Interstate Compact on

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

1st Interstate Commission Meeting
Docket Book

Mesa, Arizona • Marriott Mesa Hotel • October 27–29, 2008
INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

INTERSTATE COMMISSION MEETING
DOCKET BOOK 2008

CONTENTS

1. Program Agenda
2. Compact Project Backgrounder and History
3. Role and Authority of the Commission
4. State Guide
5. By-Laws
6. Nominating Processes and Procedures
7. Description of Officers and Roles
8. Committee Structure, Format and Explanation
9. Operating Budget and Timeline
10. Budget, Staffing and State Fee Assessments - Commentary
11. Fiscal Note
12. CSG Partnership and Benefits
13. Role of the Ex-Officio Members
14. Compact Language
15. State-by-State Status and History
Monday – Oct. 27, 2008

4:30pm  Registration
        Lobby (Hotel Lobby Level)

6:00pm - 7:00pm  Welcome Reception
        Arizona Ballroom EF (Ground Level)

Tuesday - Oct. 28, 2008

7:30am  Continental Breakfast
        Palo Verde III

8:00am  Welcome
        Palo Verde III

8:20am  Call to Order
        Palo Verde III
        Rep. Bob Damron, Kentucky House of Representatives
        Interim Chair, Interstate Commission
        • Roll Call
        • Instructions to Commissioners
        • Overview of Agenda

8:30am  Interstate Compact on Educational Opportunity For Military
        Children: Context and Background
        Palo Verde III
        Tom Hinton, Senior State Liaison, Office of the Deputy Under
        Secretary of Defense
8:45am  **Role of Interstate Commission and Compact Commissioners**  
Palo Verde III  
*Mike McCabe, The Council of State Governments*  
*Director, Midwest Region*

9:00am  **Commission Administration & Operation: Session #1**  
Palo Verde III  
*Rep. Bob Damron, Interim Chair, Interstate Commission*  
*Rick Masters, Special Counsel, The Council of State Governments*

- Approval of Interim Chair
- Adoption of Interim Commission Bylaws
- Nominating Process for Officers
- Other Business Items

10:00am  **Break**

10:15am  **State Council Development**  
Palo Verde III  
*Dori Ege, Arizona Compact Commissioner, Interstate Compact for Juveniles*  
*Rick Masters, Special Counsel, The Council of State Governments*  
*Keith A. Scott, Director, The National Center for Interstate Compacts, CSG*

- Discussion of State Council Formation
- Discussion of CSG role in state formation of State Councils
- Discussion of State Council Experiences

Noon  **Lunch**  
Palo Verde II

1:30pm  **Committee Structure and Function**  
Palo Verde III  
*Rep. Bob Damron, Interim Chair, Interstate Commission*  
*Mike McCabe, CSG*

- Overview of Committee Process & Requirements
- Introduction of Potential Working Committees
  - Executive Committee
  - Finance Committee
• Rules & Compliance Committee
• Training, Education & PR Committee
• Other Committees
  • Adoption of Committees and Structure
  • Committee Membership Selection

2:30pm  Break

2:45pm  Transition Issues
Palo Verde III
Rick Masters, Special Counsel, CSG

  • Identify and Discuss Transition Issues
  • Consensus on Transition Issues & How to Handle
  • Adoption of Transition Rules

4:45  Public Comment From Non-Commissioner Attendees
Palo Verde III
Rep. Bob Damron, Interim Chair, Interstate Commission

5:00pm  Adjournment

7:00pm  Compact Commissioner Dinner (invitation only)
[Restaurant TBD]

Wednesday – Oct. 29, 2008

7:30am  Continental Breakfast
Palo Verde III

8:00am  Call to Order
Palo Verde III
Rep. Bob Damron, Interim Chair, Interstate Commission

  • Overview of Agenda
  • Roll Call
8:15am  **Future Election of Officers**
Palo Verde III
Rep. *Bob Damron, Interim Chair, Interstate Commission*
- Nominating Committee Process Explained
- Election Process Explained

9:15am  **Break**

9:30am  **Commission Administration & Operation: Session #2**
Palo Verde III
Rep. *Bob Damron, Interim Chair, Interstate Commission*
*John Mountjoy, Director, Policy & Research, CSG*
*Rick Masters, Special Counsel, CSG*
- Adopt Transition Timeline and Plan
- Adopt Dues Formula and State Fee Assessment
  (with FY ’09 expenditure plan)
- Ratify Budget
- Location of Commission Headquarters
- Other Administrative & Fiscal Issues

11:15am  **Meeting Summary & Next Steps**
Palo Verde III
*Keith A. Scott, CSG*

11:30am  **Public Comment from Non-Commissioner Attendees**
*Rep. Bob Damron, Interim Chair, Interstate Commission*

Noon  **Final Adjournment**
Military families encounter significant school challenges when dealing with enrollment, eligibility, placement, and graduation of their children, due to frequent relocations in the course of service to our country. Most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.

The Council of State Governments' National Center for Interstate Compacts, in cooperation with the Department of Defense, has worked to develop an interstate compact that deals with these issues.

The compact reflects input from policy experts and stakeholders from 18 different organizations, including representatives of parents, teachers, school administrators, military families, and federal, state, and local officials.

The Compact will allow for the uniform treatment, at the state and local district level, of military children transferring between school districts and states.

Each participating state must adopt the Compact through legislation; it will go into effect when adopted by 10 states. (This is not a mandate to states, as participation by states is completely voluntary.)

Each Compact state will appoint representation to an on-going governing Commission which will enact necessary rules and give further guidance to the Compact's implementation. Only those state commissioners will have voting authority.

Efforts have begun to educate state policymakers regarding the need for the Compact, and the nature and wide-spread use of Interstate Compacts, generally.

Extensive information packets are available to state policymakers upon request.

[www.USA4MilitaryFamilies.org](http://www.USA4MilitaryFamilies.org)
Interstate Compact on Educational Opportunity for Military Children

The Council of State Governments (CSG), in cooperation with the U.S. Department of Defense, has drafted a new interstate compact that addresses the educational transition issues of children of military families. Since July 2006, CSG has worked with a variety of federal, state and local officials as well as national stakeholder organizations representing education groups and military families to create the new interstate agreement. While the compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. In addition, the compact provides for a detailed governance structure at both the state and national levels with built-in enforcement and compliance mechanisms.

Applicability
The new compact applies to the children of:
- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

The new compact does not apply to children of:
- Inactive members of the national guard and military reserves;
- Members of the uniformed services now retired not covered above;
- Veterans of the uniformed services not covered above; and
- Other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Enrollment
- **Educational Records** – the new compact provides that schools must share records in a timely manner in order to expedite the proper enrollment and placement of students. If the sending school cannot provide the parent a copy of the official record, an unofficial copy will be provided that may be hand carried to the school in lieu of the official record. This unofficial record can then be used for preliminary placement while the school sends for the official record. Once requested, the sending school has 10 days to provide the official record to the receiving school.

- **Immunizations** – the new compact provides for specific timelines, in this case 30 days from the date of enrollment, for students to obtain required immunizations in the receiving state.

- **Age of Enrollment/Course Continuation** – the compact requires, absent a new enrollment in Kindergarten, that a student shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from the sending state. For example, if a student is enrolled and attends Kindergarten at the age of 5 in State A and transfers to State B,
the student would be allowed to continue in Kindergarten despite State B’s entrance age of 6 years. Further, the compact allows for such continuity of enrollment when a student has completed Kindergarten and is ready for enrollment in First Grade. For example, if a student has completed Kindergarten in State A and transfers to State B, the student would be allowed to enter First Grade despite State B’s entrance age of 6 or 7 years.

Eligibility

- **Power of Attorney** - 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.

- **Tuition** - a local education agency shall be prohibited from charging local tuition to a military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

- **Non-custodial parents** - a military child, placed in the care of a non-custodial 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 he/she was enrolled while residing with the custodial parent.

- **Extracurricular activities** - state and local education agencies shall facilitate the opportunity for military children’s inclusion in extracurricular activities to the extent they are otherwise qualified.

Placement

- **Course placement / Educational Program 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 course(s).

- **Special education services** – 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act and with Title II of the Americans with Disabilities Act, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
- **Placement flexibility** – local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

- **Absence as related to deployment activities** – a student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian prior to leave or deployment of the parent or guardian.

**Graduation**

- **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 reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on-time.

- **Exit exams** - states shall accept: 1) exit or end-of-course exams required for graduation from the sending state; 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the receiving state cannot in good faith accommodate the above alternatives, it shall use best efforts, while working with the sending state, to assure that the student receives a diploma from the sending local education agency, assuming the student meets all graduation requirements of the latter agency. Within 12 months of the effective date of this compact, the Interstate Commission shall adopt a rule addressing the acceptance of exit exams.

- **Transfers during Senior year** – Should a military student transferring in his or her Senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

**State Coordination**

- **State Council** – each state will be required to develop a State Council to provide for the coordination among its agencies of government, local education agencies and military installations concerning the state’s participation in, and compliance with, this compact. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of the school district with a high concentration of military children, representative from a military installation, one representative from the legislative, and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate.
• **Military Family Education Liaison** - the State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

**National Coordination**

• **Interstate Commission** – the governing body of the new interstate compact composed of representatives from each member state as well as various ex-officio members representing impacted stakeholder groups, the Interstate Commission will provide general oversight of the agreement, creates and enforces rules governing the compacts operation and promotes training and compliance with the compacts requirements. Each state will be allowed one vote on compact matters and the Commission will maintain a variety of policy and operations committees. Rather than states operating under an interstate agreement without any national coordination, the Interstate Commission will provide the venue for solving interstate issues and disputes.

• **Rulemaking** – the Interstate Commission, through its member states, will draft and enforce rules for the operation of the compact. While the interstate compact mechanism provides the skeletal structure of the agreement, the rules are the muscles or actuators of the contract. The compact is basic in its scope and intent, therefore compelling the rules and rulemaking process to be dynamic in its ability to respond to changing issues without rewriting the compact at every turn.

• **Enforcement** – the Interstate Commission will have the ability to enforce the provision of the compact and its rules on states and school districts. Without enforcement and compliance power, the compact becomes a toothless tiger – a set of good ideas under which no one feels compelled to abide. With enforcement capacity, the compact can force states and districts to comply for the good of military children. Of course, such action could only be undertaken by the Commission itself, i.e. the state members.

**Effective Date**

• **10 or more states** – the compact will activate once 10 or more states have adopted the language. With the bulk of military children residing in just 20 states, the Drafters have concluded that 10 is a sufficient number to begin operations.
The Compact specifically calls for the development of an Interstate Commission to establish a uniform standard that eases the state-to-state transition of military personnel, their spouses and primarily their children as these children transfer from one state to another and from one school system to another as a direct result of the military parent’s frequent reassignments. The Interstate Commission will promulgate rules to achieve the purpose of this compact; The Commission will also establish a uniform system for collecting standardized data concerning the educational transition of the children of military families, create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency, and report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Further, the Commission will monitor compliance with rules governing educational transition of the children of military families and initiate interventions to address and correct noncompliance; and coordinate training and education regarding such transitions.

The model Compact specifically states (where quoted) that:

“The member states hereby create the “Interstate Commission on Educational Opportunity for Military Children.”

The Interstate Commission shall “[b]e a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.”

The Interstate Commission shall “[c]onsist of one Interstate Commission voting representative from each member state who shall be that state’s compact commissioner.”

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall “Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts.
affecting the education of children of military members.”. The Interstate Commission may provide in its by-laws for such additional, ex-officio, non-voting members as it deems necessary.

“A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.”

The Interstate Commission shall “[m]eet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.”

The Interstate Commission shall “[g]ive public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact.”

The Interstate Commission shall “[e]stablish an Executive Committee whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as shall be determined by the bylaws.”

“The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session.”

