



General Assembly

January Session, 2013

***Raised Bill No. 935***

LCO No. 3266



Referred to Committee on VETERANS' AFFAIRS

Introduced by:  
(VA)

***AN ACT CONCERNING EXCUSED ABSENCES FROM SCHOOL FOR CHILDREN OF SERVICE MEMBERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-15f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 Interstate Compact on Educational Opportunity for Military Children.

4 ARTICLE I

5 PURPOSE

6 It is the purpose of this compact to remove barriers to educational  
7 success imposed on children of military families because of frequent  
8 moves and deployment of their parents by:

9 A. Facilitating the timely enrollment of children of military families  
10 and ensuring that they are not placed at a disadvantage due to  
11 difficulty in the transfer of education records from the previous school  
12 districts or variations in entrance or age requirements.

13 B. Facilitating the student placement process through which  
14 children of military families are not disadvantaged by variations in  
15 attendance requirements, scheduling, sequencing, grading, course  
16 content or assessment.

17 C. Facilitating the qualification and eligibility for enrollment,  
18 educational programs, and participation in extracurricular academic,  
19 athletic, and social activities.

20 D. Facilitating the on-time graduation of children of military  
21 families.

22 E. Providing for the promulgation and enforcement of  
23 administrative rules implementing the provisions of this compact.

24 F. Providing for the uniform collection and sharing of information  
25 between and among member states, schools and military families  
26 under this compact.

27 G. Promoting coordination between this compact and other  
28 compacts affecting military children.

29 H. Promoting flexibility and cooperation between the educational  
30 system, parents and the student in order to achieve educational  
31 success for the student.

32 ARTICLE II

33 DEFINITIONS

34 As used in this compact, unless the context clearly requires a  
35 different construction:

36 A. "Active duty" means full-time duty status in the active uniformed  
37 service of the United States, including members of the National Guard  
38 and Reserve on active duty orders pursuant to 10 USC Section 1209  
39 and 1211.

40 B. "Children of military families" means school-aged children,  
41 enrolled in kindergarten through twelfth grade, in the household of an  
42 active duty member.

43 C. "Compact commissioner" means the voting representative of each  
44 compacting state appointed pursuant to Article VIII of this compact.

45 D. "Deployment" means the period one month prior to the service  
46 members' departure from their home station on military orders to six  
47 months after return to their home station.

48 E. "Educational records" means the official records, files, and data  
49 directly related to a student and maintained by the school or local  
50 education agency, including, but not limited, to records encompassing  
51 all the material kept in the student's cumulative folder such as general  
52 identifying data, records of attendance and of academic work  
53 completed, records of achievement and results of evaluative tests,  
54 health data, disciplinary status, test protocols and individualized  
55 education programs.

56 F. "Extracurricular activities" means a voluntary activity sponsored  
57 by the school or local education agency or an organization sanctioned  
58 by the local education agency. Extracurricular activities include, but  
59 are not limited to, preparation for and involvement in public  
60 performances, contests, athletic competitions, demonstrations, displays  
61 and club activities.

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

65 H. "Local education agency" means a public authority legally  
66 constituted by the state as an administrative agency to provide control  
67 of and direction for kindergarten through twelfth grade public  
68 educational institutions.

69 I. "Member state" means a state that has enacted this compact.

70 J. "Military installation" means a base, camp, post, station, yard,  
71 center, homeport facility for any ship, or other activity under the  
72 jurisdiction of the Department of Defense, including any leased  
73 facility, which is located within any of the several states, the District of  
74 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
75 Guam, American Samoa, the Northern Marianas Islands and any other  
76 U.S. Territory. Such term does not include any facility used primarily  
77 for civil works, rivers and harbors projects, or flood control projects.

78 K. "Nonmember state" means a state that has not enacted this  
79 compact.

80 L. "Receiving state" means the state to which a child of a military  
81 family is sent, brought or caused to be sent or brought.

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

89 N. "Sending state" means the state from which a child of a military  
90 family is sent, brought or caused to be sent or brought.

91 O. "State" means a state of the United States, the District of  
92 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
93 Guam, American Samoa, the Northern Marianas Islands and any other  
94 U.S. territory.

95 P. "Student" means the child of a military family for whom the local  
96 education agency receives public funding and who is formally enrolled  
97 in kindergarten through twelfth grade.

