

5805

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to enacting the interstate compact on educational opportunity for military children

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 66 to
2 read as follows:

3 ARTICLE 66

4 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5 SECTION 3300. SHORT TITLE.

6 3301. PURPOSE.

7 3302. DEFINITIONS.

8 3303. APPLICABILITY.

9 3304. EDUCATIONAL RECORDS AND ENROLLMENT.

10 3305. PLACEMENT AND ATTENDANCE.

11 3306. ELIGIBILITY.

12 3307. GRADUATION.

13 3308. STATE COORDINATION.

14 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILI-
15 TARY CHILDREN.

16 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

17 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

18 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

19 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

20 3314. FINANCING OF THE INTERSTATE COMMISSION.

21 3315. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.

22 3316. WITHDRAWAL AND DISSOLUTION.

23 3317. SEVERABILITY AND CONSTRUCTION.

24 3318. BINDING EFFECT OF COMPACT AND OTHER LAWS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD10334-02-9

1 S 3300. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
2 THE "INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHIL-
3 DREN".

4 S 3301. PURPOSE. IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS
5 TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE
6 OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:

7 1. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF MILITARY FAMILIES
8 AND ENSURING THAT THEY ARE NOT PLACED AT A DISADVANTAGE DUE TO DIFFICUL-
9 TY IN THE TRANSFER OF EDUCATION RECORDS FROM THE PREVIOUS SCHOOL
10 DISTRICT OR DISTRICTS OR VARIATIONS IN ENTRANCE/AGE REQUIREMENTS.

11 2. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH WHICH CHILDREN
12 OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY VARIATIONS IN ATTENDANCE
13 REQUIREMENTS, SCHEDULING, SEQUENCING, GRADING, COURSE CONTENT OR ASSESS-
14 MENT.

15 3. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR ENROLLMENT,
16 EDUCATIONAL PROGRAMS, AND PARTICIPATION IN EXTRACURRICULAR ACADEMIC,
17 ATHLETIC, AND SOCIAL ACTIVITIES.

18 4. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY FAMI-
19 LIES.

20 5. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE
21 RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT.

22 6. PROVIDING FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
23 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
24 THIS COMPACT.

25 7. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER COMPACTS
26 AFFECTING MILITARY CHILDREN.

27 8. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE EDUCATIONAL
28 SYSTEM, PARENTS AND THE STUDENT IN ORDER TO ACHIEVE EDUCATIONAL SUCCESS
29 FOR THE STUDENT.

30 S 3302. DEFINITIONS. AS USED IN THIS COMPACT, UNLESS THE CONTEXT
31 CLEARLY REQUIRES A DIFFERENT MEANING:

32 1. "ACTIVE DUTY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE UNIFORMED
33 SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD
34 AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS 1209
35 AND 1211.

36 2. "CHILDREN OF MILITARY FAMILIES" MEANS A SCHOOL-AGED CHILD OR CHIL-
37 DREN, ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE, IN THE HOUSEHOLD
38 OF AN ACTIVE DUTY MEMBER.

39 3. "COMPACT COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH
40 COMPACTING STATE APPOINTED PURSUANT TO SECTION THIRTY-THREE HUNDRED NINE
41 OF THIS ARTICLE.

42 4. "DEPLOYMENT" MEANS THE PERIOD ONE MONTH PRIOR TO THE SERVICE
43 MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY ORDERS THROUGH
44 SIX MONTHS AFTER RETURN TO THEIR HOME STATION.

45 5. "EDUCATION RECORDS" OR "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL
46 RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY
47 THE SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO
48 RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE
49 FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF
50 ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUA-
51 TIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDI-
52 VIDUALIZED EDUCATION PROGRAMS.

53 6. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED
54 BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN ORGANIZATION SANCTIONED BY
55 THE LOCAL EDUCATION AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE
56 NOT LIMITED TO, PREPARATION FOR AN INVOLVEMENT IN PUBLIC PERFORMANCES,

1 CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND CLUB
2 ACTIVITIES.

3 7. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
4 CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER SECTION
5 THIRTY-THREE HUNDRED NINE OF THIS ARTICLE, WHICH IS GENERALLY REFERRED
6 TO AS INTERSTATE COMMISSION.

7 8. "LOCAL EDUCATION AGENCY" MEANS A PUBLIC AUTHORITY LEGALLY CONSTI-
8 TUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO PROVIDE CONTROL OF AND
9 DIRECTION FOR KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATIONAL
10 INSTITUTIONS.