“The Executive Committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary.”.”
Interstate Compact on Educational Opportunity for Military Children

STATE OFFICIALS GUIDE
2008
(Including the Executive “Tip” Summary)
CONTACT

Keith A. Scott  
Director, National Center for Interstate Compacts  
c/o The Council of State Governments  
2760 Research Park Dr.  
P.O. Box 11910  
Lexington, KY 40578-1910  
(859) 244-8247  
kscott@csg.org

ADDITIONAL INFORMATION

For additional information on this and other interstate compacts, please visit our website at: www.csg.org/NCIC and click on Current Projects
# TABLE OF CONTENTS

**Executive “Tip” Summary**  
1

**Introduction and Purpose of Guide**  
3

**Transition**  
5  
Transition Timeline  
5  
Transition Rules and Regulations  
5

**State Council**  
6  
Purpose  
6  
Authority  
6  
Military Family Education Liaison  
7  
Composition  
7  
Compact Commissioner  
8

**Interstate Commission**  
10  
Purpose  
12  
Authority  
12  
Composition  
13  
Responsibilities  
13  
Bylaws  
14  
Committees  
15  
Election of Officers  
15  
Meetings  
15  
Staffing of the Interstate Commission  
16  
Rules and Rulemaking  
17  
Budget  
17  
Training, Education, Outreach  
18  
Finance Issues  
18  
Dues Timeline  
19  
Dues Formula  
19

**Legal Issues**  
20  
Enforcement and Compliance  
20  
Oversight  
22  
Dispute Resolution  
22  
Amendment  
23  
Withdrawal, Default, Dissolution  
23  
Binding Effect of Compact and Other Laws  
25

**Interstate Compacts - Background and History**  
26

**Interstate Compacts – 10 Frequently Asked Questions**  
30

**Interstate Compact on Ed. Opp. for Military Children – Background**  
35
EXECUTIVE “TIP” SUMMARY

Your state is a member of the Interstate Compact on Educational Opportunity for Military Children. Developed in 2007 and adopted by 11 states thus far in 2008, this interstate agreement provides solutions to problems that encumber the educational experience for the children of military families. It has been designed to create an environment where military children are afforded the same educational opportunity as their non-military peers. As a member of this new compact, your state has assumed several new responsibilities of which you, as a state policymaker, need to be aware, including: development of a state council, appointment of a compact commissioner and participation on the Interstate Commission, including the development of operational rules, regulations and financial assessments.

This Executive “Tip” Summary is designed to aide state officials to better understand the Interstate Compact on Educational Opportunity for Military Children and actions regarding its use and implementation.

- **Tip #1:** Become familiar with the compact language adopted by your state.

- **Tip #2:** Consult with your commissioner, state council and compact commissioner.

- **Tip #3:** Once your state council has been appointed and/or created, review the language of the Interstate Compact on Educational Opportunity for Military Children with your compact commissioner and state council in preparation for the first Interstate Commission meeting and to become versed in the terms that direct compact activities.

- **Tip #4:** If your state has not yet established its state council, contact the governor’s office, state compact commissioner and sponsor(s) of the compact legislation in your state for information on next steps. State councils should be established and have met prior to the first Interstate Commission meeting.

- **Tip #5:** Determine who has the authority to appoint members to the state council.

- **Tip #6:** Determine how your state will handle state council authority issues and how the state council will function.

- **Tip #7:** Determine the role, responsibilities, administrative/agency location and duties of the Military Family Education Liaison.
• **Tip #8:** Determine what will be the required or desired qualities and qualifications for membership on your state council and the number of council members.

• **Tip #9:** Determine how your state will appoint the compact commissioner under the terms of the compact.

• **Tip #10:** Determine who will represent your state at the commission meetings if the compact commissioner is unable to attend, and understand and appreciate the commissioner’s responsibilities.

• **Tip #11:** State council members should discuss and understand the authority vested in the Interstate Commission in preparation for the commission’s first meeting.

• **Tip #12:** The state council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on commission business prior to the first commission meeting.

• **Tip #13:** The state council may prepare for the first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rule-making considerations, commission staffing needs and training needs. The commissioner should come to the first commission meeting prepared to address these and other issues.

• **Tip #14:** The state council may prepare for the first commission meeting by discussing bylaws for the commission. The commissioner should come to the first commission meeting prepared to address these and other issues.

• **Tip #15:** The state council may discuss what, if any, committees its commissioner should serve on, as well as how the members of the state council may be able to support commission committee work. The council members should also discuss any additional committees they would recommend and how they will ensure input into committee functions.

• **Tip #16:** The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.

• **Tip #17:** The state council may discuss whether the state will send members of the council to the commission meetings in addition to the commissioner and, if so, how the costs of additional attendees will be funded. CSG/DOD will cover the costs of the Interstate Commission member from your state. Additional costs for other attendees will be borne by the state.

• **Tip #18:** The state council may discuss what it anticipates as the necessary staff positions for operation of the compact. Additionally, members should discuss the qualifications of an executive director. Further, the Interstate Commission can decide where it will be
housed; state councils and commissioners may be prepared to discuss the location and housing of the Interstate Commission.

- **Tip #19:** The compact commissioner, in consultation with the state council, should begin to formulate ideas as to rules the state would like for the Interstate Commission to promulgate.

- **Tip #20:** The state council may discuss those expenditures members believe will be necessary to operate the Interstate Commission prior to the first commission meeting.

- **Tip #21:** The state council may meet with the compact commissioner, military family education liaison and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by education officials, administrators and staff.

- **Tip #22:** State council members and compact commissioners should familiarize themselves with their state’s specific processes and procedures for requesting a budget appropriation. In addition, the state council could see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments. The state council, in consultation with state leaders, could discuss possible configurations for a dues formula.

- **Tip #23:** Read and become familiar with the specific articles and sections of the compact that pose or may pose legal implications and obligations. Consult your state’s compact commissioner and, if necessary, attorney general’s staff for assistance.
Interstate Compact On Educational Opportunity for Military Children
State Officials Guide

Introduction
Your state is a member of the Interstate Compact on Educational Opportunity for Military Children. Developed in 2007 and adopted by 11 states thus far in 2008, this interstate agreement provides solutions to problems that encumber the educational experience for the children of military families. As a member of this new compact, your state has assumed several new responsibilities of which you, as a state policymaker, need to be aware, including: development of a state council, appointment of a compact commissioner and participation on the Interstate Commission, including the development of operational rules, regulations and financial assessments and creation of the in-state military family education liaison position.

As you progress through this guide and prepare for transitioning your state to the new compact, note that it is critical to create the state council at the earliest possible point. This body will have primary responsibility for coordinating transition activities along with the military family education liaison. Collectively, members will oversee all aspects of the compact in your state and keep relevant parties informed of activities and requirements and coordinate your state participation in the first Interstate Commission meeting.

Purpose of Guide
The purpose of this guide is to aide state policymakers and members of the state council to better understand the Interstate Compact on Educational Opportunity for Military Children. This guide highlights the new responsibilities assumed by your state under this interstate agreement while illustrating activities that you and your state council may choose to utilize in preparation for a smooth and effective startup for the compact.

How to use this Guide
This guide is structured to provide you with information on key issues and activities your state will need to consider as the new compact takes effect. The guide highlights critical areas for action and consideration and moves step by step through the major sections of the compact providing an explanation of the compact’s intent and the rationale behind each principle and function of the compact. Suggested tips are provided throughout this document to help your state proceed in a structured and comprehensive manner toward the activation of the new compact. Each tip may require the assignment of responsibilities to an individual or group to ensure the action is completed. Each state will be able to determine how best to proceed.
Tip #1: Become familiar with the compact language adopted by your state.

It is important that you and the state council become familiar with the legislatively mandated language that legally creates and guides the compact’s structure and activities. The remainder of this document will help you understand the model language of the compact, but it is important that an understanding of the specific language of your state’s legislation be understood and followed.

Tip #2: Consult with your state council and compact commissioner.

The state council and compact commissioners can provide valuable information as well as the day-to-day nuances related to the operation of the compact.
As the new compact is ratified and enacted by the states, the Interstate Compact on Educational Opportunity for Military Children process moves from the legislative arena to the administrative arena. This series of events in the states and at the national level is referred to as transition. Several critical steps must be completed during the development of the Interstate Commission to ensure states are following the compact and completing the necessary tasks to make the agreement a success. During this transition period, approximately 18 months, the compact will go from being a concept on paper to being an administrative reality—a body of participating members coming together to determine the future and course of the agreement.

**Transition Timeline**

The transition period for the compact is likely to encompass a period of 18 months. During this time, the Interstate Commission will meet and establish various committees to address issues such as rules and regulations, dues and dues formulas, and training, outreach and education.

A sample timeline is provided below:

- Summer 2008 – The compact reaches 10-state threshold; notice to states, development of state councils, and appointment of compact commissioner
- July/August 2008 – Meeting logistics, planning for first Commission meeting
- October/November 2008 – Convene Inaugural Interstate Commission meeting
- February 2009 to August 2009 – Convene ongoing committee meetings, as needed
- October/November 2009 – Convene second Interstate Commission meeting

**Transition Rules and Regulations**

Tip #3: Once the state council has been appointed and/or created, you should review the language of the Interstate Compact on Educational Opportunity for Military Children with your compact commissioner and state council in preparation for the first Interstate Commission meeting and to become versed in the terms that direct compact activities.

As the Interstate Commission meets, one of the first items for its consideration will be the development of new rules and regulations to govern the activities of the compact. The compact commissioner and state council should consult one another to develop ideas about rules they would like the Interstate Commission to promulgate.
STATE COUNCIL

Tip #4: If your state has not yet established its state council, please contact the governor’s office, state compact commissioner and sponsor of the compact legislation in your state for information on next steps. State councils should be established and have met prior to the first Interstate Commission meeting.

The model compact language of the state council article of the compact states:

“Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state’s participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own state council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.”

Purpose
The compact specifically calls for the development of state councils in each member state. The state council is designed to serve as an advisory and advocacy body of state policymakers and experts. Each state council may be tasked with developing policy concerning operations and procedures of the compact within that state. Your state’s language may be different, particularly as related to appointment and membership on the state council. Please refer to the specific language of the compact as adopted in your state for clarification.

Authority
Tip #5: Determine who has the authority to appoint members to the state council.

Each state must determine who will appoint members to the state council. Regardless of who is responsible for the appointment of state council members, this process (if not already completed) should occur as soon as possible. Please refer to the specific language of the compact as adopted in your state for clarification.

Tip #6: Determine how your state will handle state council authority issues and how the state council will function.

Each state retains the right to determine the authority of its state council as developed and enacted by the language of that state. Some states may choose to limit the authority of the state council to simply act as an advocacy body for the compact, raising its visibility to decision-makers. Other states may choose a more hands-on role for the state council, allowing for more day-to-day oversight of compact activities. Please refer to the specific compact language as adopted in your state for clarification. In addition, it is important to determine
how the state council will function (e.g., who presides over the meetings, who will schedule meetings, who will record meeting activities, where will meetings be held and how often, how will activities/concerns of the state council and Interstate Commission be reported to key constituents).

**Military Family Education Liaison**

**Tip #7:** Determine the role, responsibilities, administrative/agency location and duties of the Military Family Education Liaison.

The compact not only requires the establishment of a State Council within each member state, but also the development of a formal role to coordinate responsibilities on the subject of military student education transition – the Military Family Education Liaison. Designated as a role to “assist military families and the state in facilitating the implementation of this compact,” the position is left to states to define, re: agency location/housing, scope of responsibilities, FTE status, etc. It is fully envisioned that states, dependent on the size of their military child population and frequency of student movement, may pursue a variety of models as to the fulfillment of this compact requirement.

As your state considers the development of the State Council and the designation and appointment of a Compact Commissioner, your state should examine the role of the Military Family Education Liaison and define the scope of the position’s responsibilities as well as what agency will oversee these duties and how it will be integrated into existing and/or similar positions and activities.