98 Q. "Transition" means (1) the formal and physical process of  
99 transferring from school to school, or (2) the period of time in which a  
100 student moves from one school in the sending state to another school  
101 in the receiving state.

102 R. "Uniformed services" means the Army, Navy, Air Force, Marine  
103 Corps, Coast Guard as well as the Commissioned Corps of the  
104 National Oceanic and Atmospheric Administration, and Public Health  
105 Services.

106 S. "Veteran" means a person who served in the uniformed services  
107 and who was discharged or released therefrom under conditions other  
108 than dishonorable.

109 ARTICLE III

110 APPLICABILITY

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

113 1. Active duty members of the uniformed services as defined in this  
114 compact, including members of the National Guard and Reserve on  
115 active duty orders pursuant to 10 USC Section 1209 and 1211;

116 2. Members or veterans of the uniformed services who are severely  
117 injured and medically discharged or retired for a period of one year  
118 after medical discharge or retirement; and

119 3. Members of the uniformed services who die on active duty or as a  
120 result of injuries sustained on active duty for a period of one year after  
121 death.

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

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

- 125        1. Inactive members of the National Guard and military reserves;
- 126        2. Members of the uniformed services now retired, except as  
127 provided in Section A;
- 128        3. Veterans of the uniformed services, except as provided in Section  
129 A of this Article; and
- 130        4. Other U.S. Dept. of Defense personnel and other federal agency  
131 civilian and contract employees not defined as active duty members of  
132 the uniformed services.

133

ARTICLE IV

134

EDUCATIONAL RECORDS & ENROLLMENT

135        A. In the event that official education records cannot be released to  
136 the parents for the purpose of transfer, the custodian of the records in  
137 the sending state shall prepare and furnish to the parent a complete set  
138 of unofficial educational records containing uniform information as  
139 determined by the Interstate Commission. Upon receipt of the  
140 unofficial education records by a school in the receiving state, the  
141 school shall enroll and appropriately place the student based on the  
142 information provided in the unofficial records pending validation by  
143 the official records, as quickly as possible.

144        B. Simultaneous with the enrollment and conditional placement of  
145 the student, the school in the receiving state shall request the student's  
146 official education record from the school in the sending state. Upon  
147 receipt of this request, the school in the sending state will process and  
148 furnish the official education records to the school in the receiving  
149 state within ten days or within such time as is reasonably determined  
150 under the rules promulgated by the Interstate Commission.

151        C. Compacting states shall give thirty days from the date of  
152 enrollment or within such time as is reasonably determined under the  
153 rules promulgated by the Interstate Commission, for students to obtain

154 any immunizations required by the receiving state. For a series of  
155 immunizations, initial vaccinations must be obtained within thirty  
156 days or within such time as is reasonably determined under the rules  
157 promulgated by the Interstate Commission.

158 D. Students shall be allowed to continue their enrollment at grade  
159 level in the receiving state commensurate with their grade level,  
160 including kindergarten, from a local education agency in the sending  
161 state at the time of transition, regardless of age. A student that has  
162 satisfactorily completed the prerequisite grade level in the local  
163 education agency in the sending state shall be eligible for enrollment in  
164 the next highest grade level in the receiving state, regardless of age. A  
165 student transferring after the start of the school year in the receiving  
166 state shall enter the school in the receiving state on their validated  
167 level from an accredited school in the sending state.

168 ARTICLE V

169 PLACEMENT & ATTENDANCE

170 A. When the student transfers before or during the school year, the  
171 receiving state school shall initially honor placement of the student in  
172 educational courses based on the student's enrollment in the sending  
173 state school and educational assessments conducted at the school in  
174 the sending state if the courses are offered. Course placement includes,  
175 but is not limited to, honors, International Baccalaureate, advanced  
176 placement, vocational, technical and career pathways courses.  
177 Continuing the student's academic program from the previous school  
178 and promoting placement in academically and career challenging  
179 courses should be paramount when considering placement. This does  
180 not preclude the school in the receiving state from performing  
181 subsequent evaluations to ensure appropriate placement and  
182 continued enrollment of the student in the courses.

183 B. The receiving state school shall initially honor placement of the  
184 student in educational programs based on current educational

185 assessments conducted at the school in the sending state or  
186 participation and placement in like programs in the sending state.  
187 Such programs include, but are not limited to: (1) Gifted and talented  
188 programs; and (2) English as a second language. This does not  
189 preclude the school in the receiving state from performing subsequent  
190 evaluations to ensure appropriate placement of the student.