11 9. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

12 10. "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, STATION, YARD,
13 CENTER, HOMEPORT FACILITY FOR ANY SHIP, OR OTHER ACTIVITY UNDER THE
14 JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY LEASED FACILI-
15 TY, WHICH IS LOCATED WITHIN ANY OF THE SEVERAL STATES, THE DISTRICT OF
16 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN
17 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY
18 OTHER UNITED STATES TERRITORY. SUCH TERM DOES NOT INCLUDE ANY FACILITY
19 USED PRIMARILY FOR CIVIL WORKS, RIVERS AND HARBORS PROJECTS, OR FLOOD
20 CONTROL PROJECTS.

21 11. "NON-MEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED THIS
22 COMPACT.

23 12. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A MILITARY
24 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

25 13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
26 PROMULGATED PURSUANT TO SECTION THIRTY-THREE HUNDRED TWELVE OF THIS
27 ARTICLE THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR
28 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL,
29 PROCEDURAL, OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION, AND
30 HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER STATE, AND
31 INCLUDES THE AMENDMENT, REPEAL, OR SUSPENSION OF AN EXISTING RULE.

32 14. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A MILITARY
33 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

34 15. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUM-
35 BIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,
36 GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED
37 STATES TERRITORY.

38 16. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM THE LOCAL
39 EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS FORMALLY ENROLLED IN
40 KINDERGARTEN THROUGH TWELFTH GRADE.

41 17. "TRANSITION" MEANS (A) THE FORMAL AND PHYSICAL PROCESS OF TRANS-
42 FERRING FROM SCHOOL TO SCHOOL AS A RESULT OF MILITARY ORDERS OR (B) THE
43 PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE SCHOOL IN THE SENDING
44 STATE TO ANOTHER SCHOOL IN THE RECEIVING STATE.

45 18. "UNIFORMED SERVICE" OR "UNIFORMED SERVICES" MEANS THE ARMY, NAVY,
46 AIR FORCE, MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS
47 OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC
48 HEALTH SERVICES.

49 19. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED SERVICES AND
50 WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER CONDITIONS OTHER THAN
51 DISHONORABLE.

52 S 3303. APPLICABILITY. 1. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION
53 TWO OF THIS SECTION, THIS COMPACT SHALL APPLY TO THE CHILDREN OF:

54 (A) ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS DEFINED IN THIS
55 COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE
56 DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS 1209 AND 1211;

1 (B) MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO ARE SEVERELY
2 INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A PERIOD OF ONE YEAR
3 AFTER MEDICAL DISCHARGE OR RETIREMENT; AND

4 (C) MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE DUTY OR AS A
5 RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD OF ONE YEAR
6 AFTER DEATH.

7 2. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY APPLY TO LOCAL
8 EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.

9 3. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE CHILDREN OF:

10 (A) INACTIVE MEMBERS OF THE NATIONAL GUARD AND MILITARY RESERVES;

11 (B) MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED, EXCEPT AS PROVIDED
12 IN SUBDIVISION ONE OF THIS SECTION;

13 (C) VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS PROVIDED IN SUBDIVI-
14 SION ONE OF THIS SECTION; AND

15 (D) OTHER UNITED STATES DEPARTMENT OF DEFENSE PERSONNEL AND OTHER
16 FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED AS ACTIVE
17 DUTY MEMBERS OF THE UNIFORMED SERVICES.

18 S 3304. EDUCATIONAL RECORDS AND ENROLLMENT. 1. IN THE EVENT THAT OFFI-
19 CIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR THE
20 PURPOSE OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING STATE
21 SHALL PREPARE AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFICIAL
22 EDUCATIONAL RECORDS CONTAINING UNIFORM INFORMATION AS DETERMINED BY THE
23 INTERSTATE COMMISSION. UPON RECEIPT OF THE UNOFFICIAL EDUCATION RECORDS
24 BY A SCHOOL IN THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND APPRO-
25 PRIATELY PLACE THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE
26 UNOFFICIAL RECORDS PENDING VALIDATION BY THE OFFICIAL RECORDS, AS QUICK-
27 LY AS POSSIBLE.

28 2. SIMULTANEOUS WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE
29 STUDENT, THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S
30 OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON
31 RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS
32 AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE RECEIV-
33 ING STATE WITHIN TEN DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETER-
34 MINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

35 3. COMPACTING STATES SHALL GIVE THIRTY DAYS FROM THE DATE OF ENROLL-
36 MENT OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES
37 PROMULGATED BY THE INTERSTATE COMMISSION, FOR STUDENTS TO OBTAIN ANY
38 IMMUNIZATIONS REQUIRED BY THE RECEIVING STATE. FOR A SERIES OF IMMUNIZA-
39 TIONS, INITIAL VACCINATIONS MUST BE OBTAINED WITHIN THIRTY DAYS OR WITH-
40 IN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY
41 THE INTERSTATE COMMISSION.