The model compact language describes this process as:

“The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.”

**Composition**

**Tip #7:** Determine the required or desired qualities and qualifications for membership on your state council and the number of council members.

The model language of the compact outlines the composition and appointment of state council members. However, beyond the prescribed representation of the state council, your state language may be different, specifically outlining qualities and qualifications for council members. Your state may also decide to meld the state council responsibilities with a pre-existing council or group. Please refer to the specific language of the compact as adopted in your state for clarification and discuss with key policy representatives.

Each state retains the right to determine the composition of its state council as developed and enacted by the language of that state. Some states may choose to have specific qualities (e.g., recognized leader of constituency group such as the director of the education task force or
parent teacher organization member) and qualifications (e.g., experience with military children issues) reflected in their state council members. Other states may choose to have a broader base of experience represented on the body. The compact is purposefully silent on the topic of state council member qualifications, except as otherwise stated, instead leaving this decision entirely to the member state.

**Compact Commissioner**

**Tip #8:** Determine how your state will appoint the compact commissioner under the terms of the compact.

Each state must ensure that procedures are in place with the proper appointing authority for the appointment of a compact commissioner. The compact commissioner serves as the state’s primary representative to the Interstate Commission. Please refer to the specific language of the compact as adopted in your state for clarification.

**Tip #10:** Determine who will represent your state at the commission meetings if the compact commissioner is unable to attend; and understand and appreciate the commissioner’s responsibilities.

The national Interstate Commission is composed of one commissioner from each member state. These commissioners represent the states and, as a whole, make decisions for the Commission on issues such as rules and regulations, dues, staff, etc. It is assumed that state council members will have the opportunity to provide consultation and direction to the commissioner prior to commission meetings.

Please keep in mind that, as previously identified and outlined, the state retains the right to determine the qualifications of the compact commissioner. In addition, should the commissioner be unable to participate in Interstate Commission meetings, for whatever reason, an authorized representative may be designated for individual Interstate Commission meetings.

It is imperative that the state notify CSG of the official appointment of the state’s compact commissioner as soon as possible. This notification, in the form of a letter accompanied by the commissioner appointment form that was provided along with this guide, or the appointment form the state customarily uses for such appointments, must be submitted to CSG no later than the date CSG specified in the letter notifying member states of the first Interstate Commission meeting.

Without this letter and appointment form, the state will not be allowed to participate in the first meeting with full voting privileges. Proxies will not be permitted for this function.
The model compact language describes this process as:

“...Each member state represented at a meeting of the Interstate Commission is entitled to one vote.”

“...A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.”

“...A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.”

“...The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.”

Please refer to the specific language of the compact as adopted in your state for clarification.
This information on the Interstate Commission is provided to assist state council members and state compact administration staff to prepare for and understand the purpose and intent behind the Interstate Commission. It is not the intent of this section or its analysis to dictate or circumvent the prerogative of the Interstate Commission, the state councils or the membership of each.

The model compact language of the Interstate Commission article of the compact states that the Interstate Commission shall:

“...Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.”

“...Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.”

“...Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.”

“...Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Department of Defense shall serve as an ex-officio, nonvoting member of the executive committee.”

“...Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.”

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10
“...Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

- Relate solely to the Interstate Commission’s internal personnel practices and procedures;
- Disclose matters specifically exempted from disclosure by federal and state statute;
- Disclose trade secrets or commercial or financial information which is privileged or confidential;
- Involve accusing a person of a crime, or formally censuring a person;
- Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- Disclose investigative records compiled for law enforcement purposes; or
- Specifically relate to the Interstate Commission’s participation in a civil action or other legal proceeding.”

“...Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.”

“...Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.”

“...Create a process that permits military officials, education officials and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.”
**Purpose**
The compact specifically calls for the development of an Interstate Commission to establish uniform procedures to manage the implementation and operation of the compact in the member states. The Interstate Commission will promulgate rules to achieve the purpose of this compact. Further, the commission will monitor compliance with rules and initiate interventions to address and correct noncompliance; and coordinate training and education on compact-related matters.

**Authority**

**Tip #10:** State council members should discuss and understand the authority vested in the Interstate Commission in preparation for the first meeting of the commission.

The Interstate Commission is a multi-state administrative agency composed of commissioners from its member states. The authority held by the Interstate Commission is granted by the member states and is carried out by those commissioners designated by the states.

<table>
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<tr>
<th>Authority</th>
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<tr>
<td>“To provide for dispute resolution among member states.”</td>
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<td>“To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law...”</td>
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<td>“To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.”</td>
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<td>“To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.”</td>
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<td>“To establish and maintain offices which shall be located within one or more of the member states.”</td>
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<td>“To purchase and maintain insurance and bonds.”</td>
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<td>“To borrow, accept. Hire or contract for services of personnel.”</td>
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<tr>
<td>“To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.”</td>
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<tr>
<td>“To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission’s personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.”</td>
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<tr>
<td>“To establish a budget and make expenditures.”</td>
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<tr>
<td>“To adopt a seal and bylaws governing the management and operation of the Interstate Commission.”</td>
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</table>
• “To report annually to the legislatures, governors, judiciary and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.”
• “To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.”
• “To establish uniform standards of the reporting, collecting and exchanging of data.”
• “To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.”

Your state’s compact language should not differ contextually from this language.

Composition

Tip #11: The state council should discuss and understand the composition of the Interstate Commission and who has the authority to vote on commission business prior to the first commission meeting.

Responsibilities

Tip #12: The state council may prepare for the first commission meeting by discussing specific and general responsibilities of the commission and its members. This should include having specific discussions on such things as member dues formulas, rule-making considerations, commission staffing needs, training needs, etc. The commissioner should come to the first commission meeting prepared to address these and other issues.

The compact language outlines specific duties and responsibilities for the Interstate Commission. It should be noted that while the compact language itself speaks to initial responsibilities of the commission, other responsibilities and duties could evolve over time.

Establishment of the Interstate Commission

• Planning and coordination for the meetings of the commission, both full Interstate Commission meetings and committee meetings
• Development of the rules and regulations for the compact
• Hiring of the commission staff and interim staff support from CSG
• Notification to states of the compact’s ratification by 10 states
• Development of the state councils
• Development of a commission budget
• Invoicing to the states for dues approved within the compact

Membership Services

• Provide technical assistance to states as they transition to the state council
• Convene meetings of states to share state council development strategies
• Provide continued outreach to both compact and non-compact states
• Develop an information clearinghouse regarding the compact
Interstate Commission Tasks

- Develop training materials for state education officials, administrators and local education agencies; including development of training curricula, as well as tools like agency policies and procedures
- Conduct onsite training for state personnel regarding the compact, its workings and processes

By-Laws

Tip #13: The state council may prepare for the first commission meeting by discussing bylaws for the commission. The commissioner should come to the first commission meeting prepared to address these and other issues.

The compact language calls for the development of bylaws for the Interstate Commission. Bylaws are to be developed by the commission and its members during the first 12 months of operation.

The model compact language describes the Interstate Commission’s bylaws activity as such:

“The Interstate Commission’s bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.”

“The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

- Establishing the fiscal year of the Interstate Commission;
- Establishing an executive committee and such other committees as may be necessary;
- Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
- Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
- Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
- Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.
- Providing startup rules for initial administration of the compact;
Committees

**Tip #14:** The state council may discuss what, if any, committees its commissioner should serve on as well as how the members of the state council may be able to support commission committee work. They should also discuss any additional committees they would recommend and how they will ensure input into committee functions.

The compact language calls for developing various committees upon which members may serve within the Interstate Commission. Further, the compact states that other committees may be established, as needed, to address such issues as rules and regulations, dues and dues formula, education, outreach and training.

The model compact language states:

“To establish and appoint committees including, but not limited to, an executive committee as required by Article IV, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.”

Election of Officers

**Tip #15:** The state council may discuss whether its commissioner should seek executive office on the commission and what qualities commission leaders should possess.

The Interstate Commission will elect officers from among its members. The compact language specifically outlines the positions of chairperson and vice chairperson.

The model compact language states:

“The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.”

Meetings

**Tip #16:** The state council may discuss whether it will send members of the council, in addition to the commissioner, to the commission meetings and, if so, how expenses of additional attendees will be funded. CSG/DOD will cover the costs of the interstate commissioner from your state. Additional costs for other attendees and nonmember states must be borne by the state.
The Interstate Commission is required to hold at least one meeting during each 12-month cycle. It is likely that the commission will meet several times during the first 12 months of its existence, with specific committees meeting more often until such issues as rules and regulations, dues and dues formula, and education, outreach and training efforts can be completed. The state council may choose to send additional people to consult with the commissioner on interstate issues that may arise and to be more actively involved in Interstate Commission startup.

Further, the model compact language states:

“...Each member state represented at a meeting of the Interstate Commission is entitled to one vote.”

“...A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.”

“...The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.”

Staffing of the Interstate Commission

Tip #17: The state council may discuss what it anticipates as being the necessary staff positions for the operation of the compact. Additionally, members should discuss the qualifications of an executive director. Further, the Interstate Commission can decide where it will be housed; state councils and commissioners may be prepared to discuss the location and housing of the Interstate Commission.

The Interstate Commission will have a full-time staff. Although the only position outlined in the compact language is that of executive director, other positions, such as assistant director, legal counsel, program specialist, etc., are expected to be developed to assist in the administration of the compact and the compact commission.

Specifically, the model compact language states:

“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.”

At its own discretion, and based on its determination as to its staffing needs, the Interstate Commission may have full-time staff to manage the new duties placed upon the Interstate Commission and the states. The staff will provide legal expertise and technical assistance to the states, will provide mediation and arbitration services for conflicts among the states and
provide continuous training and improvement activities among the member states to enhance the activities of the compact and its members. The Council of State Governments is prepared in the short-term to provide secretariat services to the Interstate Commission until such time as it becomes a viable entity that can maintain its own offices, staff, etc., if requested by the Interstate Commission at its initial meeting. The Interstate Commission will need to determine its permanent location and establish agreements with other entities for services and staffing.

The Council of State Governments, through a service contract with the US Dept. of Defense, will provide full staffing of the new Interstate Commission through the convening of the second annual meeting in the fall of 2009. Following that meeting, it is expected that the new Interstate Commission will have an independent stand-alone staff to meet its coordination, training and enforcement needs.

Rules and Rulemaking

**Tip #18:** The compact commissioner, in consultation with the state council, should begin to formulate ideas as to rules the state would like for the Interstate Commission to promulgate. The compact will create a governing structure with the capacity and authority to effectively manage rulemaking and compliance by member states. Rulemaking authority is left to representatives of those states that choose to enact the compact. The compact creates a process for rules to be made by member states and enforced and, when necessary, empowers them to modify rules without returning to each state legislature.

Establishing a Budget

**Tip #19:** The state council may discuss those expenditures members believe will be necessary to operate the Interstate Commission prior to the first commission meeting.

In order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission will establish a budget for its operation and duties. It is the intent of the compact that financial support be contributed by the member states.

The model compact language states:

“To establish a budget and make expenditures.”

“The Interstate Commission may levy on 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 which 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.”

Your state’s compact language should not differ contextually from this language.
Training, Education, Outreach

**Tip #20:** The state council may meet with the compact commissioner, military family education liaison and other compact staff to discuss specific training and education needs that will ensure compliance and smooth operation of the compact by education officials, administrators and staff.

The Interstate Commission will conduct training, education and outreach to the member states on a wide variety of issues surrounding the compact. The Interstate Commission will provide training and education to compact commissioners, state councils and other compact staff as well as to other state officials who may need information and who come in contact with the compact.

Finance Issues

**Tip #21:** State council members and compact commissioners should familiarize themselves with their state’s specific processes and procedures for requesting a budget appropriation. In addition, the state council could see that an annual budget plan is developed for annual dues expenditures from agency or general fund budgets and should begin planning for annual dues assessments.