191 C. (1) In compliance with the federal requirements of the  
192 Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400 et  
193 seq., the receiving state shall initially provide comparable services to a  
194 student with disabilities based on his current individualized education  
195 program; and (2) In compliance with the requirements of Section 504 of  
196 the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the  
197 Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the  
198 receiving state shall make reasonable accommodations and  
199 modifications to address the needs of incoming students with  
200 disabilities, subject to an existing 504 or Title II Plan, to provide the  
201 student with equal access to education. This does not preclude the  
202 school in the receiving state from performing subsequent evaluations  
203 to ensure appropriate placement of the student.

204 D. Local education agency administrative officials shall have  
205 flexibility in waiving course and program prerequisites, or other  
206 preconditions for placement in courses and programs offered under  
207 the jurisdiction of the local education agency.

208 E. A student whose parent or legal guardian is an active duty  
209 member of the uniformed services, as defined by the compact, and has  
210 been called to duty for, is on leave from, or has immediately returned  
211 from deployment to a combat zone or combat support posting, shall be  
212 granted ten days of excused absences and additional excused absences  
213 at the discretion of the local education agency superintendent to visit  
214 with his or her parent or legal guardian relative to such leave or  
215 deployment of the parent or guardian. Any such student and parent or  
216 legal guardian shall be responsible for obtaining assignments from

217 such student's teacher prior to any period of excused absence granted  
218 pursuant to this subsection, and for ensuring that such assignments are  
219 completed by the student prior to his or her return from the period of  
220 excused absence.

221 ARTICLE VI

222 ELIGIBILITY

223 A. Eligibility for enrollment

224 1. Special power of attorney, relative to the guardianship of a child  
225 of a military family and executed under applicable law shall be  
226 sufficient for the purposes of enrollment and all other actions requiring  
227 parental participation and consent.

228 2. A local education agency shall be prohibited from charging local  
229 tuition to a transitioning military child placed in the care of a  
230 noncustodial parent or other person standing in loco parentis who  
231 lives in a jurisdiction other than that of the custodial parent.

232 3. A transitioning military child, placed in the care of a noncustodial  
233 parent or other person standing in loco parentis who lives in a  
234 jurisdiction other than that of the custodial parent, may continue to  
235 attend the school in which he was enrolled while residing with the  
236 custodial parent.

237 B. State and local education agencies shall facilitate the opportunity  
238 for transitioning military children's inclusion in extracurricular  
239 activities, regardless of application deadlines, to the extent they are  
240 otherwise qualified.

241 ARTICLE VII

242 GRADUATION

243 In order to facilitate the on-time graduation of children of military

244 families states and local education agencies shall incorporate the  
245 following procedures:

246 A. Local education agency administrative officials shall waive  
247 specific courses required for graduation if similar course work has  
248 been satisfactorily completed in another local education agency or  
249 shall provide reasonable justification for denial. Should a waiver not  
250 be granted to a student who would qualify to graduate from the  
251 sending school, the local education agency shall provide an alternative  
252 means of acquiring required coursework so that graduation may occur  
253 on time.

254 B. States shall accept: (1) Exit or end-of-course exams required for  
255 graduation from the sending state; or (2) national norm-referenced  
256 achievement tests; or (3) alternative testing, in lieu of testing  
257 requirements for graduation in the receiving state. In the event the  
258 above alternatives cannot be accommodated by the receiving state for a  
259 student transferring in his senior year, then the provisions of Article  
260 VII, Section C shall apply.

261 C. Should a military student transferring at the beginning or during  
262 his or her senior year be ineligible to graduate from the receiving local  
263 education agency after all alternatives have been considered, the  
264 sending and receiving local education agencies shall ensure the receipt  
265 of a diploma from the sending local education agency, if the student  
266 meets the graduation requirements of the sending local education  
267 agency. In the event that one of the states in question is not a member  
268 of this compact, the member state shall use best efforts to facilitate the  
269 on-time graduation of the student in accordance with Sections A and B  
270 of this Article.

