

ARTICLE 66

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN
SECTION 3300. SHORT TITLE.

3301. PURPOSE.

3302. DEFINITIONS.

3303. APPLICABILITY.

3304. EDUCATIONAL RECORDS AND ENROLLMENT.

3305. PLACEMENT AND ATTENDANCE.

3306. ELIGIBILITY.

3307. GRADUATION.

3308. STATE COORDINATION.

3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

3314. FINANCING OF THE INTERSTATE COMMISSION.

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

1 AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS 1209
2 AND 1211.

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

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

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

12 5. "EDUCATION RECORDS" OR "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL
13 RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY
14 THE SCHOOL OR LOCAL EDUCATIONAL AGENCY, INCLUDING BUT NOT LIMITED TO
15 RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE
16 FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF
17 ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUA-
18 TIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDI-
19 VIDUALIZED EDUCATION PROGRAMS.

20 6. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED
21 BY THE SCHOOL OR LOCAL EDUCATIONAL AGENCY OR AN ORGANIZATION SANCTIONED
22 BY THE LOCAL EDUCATIONAL AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT
23 ARE NOT LIMITED TO, PREPARATION FOR AN INVOLVEMENT IN PUBLIC PERFORM-
24 ANCES, CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND
25 CLUB ACTIVITIES.

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

30 8. "LOCAL EDUCATIONAL AGENCY" MEANS A PUBLIC AUTHORITY LEGALLY CONSTI-
31 TUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO PROVIDE CONTROL OF AND
32 DIRECTION FOR KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATIONAL
33 INSTITUTIONS. IN NEW YORK STATE, A LOCAL EDUCATIONAL AGENCY MEANS A
34 PUBLIC SCHOOL DISTRICT LOCATED WITHIN NEW YORK STATE.

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

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

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

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

49 13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
50 PROMULGATED PURSUANT TO SECTION THIRTY-THREE HUNDRED TWELVE OF THIS
51 ARTICLE THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR
52 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL,
53 PROCEDURAL, OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION.

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

1 15. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUM-
2 BIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,
3 GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED
4 STATES TERRITORY.

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

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

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

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

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

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

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

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

30 2. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY APPLY TO LOCAL
31 EDUCATIONAL AGENCIES AS DEFINED IN THIS COMPACT.

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

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

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

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

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

41 S 3304. EDUCATIONAL RECORDS AND ENROLLMENT. 1. IN THE EVENT THAT OFFI-
42 CIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR THE PURPOSE
43 OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING STATE SHALL
44 PREPARE AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFICIAL EDUCA-
45 TIONAL RECORDS, TO THE EXTENT FEASIBLE, AND USING ANY TEMPLATE DEVELOPED
46 BY THE INTERSTATE COMMISSION. UPON RECEIPT OF THE UNOFFICIAL EDUCATION
47 RECORDS BY A SCHOOL IN THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND
48 APPROPRIATELY PLACE THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE
49 UNOFFICIAL RECORDS PENDING VALIDATION BY THE OFFICIAL RECORDS, AS QUICK-
50 LY AS POSSIBLE.

51 2. SIMULTANEOUS WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE
52 STUDENT, THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S
53 OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON
54 RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS
55 AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE RECEIV-

ING STATE WITHIN TEN DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

3. NOTWITHSTANDING ANY PROVISIONS OF SUBDIVISION SEVEN OF SECTION TWENTY-ONE HUNDRED SIXTY-FOUR OF THE PUBLIC HEALTH LAW TO THE CONTRARY, COMPACTING STATES SHALL GIVE THIRTY DAYS FROM THE DATE OF ENROLLMENT OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION, FOR STUDENTS TRANSFERRING FROM A SCHOOL IN A SENDING STATE TO OBTAIN ANY IMMUNIZATIONS REQUIRED BY THE RECEIVING STATE. FOR A SERIES OF IMMUNIZATIONS, INITIAL VACCINATIONS MUST BE OBTAINED WITHIN THIRTY DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

4. FOR PURPOSES OF ENSURING A SMOOTH EDUCATIONAL TRANSITION, STUDENTS TRANSFERRING FROM A LOCAL EDUCATIONAL AGENCY IN A SENDING STATE SHALL INITIALLY BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN THE RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL FROM A LOCAL EDUCATIONAL AGENCY IN THE SENDING STATE AT THE TIME OF TRANSITION, REGARDLESS OF AGE. A STUDENT THAT HAS SATISFACTORILY COMPLETED THE PREREQUISITE GRADE LEVEL IN THE LOCAL EDUCATIONAL AGENCY IN THE SENDING STATE SHALL INITIALLY BE ELIGIBLE FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN THE RECEIVING STATE, REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE START OF THE SCHOOL YEAR IN THE RECEIVING STATE SHALL ENTER THE SCHOOL IN THE RECEIVING STATE ON THEIR VALIDATED LEVEL FROM AN ACCREDITED SCHOOL IN THE SENDING STATE. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT A LOCAL EDUCATIONAL AGENCY IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE STUDENT.

