

S T A T E O F N E W Y O R K

2538--A

2011-2012 Regular Sessions

I N S E N A T E

January 25, 2011

Introduced by Sens. RANZENHOFER, ALESI, BALL, DeFRANCISCO, JOHNSON, KENNEDY, MAZIARZ, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

ARTICLE 66

3 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

4 SECTION 3300. SHORT TITLE.

5 3301. PURPOSE.

6 3302. DEFINITIONS.

7 3303. APPLICABILITY.

8 3304. EDUCATIONAL RECORDS AND ENROLLMENT.

9 3305. PLACEMENT AND ATTENDANCE.

10 3306. ELIGIBILITY.

11 3307. GRADUATION.

12 3308. STATE COORDINATION.

13 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILI-
14 TARY CHILDREN.

15 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

16 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

17 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

18 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

19 3314. FINANCING OF THE INTERSTATE COMMISSION.

20

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

LBD07037-03-2

3315. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.

3316. WITHDRAWAL AND DISSOLUTION.

3317. SEVERABILITY AND CONSTRUCTION.

3318. BINDING EFFECT OF COMPACT AND OTHER LAWS.

S 3300. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN".

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

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

2. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH WHICH CHILDREN OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY VARIATIONS IN ATTENDANCE REQUIREMENTS, SCHEDULING, SEQUENCING, GRADING, COURSE CONTENT OR ASSESSMENT.

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

4. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY FAMILIES.

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

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

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

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

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

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

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

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

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

5. "EDUCATION RECORDS" OR "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY THE SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUATIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDIVIDUALIZED EDUCATION PROGRAMS.

6. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN ORGANIZATION SANCTIONED BY THE LOCAL EDUCATION AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, PREPARATION FOR AN INVOLVEMENT IN PUBLIC PERFORMANCES, CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND CLUB ACTIVITIES.

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

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

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

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

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

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

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

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

15. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED STATES TERRITORY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 S 3305. PLACEMENT AND ATTENDANCE. 1. WHEN THE STUDENT TRANSFERS BEFORE
2 OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY
3 HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES BASED ON THE
4 STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL AND/OR EDUCATIONAL
5 ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE IF THE COURSES
6 ARE OFFERED. COURSE PLACEMENT INCLUDES BUT IS NOT LIMITED TO HONORS,
7 INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL
8 AND CAREER PATHWAYS COURSES. CONTINUING THE STUDENT'S ACADEMIC PROGRAM
9 FROM THE PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND
10 CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACE-
11 MENT. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
12 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND
13 CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSES.

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

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

27 (B) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504 OF THE REHABIL-
28 ITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II OF THE AMERICANS
29 WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS 12131-12165, THE RECEIVING
30 STATE SHALL MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS
31 THE NEEDS OF INCOMING STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING
32 504 OR TITLE II PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCA-
33 TION. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
34 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
35 STUDENT.

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

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

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

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

55 (C) A TRANSITIONING MILITARY CHILD, PLACED IN THE CARE OF A NON-CUSTO-
56 DIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A

JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT, MAY CONTINUE TO ATTEND THE SCHOOL IN WHICH HE OR SHE WAS ENROLLED WHILE RESIDING WITH THE CUSTODIAL PARENT.

2. STATE AND LOCAL EDUCATION AGENCIES SHALL FACILITATE THE OPPORTUNITY FOR TRANSITIONING MILITARY CHILDREN'S INCLUSION IN EXTRACURRICULAR ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES, TO THE EXTENT THEY ARE OTHERWISE QUALIFIED.

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

1. LOCAL EDUCATION AGENCY ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIFIC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSEWORK HAS BEEN SATISFACTORILY COMPLETED IN ANOTHER LOCAL EDUCATION AGENCY OR SHALL PROVIDE REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE GRANTED TO A STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE LOCAL EDUCATION AGENCY SHALL PROVIDE AN ALTERNATIVE MEANS OF ACQUIRING REQUIRED COURSEWORK SO THAT GRADUATION MAY OCCUR ON TIME.

