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ADDITIONAL RESOURCES

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17. Commissioner Directory and Roster (to be provided onsite)
Monday – Nov. 16, 2009

9:00am Executive Committee Meeting

4:00pm – 6:00pm Public Hearing – Proposed Rules

7:00pm Welcoming Reception

Tuesday – Nov 17, 2009

7:30am Breakfast (served)

8:30am Welcome & Call to Order
  • Orders of the Day
  • Roll Call
  • Instructions to Commissioners
  • Overview of Agenda

9:00am Role of the Interstate Commission
  Introduction for New Member States
  • Role of Interstate Commission and Compact Commissioners
  • Commission Administration and Operation
  • Committee Structure and Function

10:00am Executive Committee Report
  Standing Committee Updates (except Rules)
  • Interim Operations Committee
  • Legal Counsel
    ▪ Action Item: (Approval of Minutes, 2008)
    ▪ Action Item (FY’11 Budget/Assessments)

11:00am Break

11:15am Regional Breakout Sessions
  • Regional Activities
  • State Council Updates
  • State Needs - Rules Implementation & Training
    ▪ Action Item: Nominations for Officer Elections
12:00pm   Lunch (served)

1:00pm   Regional Reports
  •  East
  •  South
  •  Midwest
  •  West

  •  Action Item (Regional Nominations for Officers)

2:00pm   Standing Committee Reports II
  Rules Committee (David Phillips, Chair; Rick Masters, Legal Counsel)
  •  Action Item - Bylaw Amendments
  •  Action Item - Rules – Review & Adoption

5:00pm   Adjournment

7:00pm   Commissioner Dinner
  Compact Commissioners Only

Wednesday -- Nov. 18 2009

7:30am   Breakfast (served)

8:30am   Call to Order

8:45am   Standing Committee Reports II – cont’d
  Rules Committee (David Phillips, Chair; Rick Masters, Legal Counsel)
  •  Action Item - Bylaw Amendments
  •  Action Item - Rules – Review & Adoption

12:00pm   Lunch (served)

1:00pm   Standing Committee Reports II – cont’d
  Rules Committee (David Phillips, Chair; Rick Masters, Legal Counsel)
  •  Action Item - Bylaw Amendments
  •  Action Item - Rules – Review & Adoption

3:00pm   Election of Officers

4:00pm   Meeting Summary and Next Steps

4:45pm   Closing Comments

5:00pm   Final Adjournment
Interstate Compact on Educational Opportunity for Military Children

- 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
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.
INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

INTERSTATE COMMISSION MEETING

-- Role Of The Interstate Commission --

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 military families.”
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.”
Purpose

The compact specifically calls for the development of State Councils in each member state. Designed to serve as an advisory and advocacy body of state policy makers and experts, each State Council may be tasked with development of policy concerning operations and procedures of the compact within that state. Your state's language may be different, particularly as related to members of the State Council, appointment procedures, who makes appointments, etc. Please refer to the specific language of the compact as adopted in your state for clarification.

Authority

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.

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 direct role for the State Council, allowing for more day-to-day oversight of compact activities. Please refer to the specific language of the compact 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).

Composition

The model language of the compact outlines the composition and appointment of State Council members. However, beyond the prescribed members 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 – director of education task force, 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.
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 Bylaws; 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

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. Each Compacting State shall forward the name
of its Commissioner 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.

**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. **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.

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 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.

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 thereunder, 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 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.

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 a 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-thirds (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.
During the 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.
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.”

The following organizations were among those invited to send Ex-Officio members to the second meeting of the Interstate Commission:

- National Military Family Association
- Military Impacted Schools Association
- Military Child Education Coalition
- The Department of Defense

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

INTERSTATE COMMISSION MEETING

-- Proposed Committee Structure and Related Action Items --

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.
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Introduction

The Interstate Commission on Educational Opportunity for Military Children is charged with overseeing the day-to-day operations of the Interstate Compact on Educational Opportunity for Military Children, a formal agreement between member states that seeks to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. As a creation of an interstate compact, the Commission is a quasi-governmental administrative body vested by the states with broad regulatory authority.