Each state will need to consider what, if any, budget appropriations will be necessary to support compact activities within the state in order to comply with current and future compact activity demands. Also, in order to function properly, the Interstate Commission will have certain financial needs and obligations. The Interstate Commission will establish a budget for the operation of the commission and its duties.

Financial support from member states will be based on an equitable dues formula developed by the Interstate Commission and its members. It could be expected that states will be invoiced for their dues on an annual basis and it is the responsibility of each member state to budget accordingly in preparation for this annual assessment.

The model compact language speaks specifically to the issue of finance:

“The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.”

“The Interstate Commission may levy on 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 which 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.”

“The Interstate Commission shall not incur any 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.”
“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.”

Dues Timeline
It can be expected that invoices to states for dues will be processed within six to eight weeks following the first Interstate Commission meeting. Thereafter, invoicing will occur on an annual basis following the dues formula developed by the members.

Dues Formula
As previously mentioned, the dues formula will be developed by the Interstate Commission prior to issuing the dues invoices.
Tip #22: Read and become familiar with the specific articles and sections of the compact that may have legal implications and obligations. Consult your state’s compact commissioner and, if necessary, attorney general’s staff for assistance.

The following section is provided to assist in your discussions.

Enforcement and Compliance
The compact language compels the Interstate Commission to enforce compliance with all compact provisions, and rules and regulations. The compact contains several enforcement tools to ensure compliance with compact provisions, rules and regulations developed by and for the states and Interstate Commission. These include:

- Remedial training and technical assistance as directed by the Interstate Commission;
- Alternative dispute resolution;
- Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and
- Suspension or termination of membership in the compact.

The specific model compact language states:

“To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.”

“The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent.”

“If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

“Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.”

“Provide remedial training and specific technical assistance regarding the default.”
“If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.”

“Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.”

“The state that has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.”

“The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.”

“The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.”

“The Interstate Commission may, by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys’ fees.”

“The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.”
Oversight
A primary goal of the Interstate Commission is oversight of compact activities.

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<td>“The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.”</td>
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<tr>
<td>“All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.”</td>
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<tr>
<td>“The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.”</td>
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Dispute Resolution
To avoid lengthy and expensive judicial proceedings on conflicts among the member states, the compact provides for dispute resolution tools such as mediation and arbitration.

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<tr>
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<td>And the model compact language outlines use of those tools:</td>
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<td>“The Interstate Commission shall attempt, upon the request of a compacting state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.”</td>
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<td>“The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.”</td>
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<tr>
<td>“The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.”</td>
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Amendment Procedures
The model compact language does authorize and provide for amendments to the language and outlines specific steps for amendment:

“The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.”

Withdrawal, Default, Dissolution

Withdrawal
A state may withdraw from the compact upon enacting a state statute that authorizes such action. The compact recognizes this possibility and provides specific steps and requirements for such an action:

“Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.”

“The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state’s intent to withdraw within sixty (60) days of its receipt thereof.”

“The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extends beyond the effective date of withdrawal.”

“Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.”

Default
A state is in default of the compact and its provision should a state not adhere to the language of the compact or the subsequent rules and regulations developed and adopted by the Interstate Commission.

If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:
1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state’s legislature, and each of the member states.

5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.

Dissolution

The compact dissolves at such time as only one state is a member. The model compact language provides:

“The 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 (1) member state.”

“Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.”
Binding Effect of Compact and Other Laws

The model compact language provides:

“Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.”

“All member states’ laws conflicting with this compact are superseded to the extent of the conflict.”

“All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.”

“All agreements between the Interstate Commission and the member states are binding in accordance with their terms.”

“In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.”
Interstate Compacts – Background and History

In the face of common problems and opportunities that span beyond their individual boundaries, states have joined together in recent years to address regional and even national issues.

One weapon in the states’ arsenal is the interstate compact – an historic cooperative tool allowing states to work together to solve their mutual policy dilemmas while reinforcing the role of the states in tackling regional and national issues.

As states struggle with emerging policy issues such as prescription drug pricing, increased energy production and distribution, refined and updated tax systems and the refurbishment of an aging infrastructure, the interstate compact may well prove to be the answer to these and other policy questions.

The Nature of Interstate Compacts
Compacts are simply formal agreements between two or more states that bind them to the compacts’ provisions, just as a contract binds two or more parties in a business deal. As such, compacts are subject to the principles of contract law and are protected by the constitution’s prohibition against laws that impair the obligations of contracts.

That means compacting states are bound to observe the terms of their agreements, even if those terms are inconsistent with other state laws. In short, compacts between states are somewhat like treaties between nations. Compacts have the force and effect of statutory law and take precedence over conflicting state laws, regardless of when those laws are enacted.

Unlike treaties, however, compacts are not dependent solely upon the good will of the parties. Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the compacts themselves. Moreover, Congress and the courts can compel compliance with the terms of interstate compacts. That is why compacts are considered among the most effective means of ensuring interstate cooperation.

History of Interstate Compacts
Compacts were seldom used until the 20th century. Between 1783 and 1920, states approved just 36 compacts, most of which were used to settle boundary disputes. However, in the last 75 years, more than 150 compacts have been created, most since the end of World War II.

The purpose of compacts ranges from implementing common laws to exchanging information about similar problems. They apply to everything from conservation and resource management to civil defense, emergency management, law enforcement, transportation and taxes. Other compact subjects include education, energy, mental health, workers compensation and low-level radioactive waste.

Some compacts authorize the establishment of multistate regulatory bodies. The first and most famous of these is the New York-New Jersey Port Authority, which arose from a 1921
compact between the two states. However, other agreements are simply intended to establish uniform regulations without creating new agencies.

In recent years, compacts have grown in scope and number. Today, many are designed for regional or national participation, whereas the compacts of old were usually bi-state agreements.

Recent efforts include the Emergency Management Assistance Compact, the Interstate Compact on Industrialized/Modular Buildings, Interstate Insurance Receivership Compact and several low-level radioactive waste compacts, which were mandated by Congress.

Other examples of compact activity include the revision of existing interstate agreements; updating agreements that maintain relevance, but which require a modernization of their structures. Recent examples include the Interstate Compact for Adult Offender Supervision, the Interstate Compact for Juveniles and the Interstate Compact for the Placement of Children.

**Creating Interstate Compacts**

Compacts are essentially contracts between states. To be enforceable, they must satisfy the customary requirements for valid contracts, including the notions of offer and acceptance.

An offer is made when one state, usually by statute, adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language. Once the required number of states has adopted the pact, the contract among them is valid and becomes effective as provided. The only other potential requirement is congressional consent.

**Congressional Consent**

Article I, Section 10 of the U.S. Constitution provides in part that “no state shall, without the consent of Congress, enter into any agreement or compact with another state.” Historically, this clause generally meant all compacts must receive congressional consent.

However, the purpose of this provision was not to inhibit the states’ ability to act in concert with each other. In fact, by the time the Constitution was drafted, the states were already accustomed to resolving disputes and addressing problems through interstate compacts and agreements. The purpose of the compact clause was to protect the pre-eminence of the new national government by preventing the states from infringing upon federal authority or altering the federal balance of power by compact.

Accordingly, in 1893 the Supreme Court in *Virginia v. Tennessee* indicated that not all compacts require congressional approval. Today, it is well established that only those compacts that affect a power delegated to the federal government or alter the political balance within the federal system, require the consent of Congress.

For example, a river basin agreement between two or more states that might affect the water rights of non-party states would surely require congressional approval. Determining whether a compact affects federal powers is more difficult. Generally, any compact that touches on an
area of mutual state-federal concern, or threatens to interfere with the doctrine of federal pre-
emption, may require congressional consent, such as the Driver License Compact.

It is almost easier to identify agreements that do not require congressional consent. Included
among these are compacts concerning matters in which state authority is clearly pre- eminent. Ed-
ducation is one such area.

Compacts designed to facilitate interstate communication or promote cooperative studies do
not usually require congressional consent, but those that impose more substantive obligations
often do.

Fortunately, the consent requirement is not particularly burdensome. Though usually satisfied
by means of a congressional resolution granting the states authority to create a compact, the
Constitution specifies neither the means nor the timing of the required consent. Over the
years, the Supreme Court has held that congressional consent may be expressed or implied
and may be obtained either before or after a compact is enacted.

Congressional consent may also be conditional, limited or temporary, and is always subject to
modification or repeal, even if this right is not expressly reserved when the consent is initially
given. Thus, whether a compact requires consent or not, and regardless of the form that
consent may take, no compact is immune from future invalidation by an Act of Congress.
Therefore, express congressional consent is sometimes considered desirable; even if it is not
strictly required at the time the compact is created.

**Delegation of State Authority to a Joint Administrative Agency**

One of the axioms of modern government is the ability of a state legislature to delegate to an
administrative body the power to make rules and decide particular cases. This delegation of
authority, upheld in 1951 by the U.S. Supreme Court in *West Virginia vs. Dyer*, extends to the
creation of interstate commissions through the vehicle of an interstate compact.

Examples include the Interstate Compact for Adult Offender Supervision, the New York/New
Jersey Port Authority and the Interstate Pest Control Compact – each creates and maintains an
interstate commission capable of providing administrative oversight to its member states on
compact-related issues.

Modern compacts are a reinvigoration of our federalist system in which states may only be
able to preserve their sovereign authority over interstate problems to the extent that they share
their sovereignty and work together cooperatively through interstate compacts.

**Amending and Enforcing Compacts**

Once established, compacts can only be amended or terminated in accordance with the
instruments themselves or by mutual consent of the members by adopting identical
substantive language. In other words, amending compacts requires the same process used to
create them unless the compacts themselves specify other mechanisms.
A violation of compact terms, like a breach of contract, is subject to judicial remedy. Since compacts are agreements between states, the U.S. Supreme Court is the usual forum for the resolution of disputes between member states. However, compacts can, and frequently do, include provisions to resolve disputes through arbitration or other means.

**Timeframe Enacting Compacts**

Compacts are not always complicated, but they may take time, especially if their subject matter is controversial. A study of 65 interstate compacts, conducted in the early 1960s, indicated that the average amount of time required to launch a new compact was almost five years. But that study was admittedly skewed by the unusually long time required for the approval of several compacts that dealt with controversial natural resource issues. In fact, the average time required to enact 19 compacts covering river management and water rights was almost nine years.

More recently, however, the adoption of interstate compacts has been much more rapid. The Interstate Compact for Adult Offender Supervision was adopted by 35 states in just 30 months. Other recent compacts, including the new Interstate Insurance Product Regulation Compact, are enjoying faster success, gaining quick adoptions over a period of two to three years.

In recent years, there have been some remarkable success stories. For example, in December 1989, a committee of The Council of State Governments’ Midwestern Legislative Conference approved draft language for the Midwestern Higher Education Compact and began circulating it to lawmakers in the 12 Midwestern states that were eligible to participate. Just 13 months later, the compact became effective.

**Avoiding Federal Interference**

Finally, interstate compacts provide states the opportunity to cooperatively address policy issues in the face of an increasingly active federal government. With the federal dynamic constantly shifting between all levels of government, interstate compacts offer an attractive alternative to ensure state agreement on complex policy issues, establish state authority over areas reserved for states and allow states to speak strongly with one unified voice. Without the compact, federal activism in traditional state policy areas is an increasing possibility.
Interstate Compacts: 10 Frequently Asked Questions

1) **What is an interstate compact?**

Interstate compacts are contracts between two or more states creating an agreement on a particular policy issue, adopting a certain standard or cooperating on regional or national matters.

Interstate compacts are the most powerful, durable and adaptive tools for ensuring cooperative action among the states. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states.

The very nature of an interstate compact makes it an ideal tool to meet the demand for cooperative state action: Developing and enforcing stringent standards, while providing an adaptive structure that, under a modern compact framework, can evolve to meet new and increased demands over time.