42 4. STUDENTS SHALL BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE
43 LEVEL IN THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL,
44 INCLUDING KINDERGARTEN, FROM A LOCAL EDUCATION AGENCY IN THE SENDING
45 STATE AT THE TIME OF TRANSITION, REGARDLESS OF AGE. A STUDENT THAT HAS
46 SATISFACTORILY COMPLETED THE PREREQUISITE GRADE LEVEL IN THE LOCAL
47 EDUCATION AGENCY IN THE SENDING STATE SHALL BE ELIGIBLE FOR ENROLLMENT
48 IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE, REGARDLESS OF
49 AGE. A STUDENT TRANSFERRING AFTER THE START OF THE SCHOOL YEAR IN THE
50 RECEIVING STATE SHALL ENTER THE SCHOOL IN THE RECEIVING STATE ON THEIR
51 VALIDATED LEVEL FROM AN ACCREDITED SCHOOL IN THE SENDING STATE.

52 S 3305. PLACEMENT AND ATTENDANCE. 1. WHEN THE STUDENT TRANSFERS BEFORE
53 OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY
54 HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES BASED ON THE
55 STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL AND/OR EDUCATIONAL
56 ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE IF THE COURSES

1 ARE OFFERED. COURSE PLACEMENT INCLUDES BUT IS NOT LIMITED TO HONORS,
2 INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL
3 AND CAREER PATHWAYS COURSES. CONTINUING THE STUDENT'S ACADEMIC PROGRAM
4 FROM THE PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND
5 CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACE-
6 MENT. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
7 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND
8 CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSES.

9 2. THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE
10 STUDENT IN EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS
11 CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR PARTICIPATION/PLACEMENT
12 IN LIKE PROGRAMS IN THE SENDING STATE. SUCH PROGRAMS INCLUDE, BUT ARE
13 NOT LIMITED TO, GIFTED AND TALENTED PROGRAMS AND ENGLISH AS A SECOND
14 LANGUAGE. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
15 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
16 STUDENT.

17 3. (A) IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE INDIVIDUALS
18 WITH DISABILITIES EDUCATION ACT, 20 U.S.C.A. SECTION 1400 ET SEQ, THE
19 RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A STUDENT
20 WITH DISABILITIES BASED ON HIS OR HER CURRENT INDIVIDUALIZED EDUCATION
21 PROGRAM; AND

22 (B) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504 OF THE REHABIL-
23 ITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II OF THE AMERICANS
24 WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS 12131-12165, THE RECEIVING
25 STATE SHALL MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS
26 THE NEEDS OF INCOMING STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING
27 504 OR TITLE II PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCA-
28 TION. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
29 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
30 STUDENT.

31 4. LOCAL EDUCATION AGENCY ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXI-
32 BILITY IN WAIVING COURSE OR PROGRAM PREREQUISITES, OR OTHER PRECONDI-
33 TIONS FOR PLACEMENT IN COURSES OR PROGRAMS OFFERED UNDER THE JURISDIC-
34 TION OF THE LOCAL EDUCATION AGENCY.

35 5. A STUDENT WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER
36 OF THE UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN
37 CALLED TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM
38 DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE GRANTED
39 ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL EDUCATION
40 AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR LEGAL GUARDIAN
41 RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT OR GUARDIAN.

42 S 3306. ELIGIBILITY. 1. (A) SPECIAL POWER OF ATTORNEY, RELATIVE TO
43 THE GUARDIANSHIP OF A CHILD OF A MILITARY FAMILY AND EXECUTED UNDER
44 APPLICABLE LAW SHALL BE SUFFICIENT FOR THE PURPOSES OF ENROLLMENT AND
45 ALL OTHER ACTIONS REQUIRING PARENTAL PARTICIPATION AND CONSENT.

46 (B) A LOCAL EDUCATION AGENCY SHALL BE PROHIBITED FROM CHARGING LOCAL
47 TUITION TO A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A
48 NON-CUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES
49 IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT.

50 (C) A TRANSITIONING MILITARY CHILD, PLACED IN THE CARE OF A NON-CUSTO-
51 DIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A
52 JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT, MAY CONTINUE TO
53 ATTEND THE SCHOOL IN WHICH HE OR SHE WAS ENROLLED WHILE RESIDING WITH
54 THE CUSTODIAL PARENT.

55 2. STATE AND LOCAL EDUCATION AGENCIES SHALL FACILITATE THE OPPORTUNITY
56 FOR TRANSITIONING MILITARY CHILDREN'S INCLUSION IN EXTRACURRICULAR

1 ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES, TO THE EXTENT THEY ARE
2 OTHERWISE QUALIFIED.

