF THE INTERSTATE COMMISSION AS DETERMINED BY THE**
30 **BYLAWS. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL SERVE A 1-YEAR**
31 **TERM. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ENTITLED TO ONE**
32 **VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON**
33 **BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF**
34 **RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT**
35 **IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE DAY-TO-DAY**
36 **ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING**
37 **ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS**
38 **BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE**

1 **U.S. DEPARTMENT OF DEFENSE SHALL SERVE AS AN EX OFFICIO, NONVOTING**
2 **MEMBER OF THE EXECUTIVE COMMITTEE;**

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

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

16 **I. RELATE SOLELY TO THE INTERSTATE COMMISSION'S**
17 **INTERNAL PERSONNEL PRACTICES AND PROCEDURES;**

18 **II. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM**
19 **DISCLOSURE BY FEDERAL AND STATE STATUTE;**

20 **III. DISCLOSE TRADE SECRETS OR COMMERCIAL OR**
21 **FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;**

22 **IV. INVOLVE ACCUSING A PERSON OF A CRIME OR**
23 **FORMALLY CENSURING A PERSON;**

24 **V. DISCLOSE INFORMATION OF A PERSONAL NATURE**
25 **WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION**
26 **OF PERSONAL PRIVACY;**

27 **VI. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR**
28 **LAW ENFORCEMENT PURPOSES; OR**

29 **VII. SPECIFICALLY RELATE TO THE INTERSTATE**
30 **COMMISSION'S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL**
31 **PROCEEDING;**

32 **6. CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY THAT A**
33 **MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT**
34 **EXEMPTIBLE PROVISION FOR ANY MEETING, OR PORTION OF A MEETING, THAT**
35 **IS CLOSED PURSUANT TO THIS PROVISION. THE INTERSTATE COMMISSION**

1 **C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY**
2 **OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE**
3 **INTERSTATE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;**

4 **D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE**
5 **RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,**
6 **USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO**
7 **THE USE OF JUDICIAL PROCESS;**

8 **E. TO ESTABLISH AND MAINTAIN OFFICES THAT SHALL BE LOCATED**
9 **WITHIN ONE OR MORE OF THE MEMBER STATES;**

10 **F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

11 **G. TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF**
12 **PERSONNEL;**

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

17 **I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,**
18 **AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR**
19 **DUTIES, DETERMINE THEIR QUALIFICATIONS, AND TO ESTABLISH THE**
20 **INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING**
21 **TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS**
22 **OF PERSONNEL;**

23 **J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,**
24 **EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE,**
25 **AND DISPOSE OF THEM;**

26 **K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,**
27 **OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,**
28 **PERSONAL, OR MIXED;**

29 **L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,**
30 **ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR**
31 **MIXED;**

32 **M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;**

33 **N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND**
34 **OPERATION OF THE INTERSTATE COMMISSION;**

1 **O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,**
2 **JUDICIARY, AND STATE COUNCILS OF THE MEMBER STATES CONCERNING THE**
3 **ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR.**
4 **SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT MAY**
5 **HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;**

6 **P. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS**
7 **REGARDING THE COMPACT, ITS IMPLEMENTATION, AND OPERATION FOR**
8 **OFFICIALS AND PARENTS INVOLVED IN SUCH ACTIVITY;**

9 **Q. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING,**
10 **COLLECTING, AND EXCHANGING OF DATA;**

11 **R. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE**
12 **WITH THE BYLAWS;**

13 **S. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR**
14 **APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT; AND**

15 **T. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF**
16 **INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS, AND**
17 **MILITARY FAMILIES UNDER THIS COMPACT.**

18 **ARTICLE XI**

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

21 **A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE**
22 **MEMBERS PRESENT AND VOTING, WITHIN 12 MONTHS AFTER THE FIRST**
23 **INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT**
24 **AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE**
25 **COMPACT, INCLUDING BUT NOT LIMITED TO:**

26 1. **ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE**
27 **COMMISSION;**

28 2. **ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER**
29 **COMMITTEES AS MAY BE NECESSARY;**

30 3. **PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND**
31 **FOR GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR**
32 **FUNCTION OF THE INTERSTATE COMMISSION;**