Through its rulemaking powers, the Commission seeks to achieve the goals of the Compact by creating a regulatory system applicable to the frequent moves and deployments of military families and the resulting school transfers of military children, establish a system of uniform data collection, make its information and official records available to the public for inspection, if appropriate, and coordinate regular reporting of Compact activities to heads of local and state educational agencies, state councils, state executive and legislative branches of government, military officials and the U.S. Department of Defense. The Commission is also empowered to monitor compliance with the Interstate Compact and its duly promulgated rules, and where warranted to initiate interventions to address and correct noncompliance.

The rules are promulgated by the Interstate Commission on Educational Opportunity for Military Children pursuant to Article XII of the Interstate Compact on Educational Opportunity for Military Children. The rules are intended to effectuate the purposes of the Compact and assist the member states in complying with their obligations by creating a uniform system applicable to all cases and persons subject to the terms and conditions of the Compact. Under Article II, (M), a rule promulgated by the Commission, “has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.” All state officials and local educational agencies are required to effectuate the terms of this Compact and ensure compliance with these rules. To the extent that state statutes, rules or policies conflict with the terms of the Compact or rules duly promulgated by the Commission, such statutes, rules or policies are superseded by these rules to the extent of any conflict.

To further assist local and state educational agencies and military officials in implementing this Compact and complying with its terms and these rules, the Commission may issue a number of advisory opinions. Additionally, informal opinions can be obtained from the Commission as warranted. Advisory opinions, contact information, and other important information, can be found on the Commission’s website at http://www.csg.org/programs/ncic/InterstateCommissiononEducationalOpportunityforMilitaryChildren.aspx.

While there are some customary types of rules similar to those adopted by other compact commissions concerning rulemaking procedures, enforcement and dispute resolution which will be provided for the Rules committee, the rules regarding the implementation of the substantive provisions of the compact as contained in Articles IV – VIII may warrant with the respective state councils of the member states. As an aide to this process the members of the Rules Committee should consider the following:
Areas in which rules may be needed to effectuate the compact provisions:

**Article IV Educational Records & Enrollment**

Section A. Are rules needed to further elaborate on this Article concerning:

Costs of reproducing such records or satisfaction of any outstanding fees or other financial obligations of the student or parents to the sending LEA?

Section B. Are further rules needed to ‘reset’ the time period within which the sending state must process and furnish the official educational record to the school in the receiving state per this section?

Section C. Are further rules necessary regarding the time within which immunizations must be obtained per this section?

Section D. Are further rules needed regarding kindergarten and first grade entrance requirements?

**Article V Placement & Attendance**

Are further rules needed to effectuate Section A. on course placement, Section B. on educational program placement, Section C. on special ed. services, Section D. on placement, or Section E. on absences related to deployments?

**Article VI Eligibility**

Are further rules needed to effectuate eligibility for enrollment for children in the care of a non-custodial parent or other caregiver?

Are further rules needed to effectuate the provisions for facilitation of participation in extracurricular activities?

**Article VIII Graduation**

Are further rules needed regarding these sections concerning waivers, exit exams and transfers during the senior year regarding ‘on time’ graduation?

**Article IX, Section F.** provides that rules may be promulgated which provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection and copying. Is there a need for further rules regarding this area?

**Article IX, Section I.** provides that rules may be promulgated which specify the data to be collected, the means of collection and exchange and reporting requirements concerning
student who transfer from one state to another under the compact. Is there a need for further rules in this area?
INTRODUCTION:

Upon activation of the Interstate Compact a year ago, one of the first tasks necessary for the Commission was the creation of administrative rules under which the Compact would operate. A Rules Committee was formed and over the past year, the Committee met on several occasions to develop the rules. Comments were solicited from various stakeholders and input was considered. The rules complement the Interstate Compact and may not conflict with it. In addition, the rules are not designed to address every issue arising under the Compact, however, there is flexibility to make reasonable changes or clarification as the need arises through amendment, advisory opinions, and training opportunities. Attached is a final draft of the proposed rules for your consideration. The full Commission will be voting on the rules at our November meeting. Please review prior to then and we look forward to seeing you at the conference in Palm Springs.
Chapter – 100 DEFINITIONS

SEC. 1.101 Definitions

As used in these rules, 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. “By-laws” means: those by-laws established by the Interstate Commission on Educational Opportunity for Military Children for its governance, or for directing or controlling the Interstate Commission’s actions or conduct.