3 S 3307. GRADUATION. IN ORDER TO FACILITATE THE ON-TIME GRADUATION OF
4 CHILDREN OF MILITARY FAMILIES, STATES AND LOCAL EDUCATION AGENCIES SHALL
5 INCORPORATE THE FOLLOWING PROCEDURES:

6 1. LOCAL EDUCATION AGENCY ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIF-
7 IC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSEWORK HAS BEEN SATIS-
8 FACTORILY COMPLETED IN ANOTHER LOCAL EDUCATION AGENCY OR SHALL PROVIDE
9 REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE GRANTED TO A
10 STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE LOCAL
11 EDUCATION AGENCY SHALL PROVIDE AN ALTERNATIVE MEANS OF ACQUIRING
12 REQUIRED COURSEWORK SO THAT GRADUATION MAY OCCUR ON TIME.

13 2. STATES SHALL ACCEPT (A) EXIT OR END-OF-COURSE EXAMS REQUIRED FOR
14 GRADUATION FROM THE SENDING STATE, (B) NATIONAL NORM REFERENCED ACHIEVE-
15 MENT TESTS OR (C) ALTERNATIVE TESTING, IN LIEU OF TESTING REQUIREMENTS
16 FOR GRADUATION IN THE RECEIVING STATE. IN THE EVENT THE ABOVE ALTERNA-
17 TIVES CANNOT BE ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANS-
18 FERRING IN HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF SUBDIVISION
19 THREE OF THIS SECTION SHALL APPLY.

20 3. SHOULD A MILITARY STUDENT TRANSFERRING AT THE BEGINNING OR DURING
21 HIS OR HER SENIOR YEAR BE INELIGIBLE TO GRADUATE FROM THE RECEIVING
22 LOCAL EDUCATION AGENCY AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED, THE
23 SENDING AND RECEIVING LOCAL EDUCATION AGENCIES SHALL ENSURE THE RECEIPT
24 OF A DIPLOMA FROM THE SENDING LOCAL EDUCATION AGENCY, IF THE STUDENT
25 MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCATION AGENCY.
26 IN THE EVENT THAT ONE OF THE STATES IN QUESTION IS NOT A MEMBER OF THIS
27 COMPACT, THE MEMBER STATE SHALL USE BEST EFFORTS TO FACILITATE THE
28 ON-TIME GRADUATION OF THE STUDENT IN ACCORDANCE WITH SUBDIVISIONS ONE
29 AND TWO OF THIS SECTION.

30 S 3308. STATE COORDINATION. 1. EACH MEMBER STATE SHALL, THROUGH THE
31 CREATION OF A STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE
32 FOR THE COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION
33 AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE STATE'S PARTICIPATION
34 IN, AND COMPLIANCE WITH, THIS COMPACT AND INTERSTATE COMMISSION ACTIV-
35 ITIES. WHILE EACH MEMBER STATE MAY DETERMINE THE MEMBERSHIP OF ITS OWN
36 STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT LEAST THE STATE SUPER-
37 INTENDENT OF EDUCATION, SUPERINTENDENT OF A SCHOOL DISTRICT WITH A HIGH
38 CONCENTRATION OF MILITARY CHILDREN, REPRESENTATIVE FROM A MILITARY
39 INSTALLATION, ONE REPRESENTATIVE EACH FROM THE LEGISLATIVE AND EXECUTIVE
40 BRANCHES OF GOVERNMENT, AND OTHER OFFICES AND STAKEHOLDER GROUPS THE
41 STATE COUNCIL DEEMS APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE A
42 SCHOOL DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF MILITARY CHIL-
43 DREN MAY APPOINT A SUPERINTENDENT FROM ANOTHER SCHOOL DISTRICT TO REPRE-
44 SENT LOCAL EDUCATION AGENCIES ON THE STATE COUNCIL.

45 2. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT OR DESIGNATE A
46 MILITARY FAMILY EDUCATION LIAISON TO ASSIST MILITARY FAMILIES AND THE
47 STATE IN FACILITATING THE IMPLEMENTATION OF THIS COMPACT.

48 3. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE ADMINISTRATION AND
49 MANAGEMENT OF THE STATE'S PARTICIPATION IN THE COMPACT SHALL BE
50 APPOINTED BY THE GOVERNOR OR AS OTHERWISE DETERMINED BY EACH MEMBER
51 STATE.

52 4. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY EDUCATION LIAISON
53 DESIGNATED HEREIN SHALL BE EX-OFFICIO MEMBERS OF THE STATE COUNCIL,
54 UNLESS EITHER IS ALREADY A FULL VOTING MEMBER OF THE STATE COUNCIL.

55 S 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
56 CHILDREN. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE COMMISSION ON

1 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN". THE ACTIVITIES OF THE
2 INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
3 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

4 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL
5 HAVE ALL THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH HEREIN, AND
6 SUCH ADDITIONAL POWERS AS MAY BE CONFERRED UPON IT BY A SUBSEQUENT
7 CONCURRENT ACTION OF THE RESPECTIVE LEGISLATURES OF THE MEMBER STATES IN
8 ACCORDANCE WITH THE TERMS OF THIS COMPACT.