General purposes for creating an interstate compact include:

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multistate governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards or procedures for agencies in the compact’s member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

2) **How prevalent are interstate compacts?**

More than 200 interstate compacts exist today. On average, a state belongs to 25 interstate compacts.

Twenty-two compacts are national in scope, and several have 35 or more member states and independent administrative commissions. More than 30 compacts are regional in scope, with eight or more member states.

3) **What types of interstate compacts exist?**

Although there are many types of interstate compacts, they can generally be divided into three camps:
a) **Border Compacts:** agreements between two or more states that establish or alter the boundaries of a state. Once adopted by the states and approved by Congress, such compacts permanently alter the boundaries of the state and can only be undone by a subsequent compact approved by Congress or the repeal of the compact with Congress’s approval. Examples include the Virginia-Tennessee Boundary Agreement of 1803, Arizona-California Boundary Compact of 1963, the Missouri-Nebraska Compact of 1990 and the Virginia-West Virginia Boundary Compact of 1998.

b) **Advisory Compacts:** agreements between two or more states that create study commissions. The purpose of the commission is to examine a problem and report to the respective states on their findings. Such compacts do not result in any change in the state’s boundaries nor do they create ongoing administrative agencies with regulatory authority.

c) **Regulatory Compacts:** broadest and largest category of interstate compacts may be called regulatory or administrative compacts. Such compacts are a development of the 20th century and embrace wide-ranging topics including regional planning and development, crime control, agriculture, flood control, water resource management, education, mental health, juvenile delinquency and child support. Regulatory compacts create ongoing administrative agencies whose rules and regulations may be binding on the states to the extent authorized by the compact. Many regulatory compacts require congressional consent to be effective because they regulate areas that impact one of Congress’s enumerated powers, such as interstate commerce, navigable streams and extradition.

4) **What are the advantages of an interstate compact?**

The emergence of broad public policy issues that ignore state boundaries and the principles of federalism have presented new governing challenges to both state and federal authorities. Complex regional and national problems have shown little respect for the dual lines of federalism or the geographical boundaries of states. Thus, interstate compacts have re-emerged not only as devices for adjusting interstate relations but also for governing the nation.

Interstate compacts provide an effective solution in addressing suprastate problems. Compacts enable the states – in their sovereign capacity – to act jointly and collectively, generally outside the confines of the federal legislative or regulatory process while respecting the view of Congress on the appropriateness of joint action. Interstate compacts can effectively pre-empt federal interference into matters that are traditionally within the purview of the states but have regional or national implications.

Unlike federal actions that impose unilateral, rigid mandates, compacts afford states the opportunity to develop dynamic, self-regulatory systems over which the party states can maintain control through a coordinated legislative and administrative
process. Compacts enable the states to develop adaptive structures that can evolve to meet new and increased challenges that naturally arise over time.

5) **What are the disadvantages of an interstate compact?**

Interstate compacts may often require a great deal of time to both develop and implement. While recent interstate compact efforts have met with success in a matter of a few years, some interstate compacts have required decades to reach critical mass.

Further, the ceding of traditional state sovereignty, particularly as required by several modern administrative compacts, may be perceived as a disadvantage. The very purpose of an interstate compact is to provide for the collective allocation of governing authority between and among party states, which does not allow much room for individualism. The requirement of substantive sameness prevents party states from passing dissimilar enactments.

As the balance of power continues to realign in our federalist system, states may only be able to preserve their sovereign authority over interstate problems to the extent that they share their sovereignty and work together cooperatively through interstate compacts.

6) **How is an interstate compact created?**

Compacts are essentially contracts between or among states. To be enforceable, they must satisfy the customary requirements for valid contracts, including the notions of offer and acceptance. An offer is made when one state, usually by statute, adopts the terms of a compact requiring approval by one or more other states to become effective. Other states accept the offer by adopting identical compact language. Once the required number of states has adopted the pact, the contract among them is valid and becomes effective as provided. The only other potential requirement is congressional consent.

7) **What might the compact development process look like?**

The development of any interstate compact should be a state driven and state championed solution to a policy issue. Outlined below are key steps to the development process of a regulatory compact, as experienced by CSG. *These should be viewed as examples and can be customized, based on the issue area, as needed.*

a) **Advisory Group** – Composed of state officials and other critical stakeholders, an advisory group examines the realm of the problem, suggests possible solutions and makes recommendations as to the structure of the interstate compact. Typically, an advisory group is composed of approximately 20 individuals, each representing various groups and states. An advisory group would likely meet one or two times over a period of two to three months, with
its work culminating in a set of recommendations as to what the final compact product should look like.

b) **Drafting Team** – While an advisory group enjoyed thinking about the issue from a macro level, a drafting team pulls the thoughts, ideas and suggestions of the advisory group into a draft compact. The drafting team, composed of five to eight compact and issue experts, will craft the recommendations, as well as their own thoughts and expertise, into a draft compact that will be circulated to state officials for comment. The document will also be open for comments from a wide swath of stakeholders and the public. Following these comment periods, the compact will be revised as needed and released finally back to an advisory group for final review to ensure it meets the original spirit of the group’s recommendations. A drafting team would meet three to four times over a period of 10 to 14 months, with significant staff work and support between sessions.

c) **Education** – Once completed, the interstate compact would be available to states for legislative approval. During this phase of the initiative, state-by-state technical assistance and on-site education are keys to rapid success. A majority of state legislators have limited knowledge about interstate compacts and with such a major issue being addressed, legwork on the ground in each state is crucial. Previous interstate compact efforts have convened end-of-the-year legislative briefings for state officials to educate them on the solutions provided by the interstate compact. Education occurs before and during state legislative sessions.

d) **Enactment** – A majority of interstate compacts did not become active right away. Rather, interstate compacts typically activate when triggered by a preset number of states joining the compact. For instance, the Interstate Compact for Adult Offender Supervision (Adult Compact) required 35 state enactments before it could become active. This number was chosen for two reasons. A membership of 35 ensures that a majority of states are in favor of the agreement and that a new compact would not create two conflicting systems. Moreover, a sense of urgency for states was created because the first 35 jurisdictions to join would meet soon thereafter and fashion the operating rules of the compact. Most interstate compacts take up to seven years to reach critical mass. However, the most recent effort managed by CSG, the Adult Compact, reached critical mass in just 30 months from the date of introduction in 2000.

e) **Transition** – Following enactment by the required minimum number of states, the new compact becomes operational and, depending on the compact’s administrative structure, goes through standard startup activities such as state notification, planning for the first commission or state-to-state meetings and, if authorized by the compact, hiring of staff to oversee the agreement and its requirements. A critical component of the transition will be the development of
rules, regulations, forms, standards, etc. by which the compact will need to operate. Typically, transition activities run for between 12 and 18 months before the compact body is independently running.

8) **What does a modern interstate compact look like, structurally?**

When developing the interstate compact mechanism, one needs to look at it as a human body – the compact itself is the skeleton; the rules, regulations and forms are the muscles and the bylaws are the skin. The compact should contain the minimum basics upon which it needs to operate, in terms of the agreement between states and the operation of a governing body. By using the compact as the broad framework, the rules can be adapted and adjusted as needed throughout the life of the compact without the need to go back each time for legislative approval from the member states, subject to the legislatively delegated authority.

9) **Will my state’s constitution permit the creation and/or joining of a compact?**

Compact language is usually drafted with state constitutional requirements common to most state constitutions such as separation of powers, delegation of power, and debt limitations in mind. The validity of the state authority to enter into compacts and potentially delegate authority to an interstate agency has been specifically recognized and unanimously upheld by the U.S. Supreme Court in *West Virginia vs. Sims, 341 U.S. 22 (1951).*

10) **Where can I get more information and assistance with the Interstate Compact on Educational Opportunity for Military Children?**

Contact:

Keith A. Scott  
Director, National Center for Interstate Compacts  
c/o The Council of State Governments  
2760 Research Park Drive  
P.O. Box 11910  
Lexington, KY 40578-1910  
(859) 244-8247  
kscott@csg.org  
www.csg.org/NCIC
Interstate Compact on Educational Opportunity for Military Children

Background and Development

The Council of State Governments, in cooperation with the U.S. Department of Defense Office of Personnel and Readiness, drafted a new interstate compact that addresses the educational transition issues of children of military families. Since October 2006, CSG has worked with a variety of federal, state and local officials, as well as national stakeholder organizations representing education groups and military families, to create the new interstate agreement.

While the compact is not exhaustive in its coverage, it does address the key issues encountered by military families: eligibility, enrollment, placement and graduation. In addition, the compact provides for a detailed governance structure at both the state and national levels with built-in enforcement and compliance mechanisms. In December 2007, CSG hosted a legislative briefing with legislators, state officials and issue experts from 30 states. During the briefing, the attendees spent hours intensively dissecting, debating and analyzing the model language. They ultimately arrived at what they considered to be a document that would be responsive not only to the needs of the military families who would benefit from its impact, but also to the needs of the state education officials, administrators and faculty who were charged with handling such issues on a regular basis.

In January 2008, the compact was first available for introduction in the states. Throughout the first six months of the year, CSG and DOD provided on-site technical assistance, expert testimony and resource materials to states considering the compact and maintained an extensive information clearinghouse on the project. By early July, the 10th state had adopted the compact thereby activating the agreement.
Article I
Commission Purpose, Function and By-laws

Section 1. Purpose.
Pursuant to the terms of the Interstate Compact on Educational Opportunity for Military Children, (the “Compact”), the Interstate Commission on Educational Opportunity for Military Children (the “Commission”) is established to fulfill the objectives of the Compact, through a means of joint cooperative action among the Compacting States: to promote, develop and facilitate a uniform standard that eases the state-to-state transition of military personnel, their spouses and primarily their children as these children transfer from one state to another and from one school system to another as a direct result of the military parent’s frequent reassignments.

Section 2. Functions.
In pursuit of the fundamental objectives set forth in the Compact, the Commission shall, as necessary or required, exercise all of the powers and fulfill all of the duties delegated to it by the Compacting States. The Commission’s activities shall include, but are not limited to, the following: the promulgation of binding rules and operating procedures; equitable distribution of the costs, benefits and obligations of the Compact among the Compacting States; enforcement of Commission Rules, Operating Procedures and By-laws; provision of dispute resolution; Coordination of training and education; and the collection and dissemination of information concerning the activities of the Compact, as provided by the Compact, or as determined by the Commission to be warranted by, and consistent with, the objectives and provisions of the Compact.

Section 3. By-laws.
As required by the Compact, these By-laws shall govern the management and operations of the Commission. As adopted and subsequently amended, these By-laws shall remain at all times subject to, and limited by, the terms of the Compact.

Article II
Membership

Section 1. Commissioners
The Commission Membership shall be comprised as provided by the Compact. Each Compacting State shall have and be limited to one Member. A Member shall be the Commissioner of the Compacting State or his or her official designee. Each Compacting State shall forward the name of its Commissioner or official designee to the Commission chairperson. The Commission chairperson shall promptly advise the Governor and State
Council on Educational Opportunity for Military Children of the Compacting State of the need to appoint a new Commissioner upon the expiration of a designated term or the occurrence of mid-term vacancies.

Section 2. Ex-Officio Members
The Commission Membership shall also include individuals who are not commissioners and who shall not have a vote, but who are members of interested organizations. Such non-commissioner members may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, Education Commission of the States, the Interstate Agreement on the Qualifications of Educational Personnel and other interstate compacts affecting education of children of military members.

Article III
Officers

Section 1. Election and Succession.
The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Duties.
The officers shall perform all duties of their respective offices as provided by the Compact and these By-laws. Such duties shall include, but are not limited to, the following:

a. Chairperson. The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission’s directions, or subject to ratification by the Commission, shall act on the Commission’s behalf during the interims between Commission meetings.

b. Vice Chairperson. The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.

c. Secretary. The secretary shall keep minutes of all Commission meetings and shall act as the custodian of all documents and records pertaining to the status of the Compact and the business of the Commission.
d. **Treasurer.** The treasurer, with the assistance of the Commission’s executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.