C. “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.

D. “Compact commissioner” means: the voting representative of each compacting state, appointed pursuant to Article VIII of this compact.

E. “Days” means: business days, unless otherwise noted.

F. “Deployment” means: the period one (1) month prior to the service members’ departure from their home station on military orders through six (6) months after return to their home station.

G. “Education(al) records” means: those official records, files, and data directly related to a student and maintained by the school or local education agency (LEA), 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.

H. “Extracurricular activities” means: a voluntary activity sponsored by the school or LEA or an organization sanctioned by the LEA. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

I. “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.
J. “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.

K. “Member state” means: a state that has enacted this compact.

L. “Military installation” 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.

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

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

O. “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.

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

Q. “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.

R. “Student” means: the child of a military family for whom the LEA receives public funding and who is formally enrolled in kindergarten through twelfth (12th) grade.

S. “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.

T. “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.

U. “Veteran” means: a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.
Chapter 200 – GENERAL PROVISIONS

Section 2.102 Adoption of rules; Amendment

Proposed rules or amendments to the rules shall be adopted by majority vote of the members of the Interstate Commission in the following manner:

(a) Proposed new rules and amendments to existing rules shall be submitted to the Interstate Commission office for referral to the Rules Committee as follows:
   (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the annual Commission meeting. This proposal must be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
   (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee;
   (3) Any regional group of states as may be subsequently recognized by the Commission may propose rules or rules amendments by a majority vote of members of that region;

(b) The Rules Committee shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission’s website upon receipt. Based upon the comments made by the Commissioners, the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission no later than the next annual meeting falling in an odd-numbered year.

(c) Prior to promulgation and adoption of a final rule by the Interstate Commission, the text of the proposed rule or amendment shall be published by the Rules Committee no later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official web site of the Interstate Commission and in any other official publication that may be designated by the Interstate Commission for the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

(d) Each administrative rule or amendment shall state—
   (1) The place, time, and date of the scheduled public hearing;
   (2) The manner in which interested persons may submit notice to the Interstate Commission of their intention to attend the public hearing and any written comments; and
   (3) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.
(e) Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. No transcript of the public hearing is required, unless a written request for a transcript is made, which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.

(f) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Interstate Commission at hearings required by this section.

(g) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Interstate Commission shall consider all written and oral comments received.

(h) The Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(i) Not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission’s principal office is located. If the court finds that the Interstate Commission’s action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(j) Upon determination that an emergency exists, the Interstate Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to--

(1) Meet an imminent threat to public health, safety, or welfare;

(2) Prevent a loss of federal or state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) Protect human health and the environment.
SEC. 2.103  Data collection and reporting

(a) As required by the compact, and as specified by the operational procedures and forms approved by the commission, the states shall gather, maintain and report data regarding the transfer and enrollment of students who transfer from one state LEA to another state LEA under this compact.

(b) Each state shall report to the commission annually the number of students transferred to a LEA from another state and received from another state’s LEA in the previous year.

(c) Reports required under sec. 2.103 (a) and (b) shall be received by the Commission no later than June 30 of each year.

SEC. 2.104  Dues formula

(a) The commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least 30 days prior to the Commission meeting at which the proposed revision will be considered.

(b) The Commission may consider the population of the states, the number of students subject to the compact within each state, and the volume of student transfers between states in determining and adjusting the assessment formula.

(c) The approved formula and resulting assessments for all member states shall be distributed by the commission to each member state annually.

(d) The dues formula shall be based on the figure of one dollar per child of military families eligible for transfer under this compact.

SEC. 2.105  Forms

States may use the forms or electronic information system authorized by the commission for communication regarding transfers of students subject to this compact between or among states.
Chapter 300 – TRANSFER OF EDUCATION RECORDS AND ENROLLMENT

SEC. 3.101 Eligibility for transfer and enrollment

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

(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) business days except for a designated school staff break including, but not limited to, spring, summer, or holiday. Records should be furnished as soon as possible following the return of staff from a school staff break; however, the time shall not exceed ten (10) days after the return of staff.