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

11 (A) EACH MEMBER STATE REPRESENTED AT A MEETING OF THE INTERSTATE
12 COMMISSION IS ENTITLED TO ONE VOTE.

13 (B) A MAJORITY OF THE TOTAL MEMBER STATES SHALL CONSTITUTE A QUORUM
14 FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY
15 THE BYLAWS OF THE INTERSTATE COMMISSION.

16 (C) A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER MEMBER
17 STATE. IN THE EVENT THE COMPACT COMMISSIONER IS UNABLE TO ATTEND A
18 MEETING OF THE INTERSTATE COMMISSION, THE GOVERNOR OR STATE COUNCIL MAY
19 DELEGATE VOTING AUTHORITY TO ANOTHER PERSON FROM THEIR STATE FOR A SPEC-
20 IFIED MEETING.

21 (D) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION
22 TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

23 3. CONSIST OF EX-OFFICIO, NON-VOTING REPRESENTATIVES WHO ARE MEMBERS
24 OF INTERESTED ORGANIZATIONS. SUCH EX-OFFICIO MEMBERS, AS DEFINED IN THE
25 BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS OF THE REPRESENTATIVE
26 ORGANIZATIONS OF MILITARY FAMILY ADVOCATES, LOCAL EDUCATION AGENCY OFFI-
27 CIALS, PARENT AND TEACHER GROUPS, THE UNITED STATES DEPARTMENT OF
28 DEFENSE, THE EDUCATION COMMISSION OF THE STATES, THE INTERSTATE AGREE-
29 MENT ON THE QUALIFICATION OF EDUCATIONAL PERSONNEL AND OTHER INTERSTATE
30 COMPACTS AFFECTING THE EDUCATION OF CHILDREN OF MILITARY MEMBERS.

31 4. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL
32 ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A SIMPLE MAJORITY OF THE
33 MEMBER STATES, SHALL CALL ADDITIONAL MEETINGS.

34 5. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS SHALL INCLUDE THE
35 OFFICERS OF THE INTERSTATE COMMISSION AND SUCH OTHER MEMBERS OF THE
36 INTERSTATE COMMISSION AS DETERMINED BY THE BYLAWS. MEMBERS OF THE EXECU-
37 TIVE COMMITTEE SHALL SERVE A ONE YEAR TERM. MEMBERS OF THE EXECUTIVE
38 COMMITTEE SHALL BE ENTITLED TO ONE VOTE EACH. THE EXECUTIVE COMMITTEE
39 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH
40 THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMIS-
41 SION IS NOT IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
42 DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING
43 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS
44 BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE UNITED
45 STATES DEPARTMENT OF DEFENSE, SHALL SERVE AS AN EX-OFFICIO, NONVOTING
46 MEMBER OF THE EXECUTIVE COMMITTEE.

47 6. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR CONDITIONS AND PROCE-
48 DURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION
49 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.
50 THE INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION OR
51 OFFICIAL RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL
52 PRIVACY RIGHTS OR PROPRIETARY INTERESTS.

53 7. GIVE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS SHALL BE OPEN
54 TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS OTHERWISE PROVIDED
55 IN THE COMPACT. THE INTERSTATE COMMISSION AND ITS COMMITTEES MAY CLOSE A

1 MEETING, OR PORTION THEREOF, WHERE IT DETERMINES BY TWO-THIRDS VOTE THAT
2 AN OPEN MEETING WOULD BE LIKELY TO:

3 (A) RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL
4 PRACTICES AND PROCEDURES;

5 (B) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
6 AND STATE STATUTE;

7 (C) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION
8 WHICH IS PRIVILEGED OR CONFIDENTIAL;

9 (D) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A
10 PERSON;

11 (E) DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD
12 CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;

13 (F) DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
14 PURPOSES; OR

15 (G) SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S PARTICIPATION
16 IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

17 8. SHALL CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY THAT A MEETING
18 MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTIBLE PROVISION FOR
19 ANY MEETING, OR PORTION OF A MEETING, WHICH IS CLOSED PURSUANT TO THIS
20 PROVISION. THE INTERSTATE COMMISSION SHALL KEEP MINUTES WHICH SHALL
21 FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
22 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS
23 THEREFOR, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED AND THE RECORD
24 OF A ROLL CALL VOTE. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
25 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF
26 A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJOR-
27 ITY VOTE OF THE INTERSTATE COMMISSION.