2. STATES SHALL ACCEPT (A) EXIT OR END-OF-COURSE EXAMS REQUIRED FOR GRADUATION FROM THE SENDING STATE, (B) NATIONAL NORM REFERENCED ACHIEVEMENT TESTS OR (C) ALTERNATIVE TESTING, IN LIEU OF TESTING REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE. IN THE EVENT THE ABOVE ALTERNATIVES CANNOT BE ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANSFERRING IN HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION SHALL APPLY.

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

S 3308. STATE COORDINATION. 1. EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR THE COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE STATE'S PARTICIPATION IN, AND COMPLIANCE WITH, THIS COMPACT AND INTERSTATE COMMISSION ACTIVITIES. WHILE EACH MEMBER STATE MAY DETERMINE THE MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT LEAST THE STATE SUPERINTENDENT OF EDUCATION, SUPERINTENDENT OF A SCHOOL DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN, REPRESENTATIVE FROM A MILITARY INSTALLATION, ONE REPRESENTATIVE EACH FROM THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT, AND OTHER OFFICES AND STAKEHOLDER GROUPS THE STATE COUNCIL DEEMS APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE A SCHOOL DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF MILITARY CHILDREN MAY APPOINT A SUPERINTENDENT FROM ANOTHER SCHOOL DISTRICT TO REPRESENT LOCAL EDUCATION AGENCIES ON THE STATE COUNCIL.

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

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

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

4 S 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
5 CHILDREN. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE COMMISSION ON
6 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN". THE ACTIVITIES OF THE
7 INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
8 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

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

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

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

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

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

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

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

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

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

52 6. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR CONDITIONS AND PROCE-
53 DURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION
54 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.
55 THE INTERSTATE COMMISSION MAY EXEMPT FROM DISCLOSURE INFORMATION OR

1 OFFICIAL RECORDS TO THE EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL
2 PRIVACY RIGHTS OR PROPRIETARY INTERESTS.

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

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

10 (B) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
11 AND STATE STATUTE;

12 (C) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION
13 WHICH IS PRIVILEGED OR CONFIDENTIAL;

14 (D) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A
15 PERSON;

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

18 (F) DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT
19 PURPOSES; OR

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

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

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

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

48 S 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION. THE INTERSTATE
49 COMMISSION SHALL HAVE THE FOLLOWING POWERS:

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

51 2. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO EFFECT THE
52 GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS COMPACT. THE RULES
53 SHALL HAVE THE FORCE AND EFFECT OF STATUTORY LAW AND SHALL BE BINDING IN
54 THE COMPACT STATES TO THE EXTENT AND IN THE MANNER PROVIDED IN THIS
55 COMPACT.

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

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

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

10 6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

17 9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS, OR
18 CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND
19 DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH THE INTERSTATE COMMIS-
20 SION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTER-
21 EST, RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL.

22 10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
23 SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE
24 OF IT.

25 11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
26 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL, OR
27 MIXED.

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

30 13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

31 14. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
32 OF THE INTERSTATE COMMISSION.

33 15. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY, AND
34 STATE COUNCILS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE
35 INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
36 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
37 COMMISSION.

38 16. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING
39 THE COMPACT, ITS IMPLEMENTATION AND OPERATION FOR OFFICIALS AND PARENTS
40 INVOLVED IN SUCH ACTIVITY.

41 17. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
42 EXCHANGING OF DATA.

43 18. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE
44 BYLAWS.

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

47 20. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
48 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
49 THIS COMPACT.

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

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

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

3 (C) PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR GOVERNING
4 ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR FUNCTION OF THE
5 INTERSTATE COMMISSION;

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

9 (E) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND
10 STAFF OF THE INTERSTATE COMMISSION;

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

15 (G) PROVIDING "START UP" RULES FOR INITIAL ADMINISTRATION OF THE
16 COMPACT.