271 ARTICLE VIII

272 STATE COORDINATION

273 A. Each member state shall, through the creation of a State Council

274 or use of an existing body or board, provide for the coordination  
275 among its agencies of government, local education agencies and  
276 military installations concerning the state's participation in, and  
277 compliance with, this compact and Interstate Commission activities.  
278 While each member state may determine the membership of its own  
279 State Council, its membership must include at least: The state  
280 superintendent of education, superintendent of a school district with a  
281 high concentration of military children, representative from a military  
282 installation, one representative each from the legislative and executive  
283 branches of government, and other offices and stakeholder groups the  
284 State Council deems appropriate. A member state that does not have a  
285 school district deemed to contain a high concentration of military  
286 children may appoint a superintendent from another school district to  
287 represent local education agencies on the State Council.

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

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

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

299 ARTICLE IX

300 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY  
301 FOR MILITARY CHILDREN

302 The member states hereby create the "Interstate Commission on  
303 Educational Opportunity for Military Children". The activities of the

304 Interstate Commission are the formation of public policy and are a  
305 discretionary state function. The Interstate Commission shall:

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

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

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

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

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

323 4. The bylaws may provide for meetings of the Interstate  
324 Commission to be conducted by telecommunication or electronic  
325 communication.

326 C. Consist of ex-officio, nonvoting representatives who are members  
327 of interested organizations. Such ex-officio members, as defined in the  
328 bylaws, may include, but not be limited to, members of the  
329 representative organizations of military family advocates, local  
330 education agency officials, parent and teacher groups, the U.S.  
331 Department of Defense, the Education Commission of the States, the  
332 Interstate Agreement on the Qualification of Educational Personnel

333 and other interstate compacts affecting the education of children of  
334 military members.

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

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

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

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

362 1. Relate solely to the Interstate Commission's internal personnel  
363 practices and procedures;

364 2. Disclose matters specifically exempted from disclosure by federal  
365 and state statute;

366 3. Disclose trade secrets or commercial or financial information  
367 which is privileged or confidential;

368 4. Involve accusing a person of a crime, or formally censuring a  
369 person;

370 5. Disclose information of a personal nature where disclosure would  
371 constitute a clearly unwarranted invasion of personal privacy;

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

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

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

387 I. Collect standardized data concerning the educational transition of  
388 the children of military families under this compact as directed  
389 through its rules which shall specify the data to be collected, the means  
390 of collection and data exchange and reporting requirements. Such  
391 methods of data collection, exchange and reporting shall, insofar as is  
392 reasonably possible, conform to current technology and coordinate its

393 information functions with the appropriate custodian of records as  
394 identified in the bylaws and rules.

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

402 ARTICLE X

403 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

404 The Interstate Commission shall have the following powers:

405 A. To provide for dispute resolution among member states.

406 B. To promulgate rules and take all necessary actions to effect the  
407 goals, purposes and obligations as enumerated in this compact. The  
408 rules shall have the force and effect of statutory law and shall be  
409 binding in the compact states to the extent and in the manner provided  
410 in this compact.

411 C. To issue, upon request of a member state, advisory opinions  
412 concerning the meaning or interpretation of the interstate compact, its  
413 bylaws, rules and actions.

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

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

420 F. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

439 M. To establish a budget and make expenditures.

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

442 O. To report annually to the legislatures, governors, judiciary, and  
443 state councils of the member states concerning the activities of the  
444 Interstate Commission during the preceding year. Such reports shall  
445 also include any recommendations that may have been adopted by the  
446 Interstate Commission.

447 P. To coordinate education, training and public awareness  
448 regarding the compact, its implementation and operation for officials  
449 and parents involved in such activity.

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

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

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

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

459 ARTICLE XI

460 ORGANIZATION AND OPERATION OF THE INTERSTATE  
461 COMMISSION

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

467 1. Establishing the fiscal year of the Interstate Commission;

468 2. Establishing an executive committee, and such other committees  
469 as may be necessary;

470 3. Providing for the establishment of committees and for governing  
471 any general or specific delegation of authority or function of the  
472 Interstate Commission;

473 4. Providing reasonable procedures for calling and conducting

474 meetings of the Interstate Commission, and ensuring reasonable notice  
475 of each such meeting;

476 5. Establishing the titles and responsibilities of the officers and staff  
477 of the Interstate Commission;

478 6. Providing a mechanism for concluding the operations of the  
479 Interstate Commission and the return of surplus funds that may exist  
480 upon the termination of the compact after the payment and reserving  
481 of all of its debts and obligations;

482 7. Providing start-up rules for initial administration of the compact.