28 9. SHALL COLLECT STANDARDIZED DATA CONCERNING THE EDUCATIONAL TRANSI-
29 TION OF THE CHILDREN OF MILITARY FAMILIES UNDER THIS COMPACT AS DIRECTED
30 THROUGH ITS RULES WHICH SHALL SPECIFY THE DATA TO BE COLLECTED, THE
31 MEANS OF COLLECTION AND DATA EXCHANGE AND REPORTING REQUIREMENTS. SUCH
32 METHODS OF DATA COLLECTION, EXCHANGE AND REPORTING SHALL, IN SO FAR AS
33 IS REASONABLY POSSIBLE, CONFORM TO CURRENT TECHNOLOGY AND COORDINATE ITS
34 INFORMATION FUNCTIONS WITH THE APPROPRIATE CUSTODIAN OF RECORDS AS IDEN-
35 TIFIED IN THE BYLAWS AND RULES.

36 10. SHALL CREATE A PROCESS THAT PERMITS MILITARY OFFICIALS, EDUCATION
37 OFFICIALS AND PARENTS TO INFORM THE INTERSTATE COMMISSION IF AND WHEN
38 THERE ARE ALLEGED VIOLATIONS OF THE COMPACT OR ITS RULES OR WHEN ISSUES
39 SUBJECT TO THE JURISDICTION OF THE COMPACT OR ITS RULES ARE NOT
40 ADDRESSED BY THE STATE OR LOCAL EDUCATION AGENCY. THIS SECTION SHALL NOT
41 BE CONSTRUED TO CREATE A PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE
42 COMMISSION OR ANY MEMBER STATE.

43 S 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION. THE INTERSTATE
44 COMMISSION SHALL HAVE THE FOLLOWING POWERS:

45 1. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES.

46 2. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO EFFECT THE
47 GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS COMPACT. THE RULES
48 SHALL HAVE THE FORCE AND EFFECT OF STATUTORY LAW AND SHALL BE BINDING IN
49 THE COMPACT STATES TO THE EXTENT AND IN THE MANNER PROVIDED IN THIS
50 COMPACT.

51 3. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY OPINIONS
52 CONCERNING THE MEANING OR INTERPRETATION OF THE INTERSTATE COMPACT, ITS
53 BYLAWS, RULES AND ACTIONS.

54 4. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE RULES
55 PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS, USING ALL

1 NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF
2 JUDICIAL PROCESS.

3 5. TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE LOCATED WITHIN ONE
4 OR MORE OF THE MEMBER STATES.

5 6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

6 7. TO BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF PERSONNEL.

7 8. TO ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT LIMITED TO,
8 AN EXECUTIVE COMMITTEE AS REQUIRED BY SUBDIVISION FIVE OF SECTION THIR-
9 TY-THREE HUNDRED NINE OF THIS ARTICLE WHICH SHALL HAVE THE POWER TO ACT
10 ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND
11 DUTIES HEREUNDER.

12 9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS, OR
13 CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND
14 DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH THE INTERSTATE COMMIS-
15 SION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTER-
16 EST, RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL.

17 10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
18 SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE
19 OF IT.

20 11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
21 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL, OR
22 MIXED.

23 12. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR
24 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

25 13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

26 14. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
27 OF THE INTERSTATE COMMISSION.

28 15. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY, AND
29 STATE COUNCILS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE
30 INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
31 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
32 COMMISSION.

33 16. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING
34 THE COMPACT, ITS IMPLEMENTATION AND OPERATION FOR OFFICIALS AND PARENTS
35 INVOLVED IN SUCH ACTIVITY.

36 17. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
37 EXCHANGING OF DATA.

38 18. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE
39 BYLAWS.

40 19. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
41 ACHIEVE THE PURPOSES OF THIS COMPACT.

42 20. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
43 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
44 THIS COMPACT.

45 S 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION. 1.
46 THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS PRESENT
47 AND VOTING, WITHIN TWELVE MONTHS AFTER THE FIRST INTERSTATE COMMISSION
48 MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR
49 APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING, BUT NOT
50 LIMITED TO:

51 (A) ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION;

52 (B) ESTABLISHING AN EXECUTIVE COMMITTEE, AND SUCH OTHER COMMITTEES AS
53 MAY BE NECESSARY;

54 (C) PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR GOVERNING
55 ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR FUNCTION OF THE
56 INTERSTATE COMMISSION;

1 (D) PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEET-
2 INGS OF THE INTERSTATE COMMISSION, AND ENSURING REASONABLE NOTICE OF
3 EACH SUCH MEETING;

4 (E) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND
5 STAFF OF THE INTERSTATE COMMISSION;

6 (F) PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE INTER-
7 STATE COMMISSION AND THE RETURN OF SURPLUS FUNDS THAT MAY EXIST UPON THE
8 TERMINATION OF THE COMPACT AFTER THE PAYMENT AND RESERVING OF ALL OF ITS
9 DEBTS AND OBLIGATIONS; AND

10 (G) PROVIDING "START UP" RULES FOR INITIAL ADMINISTRATION OF THE
11 COMPACT.