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

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

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

32 (II) OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND APPROPRIATE
33 PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE FOR THE CREATION OF
34 RULES, OPERATING PROCEDURES, AND ADMINISTRATIVE AND TECHNICAL SUPPORT
35 FUNCTIONS; AND

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

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

47 4. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS EMPLOYEES
48 SHALL BE IMMUNE FROM ANY ACTION TAKEN REASONABLY AND IN GOOD FAITH WHICH
49 RESULTS IN SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL
50 CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
51 INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR RELATING TO
52 AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH
53 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE
54 OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
55 PROVIDED, THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY

1 FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR
2 WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

3 (A) THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR
4 AND EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES, ACTING WITHIN
5 THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR
6 OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS
7 OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
8 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS
9 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF
10 ANY SUCH ACTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROTECT
11 SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABIL-
12 ITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
13 PERSON.

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

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

37 S 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION. 1. THE
38 INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO
39 EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
40 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION
41 EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
42 OF THE PURPOSES OF THIS ARTICLE, OR THE POWERS GRANTED HEREUNDER, THEN
43 SUCH AN ACTION BY THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO
44 FORCE OR EFFECT.

45 2. RULES SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTAN-
46 Tially CONFORMS TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE
47 PROCEDURE ACT AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE
48 COMMISSION.

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

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

5 S 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION. 1. (A) THE
6 EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH
7 MEMBER STATE SHALL ENFORCE THIS COMPACT AND SHALL TAKE ALL ACTIONS
8 NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
9 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES PROMULGATED HERE-
10 UNDER SHALL HAVE STANDING AS STATUTORY LAW.

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

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

20 2. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
21 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
22 UNDER THIS COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE
23 COMMISSION SHALL:

24 (A) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
25 STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT
26 AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE
27 COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE
28 MUST CURE ITS DEFAULT.

29 (B) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
30 REGARDING THE DEFAULT.

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

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

43 (E) THE STATE WHICH HAS BEEN SUSPENDED OR TERMINATED IS RESPONSIBLE
44 FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE
45 EFFECTIVE DATE OF SUSPENSION OR TERMINATION INCLUDING OBLIGATIONS, THE
46 PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF SUSPENSION OR
47 TERMINATION.

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

52 (G) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
53 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE
54 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE
55 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE

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

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

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

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

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

22 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
23 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY
24 OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFES-
25 SION.

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

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

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

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

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

51 2. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE
52 ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN OF THE STATES.
53 THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER
54 STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVER-
55 NORS OF NON-MEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTIC-

1 IPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NONVOTING
2 BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

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

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

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

16 (C) THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF
17 THE INTERSTATE COMMISSION IN WRITING UPON THE INTRODUCTION OF LEGIS-
18 LATION REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE
19 COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING
20 STATE'S INTENT TO WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF.

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

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

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

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

35 S 3317. SEVERABILITY AND CONSTRUCTION. 1. THE PROVISIONS OF THIS
36 COMPACT SHALL BE SEVERABLE, AND IF ANY PHRASE, CLAUSE, SENTENCE OR
37 PROVISION IS DEEMED UNENFORCEABLE, THE REMAINING PROVISIONS OF THE
38 COMPACT SHALL BE ENFORCEABLE.

39 2. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO
40 EFFECTUATE ITS PURPOSES.

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

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

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

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

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

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

1 S 2. This act shall take effect immediately; provided that the commis-
2 sioner of education shall notify the legislative bill drafting commis-
3 sion upon the occurrence of the enactment of the interstate compact on
4 educational opportunity for military children, as added by section one
5 of this act, by the tenth state as provided for in section 3315 of such
6 compact in order that the commission may maintain an accurate and timely
7 effective data base of the official text of the laws of the state of New
8 York in furtherance of effectuating the provisions of section 44 of the
9 legislative law and section 70-b of the public officers law.