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

494 C. Executive Committee, Officers and Personnel

495 1. The executive committee shall have such authority and duties as  
496 may be set forth in the bylaws, including, but not limited to:

497 a. Managing the affairs of the Interstate Commission in a manner  
498 consistent with the bylaws and purposes of the Interstate Commission;

499 b. Overseeing an organizational structure within, and appropriate  
500 procedures for the Interstate Commission to provide for the creation of  
501 rules, operating procedures, and administrative and technical support  
502 functions; and

503 c. Planning, implementing, and coordinating communications and  
504 activities with other state, federal and local government organizations  
505 in order to advance the goals of the Interstate Commission.

506 2. The executive committee may, subject to the approval of the  
507 Interstate Commission, appoint or retain an executive director for such  
508 period, upon such terms and conditions and for such compensation, as  
509 the Interstate Commission may deem appropriate. The executive  
510 director shall serve as secretary to the Interstate Commission, but shall  
511 not be a member of the Interstate Commission. The executive director  
512 shall hire and supervise such other persons as may be authorized by  
513 the Interstate Commission.

514 D. The Interstate Commission's executive director and its employees  
515 shall be immune from suit and liability, either personally or in their  
516 official capacity, for a claim for damage to or loss of property or  
517 personal injury or other civil liability caused or arising out of or  
518 relating to an actual or alleged act, error, or omission that occurred, or  
519 that such person had a reasonable basis for believing occurred, within  
520 the scope of Interstate Commission employment, duties, or  
521 responsibilities provided, such person shall not be protected from suit  
522 or liability for damage, loss, injury, or liability caused by the  
523 intentional or willful and wanton misconduct of such person.

524 1. The liability of the Interstate Commission's executive director and  
525 employees or Interstate Commission representatives, acting within the  
526 scope of such person's employment or duties for acts, errors, or  
527 omissions occurring within such person's state may not exceed the  
528 limits of liability set forth under the Constitution and laws of that state  
529 for state officials, employees, and agents. The Interstate Commission is  
530 considered to be an instrumentality of the states for the purposes of  
531 any such action. Nothing in this subsection shall be construed to  
532 protect such person from suit or liability for damage, loss, injury, or  
533 liability caused by the intentional or willful and wanton misconduct of  
534 such person.



566 shall be invalid and have no force or effect.

567 B. Rules shall be made pursuant to a rulemaking process that  
568 substantially conforms to the "Model State Administrative Procedure  
569 Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000) as  
570 amended, as may be appropriate to the operations of the Interstate  
571 Commission.

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

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

584 ARTICLE XIII

585 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

586 A. Oversight

587 1. The executive, legislative and judicial branches of state  
588 government in each member state shall enforce this compact and shall  
589 take all actions necessary and appropriate to effectuate the compact's  
590 purposes and intent. The provisions of this compact and the rules  
591 promulgated hereunder shall have standing as statutory law.

592 2. All courts shall take judicial notice of the compact and the rules in  
593 any judicial or administrative proceeding in a member state pertaining  
594 to the subject matter of this compact which may affect the powers,

595 responsibilities or actions of the Interstate Commission.

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

602 B. If the Interstate Commission determines that a member state has  
603 defaulted in the performance of its obligations or responsibilities  
604 under this compact, or the bylaws or promulgated rules, the Interstate  
605 Commission shall:

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

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

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

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

625 states.

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

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

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

641 C. Dispute Resolution

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

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

649 D. Enforcement

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

652 2. The Interstate Commission may, by majority vote of the members,

653 initiate legal action in the United States District Court for the District of  
654 Columbia or, at the discretion of the Interstate Commission, in the  
655 federal district where the Interstate Commission has its principal  
656 offices, to enforce compliance with the provisions of the compact, its  
657 promulgated rules and bylaws, against a member state in default. The  
658 relief sought may include both injunctive relief and damages. In the  
659 event judicial enforcement is necessary the prevailing party shall be  
660 awarded all costs of such litigation including reasonable attorney's  
661 fees.

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

666 ARTICLE XIV

667 FINANCING OF THE INTERSTATE COMMISSION

668 A. The Interstate Commission shall pay, or provide for the payment  
669 of, the reasonable expenses of its establishment, organization and  
670 ongoing activities.