**Section 3. Costs and Expense Reimbursement.**
Subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by the officers in the performance of their duties and responsibilities as officers of the Commission.

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**Article IV**

**Commission Personnel**

**Section 1. Commission Staff and Offices.**
The Commission may by a majority of its Members, or through its executive committee appoint or retain an executive director, who shall serve at its pleasure and who shall act as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission. The executive director shall establish and manage the Commission’s office or offices, which shall be located in one or more of the Compacting States as determined by the Commission.

**Section 2. Duties of the Executive Director.**
As the Commission’s principal administrator, the executive director shall also perform such other duties as may be delegated by the Commission or required by the Compact and these By-laws, including, but not limited to, the following:

a. Recommend general policies and program initiatives for the Commission’s consideration;

b. Recommend for the Commission’s consideration administrative personnel policies governing the recruitment, hiring, management, compensation and dismissal of Commission staff;

c. Implement and monitor administration of all policies, programs, and initiatives adopted by the Commission;

d. Prepare draft annual budgets for the Commission’s consideration;

e. Monitor all Commission expenditures for compliance with approved budgets, and maintain accurate records of the Commission’s financial account(s);
f. Assist Commission Members as directed in securing required assessments from the Compacting States;

g. Execute contracts on behalf of the Commission as directed;

h. Receive service of process on behalf of the Commission;

i. Prepare and disseminate all required reports and notices directed by the Commission; and

j. Otherwise assist the Commission’s officers in the performance of their duties under Article III herein.

Article V
Qualified Immunity, Defense and Indemnification

Section 1. Immunity.
The Commission, its Members, officers, executive director, and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

Section 2. Defense
Subject to the provisions of the Compact and rules promulgated there under, the Commission shall defend the Commissioner of a Compacting State, his or her representatives or -employees, or the Commission, and its representatives or employees in any civil action seeking to impose liability against such person arising out of or relating to any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Section 3. Indemnification.
The Commission shall indemnify and hold the Commissioner of a Compacting State, his or her representatives or employees, or the Commission, and its representatives or employees harmless in the amount of any settlement or judgment obtained against such person arising
out of or relating to any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

Article VI
Meetings of the Commission

Section 1. Meetings and Notice.
The Commission shall meet at least once each calendar year at a time and place to be determined by the Commission. Additional meetings may be scheduled at the discretion of the chairperson, and must be called upon the request of a majority of Commission Members, as provided by the Compact. All Commission Members shall be given written notice of Commission meetings at least thirty (30) days prior to their scheduled dates. Final agendas shall be provided to all Commission Members no later than ten (10) days prior to any meeting of the Commission. Thereafter, additional agenda items requiring Commission action may not be added to the final agenda, except by an affirmative vote of a majority of the Members. All Commission meetings shall be open to the public, except as set forth in Commission Rules or as otherwise provided by the Compact. Prior public notice shall be provided in a manner consistent with the federal Government in Sunshine Act, 5 U.S.C. § 552b, including, but not limited to, the following: publication of notice of the meeting at least ten (10) days prior to the meeting in a nationally distributed newspaper or an official newsletter regularly published by or on behalf of the Commission and distribution to interested parties who have requested in writing to receive such notices. A meeting may be closed to the public where the Commission determines by two-thirds (2/3rds) vote of its Members that there exists at least one of the conditions for closing a meeting, as provided by the Compact or Commission Rules.

Section 2. Quorum.
Commission Members representing a majority of the Compacting States shall constitute a quorum for the transaction of business, except as otherwise required in these By-laws. The participation of a Commission Member from a Compacting State in a meeting is sufficient to constitute the presence of that state for purposes of determining the existence of a quorum, provided the Member present is entitled to vote on behalf of the Compacting State represented. The presence of a quorum must be established before any vote of the Commission can be taken.

Section 3. Voting.
Each Compacting State represented at any meeting of the Commission by its Member is entitled to one vote. A Member shall vote himself or herself and shall not delegate his or her vote to another Member. Members may participate in meetings by telephone or other
means of telecommunication or electronic communication. Except as otherwise required by the Compact or these By-laws, any question submitted to a vote of the Commission shall be determined by a simple majority.

Section 4. Procedure.
Matters of parliamentary procedure not covered by these By-laws shall be governed by Robert’s Rules of Order.

Article VII
Committees

Section 1. Executive Committee.
The Commission may establish an executive committee, which shall be empowered to act on behalf of the Commission during the interim between Commission meetings, except for rulemaking or amendment of the Compact. The Committee shall be composed of all officers of the Interstate Commission and the chairpersons of each committee. The procedures, duties, budget, and tenure of such an executive committee shall be determined by the Commission. The power of such an executive committee to act on behalf of the Commission shall at all times be subject to any limitations imposed by the Commission, the Compact or these By-laws.

Section 2. Other Committees.
The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

Article VIII
Finance

Section 1. Fiscal Year.
The Commission’s fiscal year shall begin on July 1 and end on June 30.

Section 2. Budget.
The Commission shall operate on an annual budget cycle and shall, in any given year, adopt budgets for the following fiscal year or years only after notice and comment as provided by the Compact.

Section 3. Accounting and Audit.
The Commission, with the assistance of the executive director, shall keep accurate and timely accounts of its internal receipts and disbursements of the Commission funds, other than receivership assets. The treasurer, through the executive director, shall cause the
Commission’s financial accounts and reports including the Commission’s system of internal controls and procedures to be audited annually by an independent certified or licensed public accountant. As required by the Compact, upon the determination of the Commission, but no less frequently than once each year, the report of such independent audit shall be made available to the public and shall be included in and become part of the annual report to the Governors, legislatures, and judiciary of the Compacting States. The Commission’s internal accounts, any workpapers related to any internal audit, and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: 1) in compliance with the order of any court of competent jurisdiction; ii) pursuant to such reasonable rules as the Commission shall promulgate; and iii) to any Commissioner of a Compacting State, or their duly authorized representatives.

Section 4. Public Participation in Meetings.
Upon prior written request to the Commission, any person who desires to present a statement on a matter that is on the agenda shall be afforded an opportunity to present an oral statement to the Commission at an open meeting. The chairperson may, depending on the circumstances, afford any person who desires to present an oral or written statement on a matter that is on the agenda an opportunity to be heard absent a prior written request to the Commission. The chairperson may limit the time and manner of any such statements at any open meeting.

Section 5. Debt Limitations.
The Commission shall monitor its own and its committees’ affairs for compliance with all provisions of the Compact its rules and these By-laws governing the incursion of debt and the pledging of credit.

Section 6. Travel Reimbursements.
Subject to the availability of budgeted funds and unless otherwise provided by the Commission, Commission Members shall be reimbursed for any actual and necessary expenses incurred pursuant to their attendance at all duly convened meetings of the Commission or its committees as provided by the Compact.

Article IX
Withdrawal, Default and Termination

Compacting States may withdraw from the Compact only as provided by the Compact. The Commission may terminate a Compacting State as provided by the Compact.

Article X
Adoption and Amendment of By-laws

Any By-law may be adopted, amended or repealed by a majority vote of the Members, provided that written notice and the full text of the proposed action is provided to all
Commission Members at least thirty (30) days prior to the meeting at which the action is to be considered. Failing the required notice, a two-third (2/3rds) majority vote of the Members shall be required for such action.

**Article XI**

**Dissolution of the Compact**

The Compact shall dissolve effective upon the date of the withdrawal or the termination by default of a Compacting State which reduces Membership in the Compact to one Compacting State as provided by the Compact.

Upon dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be concluded in an orderly manner and according to applicable law. Each Compacting State in good standing at the time of the Compact’s dissolution shall receive a pro rata distribution of surplus funds based upon a ratio, the numerator of which shall be the amount of its last paid annual assessment, and the denominator of which shall be the sum of the last paid annual assessments of all Compacting States in good standing at the time of the Compact’s dissolution. A Compacting State is in good standing if it has paid its assessments timely.
Under normal circumstances, during the first Interstate Commission meeting, members would be tasked with electing Commission Officers from among the member states. However, because of the relatively small number of current member states, the Interstate Commission, as a whole, is better suited to make all necessary and relevant decisions regarding the administration of the compact until such time as the number of members warrants the formation of a nomination committee and the election of officers. Therefore, no nominating committee will be formed nor will officers be elected at this first Interstate Commission meeting. Instead, the committee will be formed, candidates will be nominated, and officers will be elected at the second Interstate Commission meeting which will take place approximately one year from now.

The officers to be elected will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission’s staff once hired.

According to the Compact language (Article VI, Section B), only three elected positions are required: Chair, Vice-Chair and Treasurer.

“The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in the chairperson’s absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission.”

**Officers to be Elected**

- Chair
- Vice-Chair
- Treasurer

**Nominating Process**

During the second meeting of the Interstate Commission, members will have an opportunity to nominate Commissioner members for the 3 identified offices: Chair, Vice-Chair and Treasurer. Commissioners may be nominated in the following ways:

- Put name in the Nominations Box (accessible throughout the day & evening)
- Inform your Regional Group of Nominations (Regional Groups will be formed at the second Interstate Commission meeting)
• Inform a member of the CSG or DOD staff

Nominations Committee

The Nominations Committee will be composed of one representative selected from each regional group (South, East, Midwest and West). These selections will be made by the Commissioner members from each region.

The Nominations Committee will convene its first meeting during the second meeting of the Interstate Commission at a time and date to be determined. During this meeting, the four members will review the nominations made (see Nominating Process) and will select a slate of officers to be presented to the full Commission body.

Nominations Committee Procedures

1) Elect a temporary chair of the Nominating Committee.
2) Nominate one person for each position
3) Contact each nominee on the evening of Day Two to ensure that the person is willing to serve. (2 year term)
4) The chair of the Nominating Committee reports for the committee as a part of the business on Day Three, and places the names in nomination before the full Commission.
During the first Interstate Commission meeting, members will be tasked with electing Commission Officers from among the member states. These officers will serve as the designated leaders of the Commission, officiating at Commission meetings, overseeing the development and composition of committees, and maintaining close contact with the Commission’s staff once hired.

According to the Compact language (Article XI, Section B), only three elected positions are required: Chair, Vice-Chair, and Treasurer.

“The Interstate Commission shall, by a majority of the Members, elect from among its Members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authorities and duties as may be specified in the by-laws. The chairperson or, in the chairperson’s absence or disability, the vice chairperson, shall preside at all meetings of the Interstate Commission.”

However, the Commission may expand this to include a chairperson, vice chairperson, and secretary. The officers shall be duly appointed Commission Members, except that if the Commission appoints an Executive Director, then the Executive Director shall serve as the secretary. Officers shall be elected annually by the Commission at any meeting at which a quorum is present, and shall serve for one year or until their successors are elected by the Commission. The officers so elected shall serve without compensation or remuneration, except as provided by the Compact.

**Officer Descriptions**

- **Chair**
  The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee shall prepare agendas for such meetings, shall make appointments to all committees of the Commission, and, in accordance with the Commission’s directions, or subject to ratification by the Commission, shall act on the Commission’s behalf during the interims between Commission meetings.

- **Vice-Chair**
  The vice chairperson shall, in the absence or at the direction of the chairperson, perform any or all of the duties of the chairperson. In the event of a vacancy in the office of chairperson, the vice chairperson shall serve as acting chairperson until a new chairperson is elected by the Commission.
• **Treasurer**
  The treasurer, with the assistance of the Commission’s executive director, shall act as custodian of all Commission funds and shall be responsible for monitoring the administration of all fiscal policies and procedures set forth in the Compact or adopted by the Commission. Pursuant to the Compact, the treasurer shall execute such bond as may be required by the Commission covering the treasurer, the executive director and any other officers, Commission Members and Commission personnel, as determined by the Commission, who may be responsible for the receipt, disbursement, or management of Commission funds.
Article IX of the Interstate Compact on Educational Opportunity for Military Children provides in part that the Interstate Commission “shall establish an Executive Committee which “shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session” The Compact further empowers the Commission, under Article X, “to establish and appoint [other] committees...”