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

23 3. (A) THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY AND DUTIES AS
24 MAY BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT LIMITED TO:

25 (I) MANAGING THE AFFAIRS OF THE INTERSTATE COMMISSION IN A MANNER
26 CONSISTENT WITH THE BYLAWS AND PURPOSES OF THE INTERSTATE COMMISSION;

27 (II) OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND APPROPRIATE
28 PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE FOR THE CREATION OF
29 RULES, OPERATING PROCEDURES, AND ADMINISTRATIVE AND TECHNICAL SUPPORT
30 FUNCTIONS; AND

31 (III) PLANNING, IMPLEMENTING, AND COORDINATING COMMUNICATIONS AND
32 ACTIVITIES WITH OTHER STATE, FEDERAL AND LOCAL GOVERNMENT ORGANIZATIONS
33 IN ORDER TO ADVANCE THE GOALS OF THE INTERSTATE COMMISSION.

34 (B) THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE APPROVAL OF THE INTER-
35 STATE COMMISSION, APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERI-
36 OD, UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION, AS THE
37 INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL
38 SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, BUT SHALL NOT BE A
39 MEMBER OF THE INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE
40 AND SUPERVISE SUCH OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE
41 COMMISSION.

42 4. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS EMPLOYEES
43 SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR
44 OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR
45 PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR
46 RELATING TO AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED,
47 OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITH-
48 IN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSI-
49 BILITIES; PROVIDED, THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
50 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTEN-
51 TIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

52 (A) THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR
53 AND EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES, ACTING WITHIN
54 THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR
55 OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS
56 OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR

1 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS
2 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF
3 ANY SUCH ACTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROTECT
4 SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABIL-
5 ITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
6 PERSON.

7 (B) THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND
8 ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR
9 OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY AN
10 INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE
11 COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABIL-
12 ITY ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
13 OCCURRED WITH THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
14 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR
15 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
16 DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT,
17 ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
18 MISCONDUCT ON THE PART OF SUCH PERSON.

19 (C) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER STATE, OR
20 THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
21 INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLE-
22 MENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST
23 SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
24 THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
25 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS
26 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOY-
27 MENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED
28 ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND
29 WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

30 S 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION. 1. THE
31 INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO
32 EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
33 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION
34 EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
35 OF THE PURPOSES OF THIS ARTICLE, OR THE POWERS GRANTED HEREUNDER, THEN
36 SUCH AN ACTION BY THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO
37 FORCE OR EFFECT.

38 2. RULES SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTAN-
39 Tially CONFORMS TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE
40 PROCEDURE ACT AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE
41 COMMISSION.

42 3. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON
43 MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE; PROVIDED, THAT THE
44 FILING OF SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE
45 FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A
46 SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE
47 ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND
48 SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASON-
49 ABLE EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.

50 4. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECTS
51 A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED
52 TO ADOPT THE COMPACT, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND
53 EFFECT IN ANY COMPACTING STATE.

54 S 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION. 1. (A) THE
55 EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH
56 MEMBER STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL ACTIONS

1 NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
2 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES PROMULGATED HERE-
3 UNDER SHALL HAVE STANDING AS STATUTORY LAW.

4 (B) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES
5 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAIN-
6 ING TO THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT THE POWERS,
7 RESPONSIBILITIES OR ACTIONS OF THE INTERSTATE COMMISSION.

8 (C) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE
9 OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE
10 IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROC-
11 ESS TO THE INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID
12 AS TO THE INTERSTATE COMMISSION, THIS COMPACT OR PROMULGATED RULES.

13 2. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
14 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
15 UNDER THIS COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE
16 COMMISSION SHALL:

17 (A) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
18 STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT
19 AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE
20 COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE
21 MUST CURE ITS DEFAULT.

22 (B) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
23 REGARDING THE DEFAULT.

24 (C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING
25 STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN AFFIRMATIVE VOTE OF A
26 MAJORITY OF THE MEMBER STATES AND ALL RIGHTS, PRIVILEGES AND BENEFITS
27 CONFERRED BY THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF
28 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE
29 OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

30 (D) SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
31 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
32 EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY
33 THE INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY
34 LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER
35 STATES.

36 (E) THE STATE WHICH HAS BEEN SUSPENDED OR TERMINATED IS RESPONSIBLE
37 FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE
38 EFFECTIVE DATE OF SUSPENSION OR TERMINATION INCLUDING OBLIGATIONS, THE
39 PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF SUSPENSION OR
40 TERMINATION.

41 (F) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY
42 STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR WHICH HAS BEEN SUSPENDED
43 OR TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED UPON IN
44 WRITING BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.