SEC. 3.102 Application for transfer of student records and enrollment

An application for transfer of educational records of students subject to this compact shall contain the following:

(a) Immunizations – Compacting states shall give thirty (30) calendar days from the date of enrollment. For a series of immunizations, initial vaccinations must be obtained-within thirty (30) calendar days.

(b) 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 LEA 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.
(1) Any student who transfers from an out-of-state public school and who does not meet regular age requirements for admission to the school of the state being transferred into shall be admitted upon presentation of the data required in subsection (3).

(2) Any student who transfers from an out-of-state nonpublic school and who does not meet regular age requirements for admission to a public school in the state being transferred, shall be admitted if the student meets age requirements for public schools within the state from which he or she is transferring, and if the transfer of the student’s academic credit is acceptable under rules of the school board. Prior to admission, the parent or guardian must also provide the data required in subsection (3).

(3) In order to be admitted into a school of the state being transferred, such a student transferring from an out-of-state school must provide the following data:

   (i) Official documentation that the parent(s) or guardian(s) were resident(s) of the state in which the child was previously enrolled in school;

   (ii) An official letter or transcript from the proper school authority which shows record of attendance, academic information, and grade placement of the student;

   (iii) Documented evidence of immunization against communicable diseases; and

   (iv) Evidence of date of birth.
Chapter 400 -- GRADUATION

(a) Waiver requirements – LEA administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA 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 LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. If the receiving LEA requires a graduation project, volunteer community service hours, or other state or LEA specific requirements, the receiving LEA may waive those requirements.

(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 – There may be cases in which a military student transferring at the beginning or during his or her senior year is ineligible to graduate from the receiving LEA after all alternatives have been considered. In such cases the sending and receiving LEA’s shall ensure the receipt of a diploma from the sending LEA, if the student meets the graduation requirements of the sending LEA. 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.
SEC. 5.101 Course placement

(a) The receiving school shall initially place a student who transfers before or during the school year 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 to the extent the educational courses are provided by the receiving school. Course placement includes but is not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical and career pathways courses. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such educational courses.

SEC. 5.102 Educational program placement

(a) 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). The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s). The receiving school may allow the student to attend similar educational courses in other schools within the LEA if the receiving school does not offer such programs.

SEC. 5.103 Special education services

(a) 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

(b) 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.

(c) The receiving school may perform subsequent evaluations to ensure appropriate placement and appropriate services. The receiving school shall follow any current regulations the receiving state has in place in order to comply with federal or state law.
SEC. 5.104 Placement flexibility

(a) LEA officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered under the jurisdiction of the LEA.

SEC. 5.105 Absence as related to deployment activities

(a) 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 LEA superintendent or head of school to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian. Notwithstanding the above, the LEA superintendent or head of school may provide a maximum number of additional excused absences.
Chapter 600 -- ELIGIBILITY

SEC. 6.101 Eligibility for Enrollment

(a) A custody order, special power of attorney, or other applicable document relative to the guardianship of a child of a military family and executed under the applicable law of each member state shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent. A special power of attorney form, which is acceptable in some jurisdictions, can be obtained through the JAG offices pursuant to Military Family Care Plan regulations.

(1) 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. Tuition may be charged for optional programs offered by the LEA.

(2) 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. The local education agency shall not charge tuition. In addition, transportation to and from school is the responsibility of the non-custodial parent or other persons standing in loco parentis.

(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, with consultation with the state high school athletic association, to the extent they are otherwise qualified. Application deadlines include tryouts, summer conditioning and other coach or district prerequisites.
Chapter 700 – OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

SEC. 7.101 Informal communication to resolve disputes or controversies

States shall attempt to resolve disputes or controversies by communicating with each other by telephone, telefax, or electronic mail.

(b) Failure to resolve dispute or controversy

(1) Following an unsuccessful attempt to resolve controversies or disputes arising under this compact, its by-laws or its rules as required under sec. 7.101 (a), states shall pursue one or more of the informal dispute resolution processes set forth in sec. 7.101 (b)(2) prior to resorting to formal dispute resolution alternatives.

(2) Parties shall submit a written request to the executive director for assistance in resolving the controversy or dispute. The executive director shall provide a written response to the parties within ten (10) days and may, at the executive director’s discretion, seek the assistance of legal counsel or the executive committee in resolving the dispute. The executive committee may authorize its standing committees or the executive director to assist in resolving the dispute or controversy.