Article VII of the proposed Commission Bylaws also refers to the appointment of both the executive and other committees and provides that “The Commission may establish such other committees as it deems necessary to carry out its objectives, which shall include, but not be limited to Finance Committee, Rules Committee, Compliance Committee, and Training, Education and Public Relations Committee. The composition, procedures, duties, budget and tenure of such committees shall be determined by the Commission.

In accordance with these provisions, and in anticipation of the Commission’s needs and objectives, especially during the first year of the Commission’s operation, the Commission will, during its first meeting, establish and appoint such committees as it deems necessary. The proposed committee structure outlined below is offered as a starting point for the Commission’s consideration and will be presented during the Commission meeting.

Committee Structure

**Executive Committee** – Responsible for guiding and overseeing the administration of all Commission activities and for acting on behalf of the Commission, as permitted by the Compact, during the interim between Commission meetings.

**Finance Committee** – Responsible for monitoring the Commission’s budget and financial practices, including the collection and expenditure of Commission revenues, and for developing recommendations for the Commission’s consideration as appropriate.

**Rules Committee** – Responsible for administering the Commission’s rulemaking procedures, and for developing proposed rules for the Commission’s consideration as appropriate.

**Compliance Committee** – Responsible for monitoring the compliance by member states with the terms of the Compact and the Commission’s rules, and for developing appropriate enforcement procedures for the Commission’s consideration.
Training, Education and Public Relations Committee – Responsible for developing educational resources and training materials for use in the member states to help ensure awareness of, and compliance with, the terms of the Compact and the Commission’s rules.
Background
A universal question at meetings and legislative hearings over the past ten months has been: “What will this new Compact cost my state?” Most of these questions have concerned the fiscal note and fee assessment that will be required of member jurisdictions to support the operations and activities of the Commission.

- CSG and DOD convened a meeting in October 2006 of officials from education associations, military associations, children’s policy groups, federal and state and local education government agencies, parent-teacher groups, elected officials’ offices, and elected officials themselves. Products of their work are the Fiscal Note and State Dues Projection. This fiscal note assumed a stand-alone Commission with staff support and various capital expenses. The resultant state dues projection, based on available data, represents only an informed/good faith estimate. Actual assessments will be set by the Interstate Commission once it determines a budget.

- Despite efforts to the contrary, it must be observed that the projected assessment figures have been taken by many as being authoritative and they have in fact formed the basis for state fiscal notes and projected state budgeting. However, decisions regarding budget and fee assessment are the sole responsibility of the Interstate Commission under Article XIV of the Compact.

Transition Budget & Timeline
DOD funding to support the Commission and its activities is sufficient to insure staff and logistical support from CSG to the Commission through the second Commission meeting. Given the fact that the Commission must identify its financial needs for FY’10, and determine how those needs will be met through the state budgeting processes and deadlines, the Commission must decide the amount of the annual assessment for states and establish a due date for around July 1, 2009, if a continuity of service to member states is to be maintained. It is necessary to act now so that the Commission may officially invoice states during December 2008. If the fee assessment determination were to be delayed it is likely that the Commission would be without full funding and staff support for a year or more, beginning as early as the winter of 2009, but not later than the spring or summer of 2010.

The Commission is a start-up organization that, by this time next year, can anticipate having received substantial funding through state fee assessments. The dilemma faced by the Commission is similar to the chicken and egg question…which comes first? Do you set your fees and then build a budget to match or do you determine a reasonable budget and then assess fees to cover it? And on what basis do you justify this first time budget? These are unique one-
time questions. By year two the Commission will have an experience base from which to make business decisions. The budget is obviously impacted by decisions made concerning how the Commission will be staffed and what level of services are to be provided.

**State Fee Assessments**

Article XIV (Financing of The Interstate Commission):

“The Interstate Commission may levy on 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 which 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 I shall promulgate a rule binding upon all member states.”

**Commission Budget**

Cost discussions regarding the Compact often sound as though the assessment and budget are assumed to be one and the same. It is important to be clear about (1) what the Commission wants and how much that will cost (budget); and as a separate issue, (2) how that will be paid for (assessment).

The Fiscal Note contains information on a proposal for positions, salaries, space and support costs. The Commission must achieve a budget that represents the type and amount of expenditure that meets its’ needs. It does not seem possible that the Commission would be able to independently develop a comprehensive budget at the first meeting, but this information might serve to stimulate thinking and inform discussions. It will obviously be a much easier task to build informed budgets in future years.

There will always be a keen interaction between budget and projected income. Clearly, during the start-up phase, it is an easier task to forecast likely income, than to be clear about what services and staff the Commission wants and how much that will cost.

**Form & Extent of Staff Support**

The state fee assessment model (discussed above) is based on the assumption that for $630K, a 56 jurisdiction compact would itself acquire its’ own office space and equipment and hire its own staff. Related assumptions for this form of organization are detailed in the Fiscal Note that has been the companion piece to assessment discussions since 2006. This “separate organization” approach could be tailored to the number of jurisdictions and funding anticipated. This model places complex organizational start-up responsibility on the Executive Committee
and Commission.

A second organizational option is available. Model C represents a contract for service with an established organization to provide secretariat and support functions. Many professional associations, as well as other interstate compact commissions including the Interstate Compact for Adult Offender Supervision and the Interstate Compact for the Placement of Children, operate from this model including the Conference of State Court Administrators and the American Probation and Parole Association. Advantages of contracting include substantially less complex start-up activity, flexibility and cost savings by shared use of accounting, legal, human resource, meeting planning and other resources. For a small organization, contracting with a larger organization decreases the potential impact of one employee’s illness or termination, while increasing fiscal oversight and accountability. Consistent with Articles IV, and VI, the Executive Committee would hire the Executive Director who would in turn supervise Commission staff.

It is important to stress that either approach presents benefits and challenges. The Commission must determine which approach best meets its’ initial needs and requirements. The Commission may over time choose to change models.
Fiscal Note

The estimated budget for the operation of the Interstate Commission is $630,389. This figure is derived both from an estimated need for staff and support for the new interstate compact as well as a reasonable estimate of the costs to states - $1 per student covered under the agreement. This figure was calculated based on the following assumptions:

Staff Salaries and Benefits

The staff includes an Executive Director, Deputy Director / Counsel, Program Specialist and Clerical Staff. Total Estimated Annual Personnel Costs are $202,500 plus benefits estimated at 30 percent (30%) of annual salaries for full-time staff or $60,750, for a total of $263,250.

Commission and Committee Meetings

The National Commission, consisting of Commissioners from all member states, which formulate the policy, rules and regulations for the implementation and enforcement of the Interstate Compact is estimated to one (1) Commission meeting of all state Commissioners plus staff during the first year of operation to permit sufficient time to adopt the Commission’s Bylaws and Rules. It is also anticipated that the Executive Committee will meet once during the first year. The estimated meeting costs for the first year, which includes transportation, lodging, meals and staff support, is $105,425.

Overhead (Rent and Utilities)

Overhead cost estimates are premised on the assumption of adequate furnished space including utilities for a four-person staff. Rent is calculated at a rate $15.00 per square foot for finished office space and meeting rooms consisting of approximately 2,720 sq. ft. and $7.00 per square foot for storage, copy room, etc. consisting of approximately 625 square feet for a total overhead cost of $45,175.

Office Equipment and Furnishings

Estimates for computers are premised upon a fully integrated system including four (4) laptop units equipped with software support, LAN access, Internet access, e-mail accounts, staff technical support, software updates/upgrades, and computer and application training. Copiers and furnishings (to the extent not included in Overhead) are based upon the assumption that these items will either be leased or purchased from governmental surplus if feasible. Total estimated cost for office equipment and furnishings is $74,000.
**Miscellaneous Expenses**

**Information System**
In addition to standard operating costs, the Interstate Commission on Educational Opportunities for Military Children will create and maintain a national data system allowing for the gathering and sharing of data related to the military student population. For budgeting purposes, the figure of **$30,000** is included to cover this charge. Note: this figure could rise or fall depending on several variables.

**Reserve Fund**
Non-profit organizations typically maintain a reserve fund to cover unanticipated shortfalls in operating revenue. The rule-of-thumb for a non-profit association like the Interstate Commission is the maintenance of between 25 percent (25%) to 50 percent (50%) of annual operating revenue in a reserve fund, to be accessed sparingly and with the approval of the board. It is understood that the Commission cannot provide this reserve amount in a lump-sum deposit and therefore must spread the sum over several years of operation. The total assessed in this budget for reserve fund contribution is **$40,000**. Combined with similar contributions in each of the next 4 years, this would provide the Commission a reserve fund of $160,000 or approx. 25 percent (25%) of annual operating funds after consolidation of certain expenses.

**Indirect Costs**
In addition to the above mentioned costs, the Interstate Commission can expect indirect costs for organizational expenses not associated with any particular project, but crucial to the functioning of the Commission as a whole. These indirect costs typically consist of accounting and bookkeeping services, human resource services, access to library and research facilities, and miscellaneous supplies and expenses. Based on the structure, location and association of the Interstate Commission with other/similar groups, the Commission can expect to pay an additional 15 percent (15%) to 27 percent (27%) of the estimated budget for annual indirect costs. The figure of 13 percent (13%) has been used to mirror the secretariat service agreement that currently exists between The Council of State Governments and the Interstate Commission for Adult Offender Supervision. This estimated figure for the Commission is **$72,539**.

This cost analysis has been prepared only as an estimation based on the above assumptions with the aid of The Council of State Governments Budget Book FY 2008. The Interstate Commission created by the Compact will have the authority, subject to the agreement of the member states, to structure the budget in a manner and at a funding level that it deems to be adequate to carry out the powers and duties of this Interstate Agency.
The Council of State Governments offers national organizations and administrative bodies the opportunity to partner (short-term) and affiliate (long-term) with CSG to gain a range of benefits and services. Through partnering and affiliation with CSG, national organizations of state officials can share ideas and combine efforts to accomplish mutual goals. Partners/affiliates contribute specialized expertise, information, resources and issues to the overall mission of CSG. In turn, CSG offers a mechanism by which partners and affiliates may tap into CSG's products, services, and a forum for bringing issues to a broader, collective state audience.

By partnering with CSG, the Interstate Commission on Educational Opportunity for Military Children receives several benefits:

**Compact Expertise**
Since its founding in 1933, The Council of State Governments has played a key role in helping states develop, implement, and administer dozens of interstate compacts. Currently, CSG is the administrator of the *Emergency Management Assistance Compact*, and has worked with the National Institute of Corrections to ensure the successful enactment of the *Interstate Compact for Adult Offender Supervision*. CSG is also partnered with the Office of Juvenile Justice and Delinquency Prevention in the US Department of Justice to develop the *Interstate Compact for Juveniles*. CSG’s decades of experience with interstate compacts has produced a wealth of institutional knowledge about the elements that can help ensure prompt development, enactment, and effective operation and administration of interstate compacts.

**Continuity of Service**
Since 2006, The Council of State Governments, partnered with the United States Department of Defense, has worked to facilitate the development, enactment, and effective operation of the Interstate Compact on Educational Opportunity for Military Children. With the enactment of the Compact in 11 jurisdictions, the Interstate Commission now convenes to conduct the business of the Compact. CSG, as the current project manager of the effort, understand the intricacies and political conditions in which the new Compact must operate. By partnering with CSG, the Interstate Commission receives uninterrupted services and staff support.

**Accounting & Administrative Benefits**
As a partner of The Council of State Governments, the Interstate Commission would enjoy several economic and financial benefits, including personalized accounting, administrative, legal, and technical support. CSG is able to provide the Commission accounting, human resources, and information technology services at significantly lower costs over what may be found in an autonomous scenario and the Commission would have no need to make large capital outlays for computer, phone or office equipment as
these could be provided by CSG at greatly reduced cost. A partnership allows the Interstate Commission to govern while CSG manages its administrative needs.