S 3305. PLACEMENT AND ATTENDANCE. 1. WHEN THE STUDENT TRANSFERS BEFORE OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES BASED ON THE STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL AND/OR EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE IF THE COURSES ARE OFFERED AND THERE IS SPACE AVAILABLE AS DETERMINED BY THE LOCAL EDUCATIONAL AGENCY. COURSE PLACEMENT INCLUDES BUT IS NOT LIMITED TO HONORS, INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL, TECHNICAL AND CAREER PATHWAYS COURSES. WHERE THE LOCAL EDUCATIONAL AGENCY CONTRACTS WITH A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO DELIVER SUCH COURSES, THE LOCAL EDUCATIONAL AGENCY AND THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL ARRANGE TO ENROLL THE STUDENT IN THE APPLICABLE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROGRAM WHERE THERE IS SPACE AVAILABLE. CONTINUING THE STUDENT'S ACADEMIC PROGRAM FROM THE PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND CAREER CHALLENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACEMENT. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND CONTINUED ENROLLMENT OF THE STUDENT IN THE COURSES.

2. THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE, PROVIDED THAT THE PROGRAMS AND/OR COURSES EXIST AND THERE IS SPACE AVAILABLE, AS DETERMINED BY THE LOCAL EDUCATIONAL AGENCY. SUCH PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO, GIFTED AND TALENTED PROGRAMS AND ENGLISH AS A SECOND LANGUAGE. NOTHING IN THIS SUBDIVISION SHALL PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE STUDENT.

3. (A) IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C.A. SECTION 1400 ET SEQ, THE

1 RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A STUDENT
2 WITH DISABILITIES BASED ON HIS OR HER CURRENT INDIVIDUALIZED EDUCATION
3 PROGRAM; AND

4 (B) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504 OF THE REHABIL-
5 ITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II OF THE AMERICANS
6 WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS 12131-12165, THE RECEIVING
7 STATE SHALL MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS
8 THE NEEDS OF INCOMING STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING
9 504 OR TITLE II PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCA-
10 TION. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
11 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
12 STUDENT.

13 4. LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXI-
14 BILITY IN WAIVING COURSE OR PROGRAM PREREQUISITES, OR OTHER PRECONDI-
15 TIONS FOR PLACEMENT IN COURSES OR PROGRAMS OFFERED UNDER THE JURISDIC-
16 TION OF THE LOCAL EDUCATIONAL AGENCY.

17 5. A STUDENT WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER
18 OF THE UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN
19 CALLED TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM
20 DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE GRANTED
21 ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL EDUCATIONAL
22 AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR LEGAL GUARDIAN
23 RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT OR GUARDIAN.

24 S 3306. ELIGIBILITY. 1. (A) WHEN PROPERLY EXECUTED UNDER APPLICABLE
25 LAW, A SPECIAL POWER OF ATTORNEY, RELATIVE TO THE GUARDIANSHIP OF A
26 MILITARY CHILD, SHALL BE CONSIDERED SUFFICIENT FOR THE SOLE PURPOSE OF
27 ESTABLISHING RESIDENCY OF A TRANSFERRING STUDENT INTO A LOCAL EDUCA-
28 TIONAL AGENCY AND FOR ALL OTHER ACTIONS IN THE LOCAL EDUCATIONAL AGENCY
29 REQUIRING PARENTAL PARTICIPATION AND CONSENT, FOR THE DURATION OF THE
30 GUARDIANSHIP. WHERE NEW YORK IS THE SENDING STATE, A SPECIAL DESIGNATION
31 OF PERSON IN PARENTAL RELATION PURSUANT TO TITLE FIFTEEN-A OF ARTICLE
32 FIVE OF THE GENERAL OBLIGATIONS LAW, IN THE FORM PRESCRIBED IN PARAGRAPH
33 (B) OF THIS SUBDIVISION, SHALL CONSTITUTE A SPECIAL POWER OF ATTORNEY
34 FOR SUCH PURPOSE, PROVIDED THAT NOTWITHSTANDING ANY OTHER PROVISION OF
35 LAW TO THE CONTRARY, SUCH DELEGATION SHALL REMAIN IN EFFECT UNTIL
36 REVOKED OR THE CHILD RE-ESTABLISHES RESIDENCE WITH A PARENT.