SEC. 7.102 Formal resolution of disputes and controversies

(a) Alternative dispute resolution – Any controversy or dispute between or among compacting states that arises from or relates to this compact that is not resolved under sec. 7.101 may be resolved by alternative dispute resolution processes. These shall consist of mediation and arbitration.

(b) Mediation and arbitration

(1) Mediation

(i) A state that is party to a dispute may request, or the executive committee may require, the submission of a matter in controversy to mediation.

(ii) Mediation shall be conducted by a mediator appointed by the executive committee from a list of mediators approved by the national organization responsible for setting standards for mediators and pursuant to procedures customarily used in mediation proceedings.

(2) Arbitration

(i) Arbitration may be recommended by the executive committee in any dispute regardless of the parties’ previous submission of the dispute to mediation.

(ii) Arbitration shall be administered by at least one neutral arbitrator or a panel of arbitrators not to exceed three members. These arbitrators shall be selected from a list of arbitrators maintained by the commission staff.
(iii) The arbitration may be administered pursuant to procedures customarily used in arbitration proceedings and at the direction of the arbitrator (arbiter?).

(iv) Upon the demand of any party to a dispute arising under the compact, the dispute shall be referred to the American Arbitration Association and shall be administered pursuant to its commercial arbitration rules.

(v)(a) The arbitrator (arbiter?) in all cases shall assess all costs of arbitration, including fees of the arbitrator* and reasonable attorney fees of the prevailing party, against the party that did not prevail.

(b) The arbitrator* shall have the power to impose any sanction permitted by this compact and other laws of the state or the federal district in which the commission has its principal offices.

(vi) Judgment on any award may be entered in any court having jurisdiction.

SEC 7.103 Enforcement actions against a defaulting state

(a) If the Interstate Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, the by-laws or any duly promulgated rules the Interstate Commission may impose any or all of the following penalties:

(1) Damages or costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

(2) Remedial training and technical assistance as directed by the Interstate Commission;

(3) Suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state’s legislature, and the state council.

(b) The grounds for default include, but are not limited to, failure of a Compacting State to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission by-laws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of suspension.
(c) Within sixty (60) calendar days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state’s legislature, and the state council of such termination.

(d) The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(d) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

(e) Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

**SEC 7.104 Judicial enforcement**

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States 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 by-laws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys’ fees.
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 Bylaws; 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

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. Each Compacting State shall forward the name of its Commissioner 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.

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 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.

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 thereunder, 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 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.

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 a 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.
**Interstate Commission for Juveniles**  
**Revenue and Expense Report**  

*As of 10/15/2009*

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<th>Description</th>
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**Total Budget Remaining**  

$218,077.63
Interstate Commission on Educational Opportunity for Military Children

State Dues Assessment – Collection Update

Member States (11 of 26 Member States have paid; 42%)

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Total (as of 10/13/09) $436,969.00 $229,401.00 $207,568.00
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<tr>
<td>Participant/Ex-Officio Per Diem</td>
<td>55 x $60 per diem x 2.5 days</td>
<td>8,250</td>
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<tr>
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<td>4 x $150 x 3 room nights</td>
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<tr>
<td>Staff Travel</td>
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<td>Staff Per Diem</td>
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<td>Refreshments</td>
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<tr>
<td>Per Diem</td>
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<td>4,500</td>
<td></td>
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<td>Staff Travel</td>
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<td>TOTAL OPERATIONAL COSTS</td>
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INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

INTERSTATE COMMISSION MEETING

-- Final Compact Language --

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:

V. “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.

W. “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.

X. "Compact commissioner” means: the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

Y. “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.

Z. “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.

AA. “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.

BB. “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.

CC. “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.

DD. “Member state” means: a state that has enacted this compact.

EE. “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.

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

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

HH. “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.

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

JJ. “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.

KK. “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.

LL. “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.

MM. “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.

NN. “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. Public notice shall be given by the Interstate Commission 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. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible 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. The Interstate Commission 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. The Interstate Commission 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 person.

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 an annual assessment on 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 by 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 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.
State Status (as of 10/15/2009)

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