671 B. The Interstate Commission may levy on and collect an annual  
672 assessment from each member state to cover the cost of the operations  
673 and activities of the Interstate Commission and its staff which must be  
674 in a total amount sufficient to cover the Interstate Commission's  
675 annual budget as approved each year. The aggregate annual  
676 assessment amount shall be allocated based upon a formula to be  
677 determined by the Interstate Commission, which shall promulgate a  
678 rule binding upon all member states.

679 C. The Interstate Commission shall not incur obligations of any kind  
680 prior to securing the funds adequate to meet the same; nor shall the  
681 Interstate Commission pledge the credit of any of the member states,  
682 except by and with the authority of the member state.

683 D. The Interstate Commission shall keep accurate accounts of all  
684 receipts and disbursements. The receipts and disbursements of the  
685 Interstate Commission shall be subject to the audit and accounting  
686 procedures established under its bylaws. However, all receipts and  
687 disbursements of funds handled by the Interstate Commission shall be  
688 audited yearly by a certified or licensed public accountant and the  
689 report of the audit shall be included in and become part of the annual  
690 report of the Interstate Commission.

691 ARTICLE XV

692 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

693 A. Any state is eligible to become a member state.

694 B. The compact shall become effective and binding upon legislative  
695 enactment of the compact into law by no less than ten of the states. The  
696 effective date shall be no earlier than December 1, 2007. Thereafter it  
697 shall become effective and binding as to any other member state upon  
698 enactment of the compact into law by that state. The governors of  
699 nonmember states or their designees shall be invited to participate in  
700 the activities of the Interstate Commission on a nonvoting basis prior  
701 to adoption of the compact by all states.

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

707 ARTICLE XVI

708 WITHDRAWAL AND DISSOLUTION

709 A. Withdrawal

710 1. Once effective, the compact shall continue in force and remain

711 binding upon each and every member state provided a member state  
712 may withdraw from the compact by specifically repealing the statute,  
713 which enacted the compact into law.

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

719 3. The withdrawing state shall immediately notify the chairperson  
720 of the Interstate Commission in writing upon the introduction of  
721 legislation repealing this compact in the withdrawing state. The  
722 Interstate Commission shall notify the other member states of the  
723 withdrawing state's intent to withdraw within sixty days of its receipt  
724 thereof.

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

729 5. Reinstatement following withdrawal of a member state shall  
730 occur upon the withdrawing state reenacting the compact or upon  
731 such later date as determined by the Interstate Commission.

732 B. Dissolution of Compact

733 1. This compact shall dissolve effective upon the date of the  
734 withdrawal or default of the member state which reduces the  
735 membership in the compact to one member state.

736 2. Upon the dissolution of this compact, the compact becomes null  
737 and void and shall be of no further force or effect, and the business and  
738 affairs of the Interstate Commission shall be concluded and surplus  
739 funds shall be distributed in accordance with the bylaws.

740 ARTICLE XVII

741 SEVERABILITY AND CONSTRUCTION

742 A. The provisions of this compact shall be severable, and if any  
743 phrase, clause, sentence or provision is deemed unenforceable, the  
744 remaining provisions of the compact shall be enforceable.

745 B. The provisions of this compact shall be liberally construed to  
746 effectuate its purposes.

747 C. Nothing in this compact shall be construed to prohibit the  
748 applicability of other interstate compacts to which the states are  
749 members.

750 ARTICLE XVIII

751 BINDING EFFECT OF COMPACT AND OTHER LAWS

752 A. Other Laws

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

755 2. All member states' laws conflicting with this compact are  
756 superseded to the extent of the conflict.

757 B. Binding Effect of the Compact

758 1. All lawful actions of the Interstate Commission, including all  
759 rules and bylaws promulgated by the Interstate Commission, are  
760 binding upon the member states.

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

763 3. In the event any provision of this compact exceeds the  
764 constitutional limits imposed on the legislature of any member state,

765 such provision shall be ineffective to the extent of the conflict with the  
766 constitutional provision in question in that member state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-15f

**Statement of Purpose:**

To provide that any student whose parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat supporting post shall be granted at least ten days of excused absences to visit with his or her parent or legal guardian, and to ensure that such student does not fall behind other students by requiring that he or she complete assignments missed during the period of excused absence prior to returning to school.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*