

SENATE BILL 257

F1
SB 457/08 – EHE

9lr0206
CF HB 306

By: **The President (By Request – Administration) and Senators Astle, Colburn, Dyson, Edwards, Forehand, Garagiola, Lenett, Peters, Robey, Simonaire, and Stone**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2009

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; and generally relating to the Interstate Compact on
22 Educational Opportunity for Military Children.

23 BY adding to

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 Article – Education

2 Section 7–1301 through 7–1303 to be under the new subtitle “Subtitle 13.
3 Interstate Compact on Educational Opportunity for Military Children”
4 Annotated Code of Maryland
5 (2008 Replacement Volume)

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

8 **Article – Education**

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

11 **7–1301.**

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

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

18 **7–1302.**

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

22 **7–1303.**

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

31 **ARTICLE I**

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

19 B. OFFICIAL EDUCATIONAL 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 EDUCATIONAL 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 EDUCATIONAL 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. 1. THE STATE COUNCIL OF EACH MEMBER STATE SHALL**
4 **APPOINT OR DESIGNATE A MILITARY FAMILY EDUCATION LIAISON ~~TO BE~~**
5 **~~LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION~~ TO ASSIST**
6 **MILITARY FAMILIES AND THE STATE IN FACILITATING THE IMPLEMENTATION**
7 **OF THIS COMPACT.**

8 **2. IN MARYLAND, THE MILITARY FAMILY EDUCATION LIAISON**
9 **SHALL BE LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION.**

10 **C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE**
11 **ADMINISTRATION AND MANAGEMENT OF THE STATE'S PARTICIPATION IN THE**
12 **COMPACT SHALL BE APPOINTED BY THE GOVERNOR IN CONSULTATION WITH**
13 **THE STATE SUPERINTENDENT OF SCHOOLS.**

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

18 ARTICLE IX

19 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR 20 MILITARY CHILDREN

21 **A. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE**
22 **COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN".**
23 **THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF**
24 **PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION.**

25 **B. THE INTERSTATE COMMISSION SHALL:**

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

32 **2. CONSIST OF ONE INTERSTATE COMMISSION VOTING**
33 **REPRESENTATIVE FROM EACH MEMBER STATE WHO SHALL BE THAT STATE'S**
34 **COMPACT COMMISSIONER.**

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

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

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

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

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

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

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

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

1 ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING
2 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS
3 BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE
4 U.S. DEPARTMENT OF DEFENSE SHALL SERVE AS AN EX OFFICIO, NONVOTING
5 MEMBER OF THE EXECUTIVE COMMITTEE;

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

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

19 I. RELATE SOLELY TO THE INTERSTATE COMMISSION'S
20 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

21 II. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM
22 DISCLOSURE BY FEDERAL AND STATE STATUTE;

23 III. DISCLOSE TRADE SECRETS OR COMMERCIAL OR
24 FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

25 IV. INVOLVE ACCUSING A PERSON OF A CRIME OR
26 FORMALLY CENSURING A PERSON;

27 V. DISCLOSE INFORMATION OF A PERSONAL NATURE
28 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION
29 OF PERSONAL PRIVACY;

30 VI. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR
31 LAW ENFORCEMENT PURPOSES; OR

32 VII. SPECIFICALLY RELATE TO THE INTERSTATE
33 COMMISSION'S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL
34 PROCEEDING;

1 LAW AND SHALL BE BINDING IN THE COMPACT STATES TO THE EXTENT AND IN
2 THE MANNER PROVIDED IN THIS COMPACT;

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

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

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

12 F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

13 G. TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF
14 PERSONNEL;

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

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

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

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

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

34 M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

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

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

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

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

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

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

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

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

31 **I. MANAGING THE AFFAIRS OF THE INTERSTATE**
32 **COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF**
33 **THE INTERSTATE COMMISSION;**

34 **II. OVERSEEING AN ORGANIZATIONAL STRUCTURE**
35 **WITHIN, AND APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION**

1 TO PROVIDE FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND
2 ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND

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

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

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

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

38 2. THE INTERSTATE COMMISSION SHALL DEFEND THE
39 EXECUTIVE DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL

1 OF THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE
2 MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION
3 REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION
4 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
5 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED
6 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR
7 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR
8 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION
9 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR
10 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR
11 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

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

24 ARTICLE XII

25 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

1 MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS
2 OR RESPONSIBILITIES UNDER THIS COMPACT OR ITS BYLAWS OR
3 PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:

4 1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
5 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF
6 CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE
7 COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS
8 BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT; AND

9 2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
10 ASSISTANCE REGARDING THE DEFAULT.

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

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

24 E. THE STATE THAT HAS BEEN SUSPENDED OR TERMINATED IS
25 RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES
26 INCURRED THROUGH THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION
27 INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND
28 THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.

29 F. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS
30 RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT
31 HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT, UNLESS
32 OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE
33 COMMISSION AND THE DEFAULTING STATE.

34 G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
35 INTERSTATE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR
36 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
37 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING

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

3 H. DISPUTE RESOLUTION.

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

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

11 I. ENFORCEMENT.

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

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

25 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE
26 REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION
27 MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR
28 THE REGULATION OF A PROFESSION.

29 ARTICLE XIV

30 FINANCING OF THE INTERSTATE COMMISSION

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

1 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY
2 UNANIMOUS CONSENT OF THE MEMBER STATES.

3 **ARTICLE XVI**

4 **WITHDRAWAL AND DISSOLUTION**

5 **A. WITHDRAWAL.**

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

10 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE
11 ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE
12 EFFECT UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND
13 UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE
14 WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER
15 JURISDICTION.

16 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE
17 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE
18 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE
19 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE
20 OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW
21 WITHIN 60 DAYS OF ITS RECEIPT THEREOF.

22 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL
23 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
24 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS THE
25 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF
26 WITHDRAWAL.

27 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER
28 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE
29 COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE
30 COMMISSION.

31 **B. DISSOLUTION OF COMPACT.**

32 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE
33 OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES
34 THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.

1 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
2 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
3 MEMBER STATE.

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
14 of Section 2 of this Act, this Act shall take effect July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.