Specific benefits include, but are not limited to:

**Accounting**

- Set up and maintain a business bank account. This includes reconciling bank statements (and following up on all discrepancies), negotiating interest rates and service fees, buying checks, obtaining line of credit, monitoring and reconciling investment “sweep” accounts, review banks quarterly and annual financial statements to insure solvency of the bank, setup and maintain payroll direct deposits (and negotiate fees).
- Maintain a reconciling process for all electronic fund transfers, credit card transactions, merchant statements, and handle all inquiries.
- Prepare payroll, compute and make all withholding deposits and complete all related paperwork. File city, state and federal monthly tax returns. File unemployment insurance forms. File all year-end tax reports and issue W-2’s before January 31 deadline.
- Design and implement accounting system according to GAAP, FASB and business objectives.
- Coordinate and assume cost of yearly financial audit, A-133 audit, and audit of internal accounting controls.
- Select and purchase accounting software and hardware to match system objectives. Upgrade software and hardware to remain current with latest industry developments and CSG policies.
- Monitor all grants to lend assurance that they are in compliance with federal regulations. Send staff to training and continuing education to stay current on financial accounting standards and Federal OMB circulars A-110, A-122 and A-133.
- Provide training and assistance in the budget process.
- File income tax returns.
- File sales tax returns.
- Apply for and maintain sales tax exemptions for all states.
- Review contracts. CSG in house legal review may be necessary for contracts meeting certain criteria. This process also limits CSG and affiliate organizations legal liability.
- Processing of credit card charges for everything from registration to pub sales. Negotiations with credit card companies on rates. Follow up on all discrepancies and inquiries. Maintenance of system and machines, including keeping loaner equipment up to date and in working order.
- Develop travel policies, expense forms, time sheets, and administer guidelines and procedures that must be maintained.
- Develop and maintain a financial disaster recovery plan.
• Maintain and operate accounts payable department for payment of all invoices and expense reimbursement. Implement internal controls to safeguard assets. Follow up on all discrepancies and inquiries.
• Receive and process all cash deposits. Code and maintain within the uniform accounting system.
• Point of contact for all IRS and other regulatory agencies. Negotiations and representation by licensed CPA’s.
• Provide financial reports to all managers and leadership. Direct access to business office for all managers and leadership.
• Third Party supervision and oversight of all financial transactions and business policies.
• Support of meetings through contract review, insurance, and credit checks. Handling of increased volume of receivables, payables, and credit card registrations associated with the meeting.

Human Resources

• Administer and coordinate all health, life, ADD, disability, dental and vision plans for all employees
• Oversee and coordinate retirement plans for all employees
• Maintain records and monitor for compliance with all state and federal benefits laws (COBRA, HIPPA, ERRGTA)
• Monitor safety for employees and compliance with OSHA rules and regulations
• Manage worker’s compensation plan
• Administer and assist in all employment and recruitment activities from advertising, screening, hiring, orientation of new employees, and separations
• Maintain equity through administration of established compensation and classification systems
• Handle all status changes from classification to salary; monitor compliance
• Develop and administer personnel polices to insure compliance with federal and state employment laws (Fair Labor Standards Act and all non-discrimination and affirmative action laws and executive orders, FMLA, ADA)
• Maintain personnel files to comply with federal regulations
• Direct and monitor performance development activities so that processes and reviews are fair, equitable and compliant
• Provide employee relation resources; mediation, progressive discipline and guidance on all personnel matters
• Administer other workplace benefits; wellness programs, tuition reimbursement
• Manage COBRA plan for separated employees compliant with federal guidelines
• Provide yearly required EEOC reports to remain compliant
Additional Benefits

- Access to CSG library and research facilities.
- Free publications.
- Inclusion of web links on CSG web pages and related link maintenance.
- Opportunity for the Interstate Commission to publish articles related to its’ mission in CSG magazines such as State Government News (14,000 circulation) and Spectrum (2,500 circulation).
- Legal review of contracts. Interaction with CSG general counsel to answer legal questions at no additional charge.
- Direct access by managers and leadership to interact face to face on a daily basis with the employees in Executive Management, Accounting, Human Resources, Sales and Marketing, etc. These trained professionals are part of your “team”.
- Access to the CSG office in Washington D.C. Including use of the conference room and basic administrative support.
- Executive management function to work with affiliates and promote mutual interests.
The Compact specifically calls for Ex-Officio members and designates, at a minimum, who these representatives should be:

“Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.”

Adhering to the compact language, the following organizations were among those invited to send Ex-Officio members to the first meeting of the Interstate Commission:

- National Military Family Association
- Military Impacted Schools Association
- Military Child Education Coalition
- National PTA
- The Council of State Governments

Ex-Officio members of the Commission have the following duties:

- Serve as principal liaison between the Commission and the designating organization;
- Serve in an advisory capacity to the Commission;
- Attend Interstate Commission meetings and Committee meetings;
- Represent the Commission at functions/events as requested by the Chair;
- Participate in Commission and committee meetings as requested by the Chair.

Ex-Officio members serve at the pleasure of their appointing organization and may be replaced by that organization under the rules and bylaws of said organization.

The Interstate Commission, through its bylaws, may add Ex-Officio members representing other organization and associations, but must, at a minimum, preserve the Ex-Officio members called for in the compact.
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(s) or variations in entrance/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.

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. Section 1209 and 1211.

B. “Children of military families” means: a school-aged child(ren), enrolled in Kindergarten through Twelfth (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 one (1) month prior to the service members’ departure from their home station on military orders though six (6) months after return to their home station.

E. “Education(al) 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.

G. “Interstate Commission on Educational Opportunity for Military Children” means: the commission that is created under Article IX of this compact, which is generally referred to as Interstate Commission.

H. “Local education agency” means: a public authority legally constituted by the state as an administrative agency to provide control of and direction for Kindergarten through Twelfth (12th) grade public educational institutions.

I. “Member state” means: a state that has enacted this compact.
J. “Military installation” means: means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. “Non-member state” means: a state that has not enacted this compact.

L. “Receiving state” means: the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. “Rule” means: a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. “Sending state” means: the state from which a child of a military family is sent, brought, or caused to be sent or brought.
O. “State” means: a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. “Student” means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth (12th) grade.

Q. “Transition” means: 1) the formal and physical process of transferring from school to school or 2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. “Uniformed service(s)” means: the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. “Veteran” means: a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.
ARTICLE III

APPLICABILITY

A. Except as otherwise provided in Section B, this compact shall apply to the children of:

1. active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and

3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one (1) year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. inactive members of the national guard and military reserves;

2. members of the uniformed services now retired, except as provided in Section A;

3. veterans of the uniformed services, except as provided in Section A; and
4. other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or “hand-carried” education records – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records/transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student’s official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten (10) days or
within such time as is reasonably determined under the rules
promulgated by the Interstate Commission.

C. Immunizations – Compacting states shall give thirty (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 thirty (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 that 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 their validated level from an accredited school in
the sending state.
ARTICLE V

PLACEMENT & 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 course(s).

B. Educational program placement – The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in like programs in the sending state. Such programs include, but are not limited to: 1) gifted and talented programs; and 2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.
C. Special education services – 1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with disabilities based on his/her current Individualized Education Program (IEP); and 2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local 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 non-custodial 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 non-
   custodial 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 he/she 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 reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - States shall accept: 1) exit or end-of-course exams required for graduation from the sending state; or 2) national norm-referenced achievement tests or 3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her Senior year, then the provisions of Article VII, Section C shall apply.
C. Transfers during Senior year – Should a military student transferring at
the beginning or during his or her Senior year be ineligible to graduate
from the receiving local education agency after all alternatives have
been considered, the sending and receiving local education agencies
shall ensure the receipt of a diploma from the sending local education
agency, if the student meets the graduation requirements of the
sending local education agency. In the event that one of the states in
question is not a member of this compact, the member state shall use
best efforts to facilitate the on-time graduation of the student in
accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION

A. Each member state shall, through the creation of a State Council or
use of an existing body or board, provide for the coordination among its
agencies of government, local education agencies and military
installations concerning the state’s participation in, and compliance
with, this compact and Interstate Commission activities. While each
member state may determine the membership of its own State Council,
its membership must include at least: the state superintendent of
education, superintendent of a school district with a high concentration
of military children, representative from a military installation, one
representative each from the legislative and executive branches of
government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state’s participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a full voting member of the State Council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the “Interstate Commission on Educational Opportunity for Military Children.” The activities of the Interstate Commission
are the formation of public policy and are a discretionary state function. The
Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall
have all the responsibilities, powers and duties set forth herein, and
such additional powers as may be conferred upon it by a subsequent
concurrent action of the respective legislatures of the member states in
accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each
member state who shall be that state’s compact commissioner.

1. Each member state represented at a meeting of the Interstate
Commission is entitled to one vote.

2. A majority of the total member states shall constitute a
quorum for the transaction of business, unless a larger
quorum is required by the bylaws of the Interstate
Commission.

3. A representative shall not delegate a vote to another member
state. In the event the compact commissioner is unable to
attend a meeting of the Interstate Commission, the Governor
or State Council may delegate voting authority to another
person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate
Commission to be conducted by telecommunication or
electronic communication.
C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of
the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission’s internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information which is privileged or confidential;
4. Involve accusing a person of a crime, or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the Interstate Commission’s participation in a civil action or other legal proceeding.

H. Shall cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission.

I. Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is
reasonably possible, conform to current technology and coordinate its
information functions with the appropriate custodian of records as
identified in the bylaws and rules.

J. Shall create a process that permits military officials, education officials
and parents to inform the Interstate Commission if and when there are
alleged violations of the compact or its rules or when issues subject to
the jurisdiction of the compact or its rules are not addressed by the
state or local education agency. This section shall not be construed to
create a private right of action against the Interstate Commission or
any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

B. To promulgate rules and take all necessary actions to effect the goals,
purposes and obligations as enumerated in this compact. The rules
shall have the force and effect of statutory law and shall be binding in
the compact states to the extent and in the manner provided in this
compact.
C. To issue, upon request of a member state, advisory opinions concerning
the meaning or interpretation of the interstate compact, its bylaws,
rules and actions.

D. To enforce compliance with the compact provisions, the rules
promulgated by the Interstate Commission, and the bylaws, using all
necessary and proper means, including but not limited to the use of
judicial process.

E. To establish and maintain offices which shall be located within one or
more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire or contract for services of personnel.

H. To establish and appoint committees including, but not limited to, an
executive committee as required by Article IX, Section E, which shall
have the power to act on behalf of the Interstate Commission in
carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents, or
consultants, and to fix their compensation, define their duties and
determine their qualifications; and to establish the Interstate
Commission’s personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.
P. To coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

Q. To establish uniform standards for the reporting, collecting and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:
1. Establishing the fiscal year of the Interstate Commission;
2. Establishing an executive committee, and such other committees as may be necessary;
3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;
4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;
5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;
6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.
7. Providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate
Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:
   a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;
   b. 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
   c. 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.

3. 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 protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney’s fees and costs, obtained against such persons arising out of an actual or alleged act, error, or
omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority - The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

C. Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission’s authority.

D. If a majority of the legislatures of the compacting states rejects a Rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII
OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact’s purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.
2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission.

3. The Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension and Termination - If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.
3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state’s legislature, and each of the member states.

5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.
7. The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.

C. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce
compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney’s fees.

3. The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

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 on 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 which 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 (10) 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 non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the
withdrawing state to the Governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state’s intent to withdraw within sixty (60) days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate 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 (1) member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or 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.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.
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<tr>
<th>State</th>
<th>Bill / Statute Number</th>
<th>Primary Sponsor</th>
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