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

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

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

10 7. **PROVIDING “START-UP” RULES FOR INITIAL**
11 **ADMINISTRATION OF THE COMPACT.**

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

24 **C. EXECUTIVE COMMITTEE, OFFICERS, AND PERSONNEL –**

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

28 **I. MANAGING THE AFFAIRS OF THE INTERSTATE**
29 **COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF**
30 **THE INTERSTATE COMMISSION;**

31 **II. OVERSEEING AN ORGANIZATIONAL STRUCTURE**
32 **WITHIN, AND APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION**
33 **TO PROVIDE FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND**
34 **ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND**

35 **III. PLANNING, IMPLEMENTING, AND COORDINATING**
36 **COMMUNICATIONS AND ACTIVITIES WITH OTHER STATE, FEDERAL, AND LOCAL**

1 GOVERNMENT ORGANIZATIONS IN ORDER TO ADVANCE THE GOALS OF THE
2 INTERSTATE COMMISSION.

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

11 D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS
12 EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER
13 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO
14 OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY
15 CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT,
16 ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A
17 REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF
18 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
19 PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
20 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE
21 INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

22 1. THE LIABILITY OF THE INTERSTATE COMMISSION'S
23 EXECUTIVE DIRECTOR AND EMPLOYEES OR INTERSTATE COMMISSION
24 REPRESENTATIVES, ACTING WITHIN THE SCOPE OF SUCH PERSON'S
25 EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING
26 WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET
27 FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE
28 OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS
29 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES
30 OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO
31 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY,
32 OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON
33 MISCONDUCT OF SUCH PERSON.

34 2. THE INTERSTATE COMMISSION SHALL DEFEND THE
35 EXECUTIVE DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL
36 OF THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE
37 MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION
38 REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION
39 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
40 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED

1 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
2 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR
3 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION
4 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR
5 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR
6 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

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

19 ARTICLE XII

20 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

29 B. RULEMAKING PROCEDURE. RULES SHALL BE MADE PURSUANT TO
30 A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL
31 STATE ADMINISTRATIVE PROCEDURE ACT" OF 1981, UNIFORM LAWS
32 ANNOTATED, VOL. 15, P.1 (2000), AS AMENDED, AS MAY BE APPROPRIATE TO
33 THE OPERATIONS OF THE INTERSTATE COMMISSION.

34 C. JUDICIAL REVIEW. NOT LATER THAN 30 DAYS AFTER A RULE IS
35 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF
36 THE RULE, PROVIDED THAT THE FILING OF SUCH A PETITION SHALL NOT STAY
37 OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE
38 COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF

1 SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE
2 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT
3 FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE
4 EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.

5 **D. REJECTION OF RULES. IF A MAJORITY OF THE LEGISLATURES OF**
6 **THE COMPACTING STATES REJECTS A RULE BY ENACTMENT OF A STATUTE OR**
7 **RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, THEN SUCH**
8 **RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY COMPACTING**
9 **STATE.**

10 **ARTICLE XIII**

11 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

12 **A. OVERSIGHT.**

13 1. **THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF**
14 **STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT**
15 **AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE**
16 **THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT**
17 **AND THE RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS**
18 **STATUTORY LAW.**

19 2. **ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT**
20 **AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A**
21 **MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT THAT**
22 **MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE**
23 **INTERSTATE COMMISSION.**

24 3. **THE INTERSTATE COMMISSION SHALL BE ENTITLED TO**
25 **RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE**
26 **STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE**
27 **TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL**
28 **RENDER A JUDGMENT OR ORDER VOID AS TO THE INTERSTATE COMMISSION,**
29 **THIS COMPACT, OR ITS PROMULGATED RULES.**

30 **B. DEFAULT, TECHNICAL ASSISTANCE, SUSPENSION AND**
31 **TERMINATION. IF THE INTERSTATE COMMISSION DETERMINES THAT A**
32 **MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS**
33 **OR RESPONSIBILITIES UNDER THIS COMPACT OR ITS BYLAWS OR**
34 **PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:**

35 1. **PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND**
36 **OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF**

1 CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE
2 COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS
3 BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT; AND

4 **2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL**
5 **ASSISTANCE REGARDING THE DEFAULT.**

6 **C. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE**
7 **DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN**
8 **AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES AND ALL RIGHTS,**
9 **PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT SHALL BE**
10 **TERMINATED FROM THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE**
11 **DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR**
12 **LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.**