45 (G) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
46 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE
47 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE
48 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE
49 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
50 FEES.

51 3. (A) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE REQUEST OF A
52 MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT TO THE COMPACT AND
53 WHICH MAY ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
54 STATES.

1 (B) THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
2 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRI-
3 ATE.

4 4. (A) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
5 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

6 (B) THE INTERSTATE COMMISSION, MAY BY MAJORITY VOTE OF THE MEMBERS,
7 INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE
8 DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION,
9 IN THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCIPAL
10 OFFICES, TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT,
11 ITS PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE
12 RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
13 EVENT JUDICIAL ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE
14 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
15 FEES.

16 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
17 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY
18 OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFES-
19 SION.

20 S 3314. FINANCING OF THE INTERSTATE COMMISSION. 1. THE INTERSTATE
21 COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF THE REASONABLE
22 EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES.

23 2. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESS-
24 MENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
25 ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF WHICH MUST BE IN A
26 TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S ANNUAL
27 BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
28 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE INTER-
29 STATE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER
30 STATES.

31 3. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
32 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL THE
33 INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
34 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

35 4. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
36 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTER-
37 STATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
38 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF
39 FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A
40 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT
41 SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTER-
42 STATE COMMISSION.

43 S 3315. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT. 1. ANY STATE IS
44 ELIGIBLE TO BECOME A MEMBER STATE.

45 2. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE
46 ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN OF THE STATES.
47 THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER
48 STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVER-
49 NORS OF NON-MEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTIC-
50 IPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NONVOTING
51 BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

52 3. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR
53 ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND
54 BINDING UPON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND
55 UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

1 S 3316. WITHDRAWAL AND DISSOLUTION. 1. (A) ONCE EFFECTIVE, THE COMPACT
2 SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH AND EVERY MEMBER
3 STATE; PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY
4 SPECIFICALLY REPEALING THE STATUTE, WHICH ENACTED THE COMPACT INTO LAW.

5 (B) WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STAT-
6 UTE REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL ONE YEAR AFTER
7 THE EFFECTIVE DATE OF SUCH STATUTE AND UNTIL WRITTEN NOTICE OF THE WITH-
8 DRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH
9 OTHER MEMBER JURISDICTION.

10 (C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
11 THE INTERSTATE COMMISSION IN WRITING UPON THE INTRODUCTION OF LEGIS-
12 LATION REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE
13 COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING
14 STATE'S INTENT TO WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF.

15 (D) THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLI-
16 GATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITH-
17 DRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND
18 THE EFFECTIVE DATE OF WITHDRAWAL.

19 (E) REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR
20 UPON THE WITHDRAWING STATE REENACTING THE COMPACT OR UPON SUCH LATER
21 DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

22 2. (A) THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE OF THE
23 WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES THE MEMBERSHIP
24 IN THE COMPACT TO ONE MEMBER STATE.

25 (B) UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT BECOMES NULL AND
26 VOID AND SHALL BE OF NO FURTHER FORCE OR EFFECT, AND THE BUSINESS AND
27 AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE CONCLUDED AND SURPLUS
28 FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE WITH THE BYLAWS.

29 S 3317. SEVERABILITY AND CONSTRUCTION. 1. THE PROVISIONS OF THIS
30 COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR
31 PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE
32 COMPACT SHALL BE ENFORCEABLE.

33 2. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
34 EFFECTUATE ITS PURPOSES.

35 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT THE APPLICA-
36 BILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

37 S 3318. BINDING EFFECT OF COMPACT AND OTHER LAWS. 1. (A) NOTHING HERE-
38 IN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS
39 NOT INCONSISTENT WITH THIS COMPACT.

40 (B) ALL MEMBER STATES' LAWS CONFLICTING WITH THIS COMPACT ARE SUPER-
41 SEDED TO THE EXTENT OF THE CONFLICT.

42 2. (A) ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION, INCLUDING ALL
43 RULES AND BYLAWS PROMULGATED BY THE INTERSTATE COMMISSION, ARE BINDING
44 UPON THE MEMBER STATES.

45 (B) ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER
46 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

47 (C) IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITU-
48 TIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH
49 PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE
50 CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.

51 S 2. This act shall take effect immediately; provided that the commis-
52 sioner of education shall notify the legislative bill drafting commis-
53 sion upon the occurrence of the enactment of the interstate compact on
54 educational opportunity for military children, as added by section one
55 of this act, by the tenth state as provided for in section 3315 of such
56 compact in order that the commission may maintain an accurate and timely

1 effective data base of the official text of the laws of the state of New
2 York in furtherance of effectuating the provisions of section 44 of the
3 legislative law and section 70-b of the public officers law.