13 **D. SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT**
14 **SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE**
15 **HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL**
16 **BE GIVEN BY THE INTERSTATE COMMISSION TO THE GOVERNOR, THE**
17 **MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S**
18 **LEGISLATURE, AND EACH OF THE MEMBER STATES.**

19 **E. THE STATE THAT HAS BEEN SUSPENDED OR TERMINATED IS**
20 **RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES**
21 **INCURRED THROUGH THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION**
22 **INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND**
23 **THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.**

24 **F. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS**
25 **RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT**
26 **HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT, UNLESS**
27 **OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE**
28 **COMMISSION AND THE DEFAULTING STATE.**

29 **G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE**
30 **INTERSTATE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR**
31 **THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE**
32 **INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING**
33 **PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING**
34 **REASONABLE ATTORNEY'S FEES.**

35 **H. DISPUTE RESOLUTION.**

1 **1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE**
2 **REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO**
3 **THE COMPACT AND THAT MAY ARISE AMONG MEMBER STATES AND BETWEEN**
4 **MEMBER AND NONMEMBER STATES.**

5 **2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE**
6 **PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR**
7 **DISPUTES AS APPROPRIATE.**

8 **I. ENFORCEMENT.**

9 **1. THE INTERSTATE COMMISSION, IN THE REASONABLE**
10 **EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF**
11 **THIS COMPACT.**

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

22 **3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE**
23 **REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION**
24 **MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR**
25 **THE REGULATION OF A PROFESSION.**

26 **ARTICLE XIV**

27 **FINANCING OF THE INTERSTATE COMMISSION**

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

31 **B. THE INTERSTATE COMMISSION MAY LEVY AND COLLECT AN**
32 **ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE**
33 **OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF**
34 **THAT MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE**
35 **COMMISSION’S ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE**
36 **ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A FORMULA**

1 TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL
2 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

3 C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF
4 ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR
5 SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE
6 MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER
7 STATE.

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

16 ARTICLE XV

17 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

19 B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON
20 LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN
21 OF THE STATES. THE EFFECTIVE DATE SHALL BE NO EARLIER THAN DECEMBER
22 1, 2007. THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY
23 OTHER MEMBER STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT
24 STATE. THE GOVERNORS OF NONMEMBER STATES OR THEIR DESIGNEES SHALL
25 BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE
26 COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY
27 ALL STATES.

28 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO
29 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT
30 SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION
31 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
32 UNANIMOUS CONSENT OF THE MEMBER STATES.

33 ARTICLE XVI

34 WITHDRAWAL AND DISSOLUTION

35 A. WITHDRAWAL.

1 **1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE**
2 **AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE, PROVIDED THAT**
3 **A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY**
4 **REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.**

5 **2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE**
6 **ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE**
7 **EFFECT UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND**
8 **UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE**
9 **WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER**
10 **JURISDICTION.**

11 **3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE**
12 **CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE**
13 **INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE**
14 **WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE**
15 **OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW**
16 **WITHIN 60 DAYS OF ITS RECEIPT THEREOF.**

17 **4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL**
18 **ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE**
19 **EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS THE**
20 **PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF**
21 **WITHDRAWAL.**

22 **5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER**
23 **STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE**
24 **COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE**
25 **COMMISSION.**

26 **B. DISSOLUTION OF COMPACT.**

27 **1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE**
28 **OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES**
29 **THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.**

30 **2. UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT**
31 **BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE AND EFFECT,**
32 **AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE**
33 **CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE**
34 **WITH THE BYLAWS.**

35 **ARTICLE XVII**

1 shall notify the appropriate officials of the passage of this Act; and that upon
2 concurrence in this Act by no fewer than 10 states, the Governor of the State of
3 Maryland shall issue a proclamation declaring this Act valid and effective and shall
4 forward a copy of the proclamation to the Executive Director of the Department of
5 Legislative Services.

6 SECTION 3. AND BE IT FURTHER ENACTED, That, if the Governor of the
7 State of Maryland does not issue a proclamation under Section 2 of this Act on or
8 before June 30, 2013, declaring this Act valid and effective, with no further action
9 required by the General Assembly, this Act shall be abrogated and of no further force
10 and effect.

11 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, subject to ~~the~~
12 ~~provisions of Section 2~~ Sections 2 and 3 of this Act, this Act shall take effect July 1,
13 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.