37 (B) A LOCAL EDUCATIONAL AGENCY SHALL BE PROHIBITED FROM CHARGING LOCAL
38 TUITION TO A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A
39 NON-CUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WITH A
40 SPECIAL DESIGNATION OF PERSON IN PARENTAL RELATION PURSUANT TO TITLE
41 FIFTEEN-A OF ARTICLE FIVE OF THE GENERAL OBLIGATIONS LAW AND THIS PARA-
42 GRAPH WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL
43 PARENT. THE SPECIAL DESIGNATION OF PERSON IN PARENTAL RELATION SHALL BE
44 IN THE FORM PRESCRIBED BY SECTION 5-1552 OF THE GENERAL OBLIGATIONS LAW,
45 EXCEPT THAT IT SHALL CLEARLY IDENTIFY THE STUDENT AS A TRANSITIONING
46 MILITARY CHILD AND SHALL PROVIDE THAT THE DESIGNATION SHALL CONTINUE IN
47 EFFECT UNTIL REVOKED OR THE CHILD RE-ESTABLISHES RESIDENCE WITH A
48 PARENT. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, SUCH
49 DESIGNATION SHALL NOT BE FOR A FIXED PERIOD AND SHALL RESULT IN A CHANGE
50 IN THE SCHOOL DISTRICT OF RESIDENCE FOR PURPOSES OF THIS CHAPTER TO THE
51 SCHOOL DISTRICT IN WHICH THE DESIGNEE RESIDES.

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

1 GRADE LEVEL IN SUCH SCHOOL. NOTHING IN THIS PARAGRAPH SHALL BE
2 CONSTRUED TO REQUIRE A LOCAL EDUCATIONAL AGENCY TO PROVIDE TRANSPORTA-
3 TION SERVICES TO SUCH STUDENT WHILE RESIDING OUTSIDE OF THE DISTRICT FOR
4 DISTANCES GREATER THAN THE MAXIMUM TRANSPORTATION LIMIT ESTABLISHED
5 UNDER SCHOOL DISTRICT POLICY.

6 2. STATE AND LOCAL EDUCATIONAL AGENCIES SHALL FACILITATE THE OPPORTU-
7 NITY FOR TRANSITIONING MILITARY CHILDREN'S INCLUSION IN EXTRACURRICULAR
8 ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES, TO THE EXTENT THEY ARE
9 OTHERWISE QUALIFIED.

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

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

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

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

37 S 3308. STATE COORDINATION. 1. EACH MEMBER STATE SHALL, THROUGH THE
38 CREATION OF A STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE
39 FOR THE COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATIONAL
40 AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE STATE'S PARTICIPATION
41 IN, AND COMPLIANCE WITH, THIS COMPACT AND INTERSTATE COMMISSION ACTIV-
42 ITIES. IN NEW YORK, THE STATE COUNCIL SHALL INCLUDE THE COMMISSIONER OR
43 HIS OR HER DESIGNEE, THE DIRECTOR OF THE NEW YORK STATE DIVISION OF
44 VETERANS' AFFAIRS OR HIS OR HER DESIGNEE, THE ADJUTANT GENERAL OF THE
45 STATE OF NEW YORK OR HIS OR HER DESIGNEE, A SUPERINTENDENT OF A SCHOOL
46 DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN APPOINTED BY THE
47 COMMISSIONER, A DISTRICT SUPERINTENDENT OF SCHOOLS OF A BOARD OF COOPER-
48 ATIVE EDUCATIONAL SERVICES SERVING AN AREA WITH A HIGH CONCENTRATION OF
49 MILITARY CHILDREN APPOINTED BY THE COMMISSIONER, A REPRESENTATIVE FROM A
50 MILITARY INSTALLATION APPOINTED BY THE GOVERNOR, A REPRESENTATIVE OF
51 MILITARY FAMILIES APPOINTED BY THE GOVERNOR, A PUBLIC MEMBER APPOINTED
52 BY THE GOVERNOR AND ONE REPRESENTATIVE EACH APPOINTED BY THE SPEAKER OF
53 THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE GOVERNOR.

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

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

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

8 S 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
9 CHILDREN. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE COMMISSION ON
10 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN". THE ACTIVITIES OF THE
11 INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
12 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

13 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL
14 HAVE ALL THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH HEREIN.

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

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

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

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

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

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

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

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

53 6. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR CONDITIONS AND PROCE-
54 DURES UNDER WHICH THE INTERSTATE COMMISSION SHALL MAKE ITS INFORMATION
55 AND OFFICIAL RECORDS AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.
56 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 AND CONSISTENT WITH ALL APPLICABLE PRIVA-
41 CY LAWS.

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

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

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

52 2. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO EFFECT THE
53 GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS COMPACT.

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

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

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

7 6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

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

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

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

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

27 13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

28 14. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
29 OF THE INTERSTATE COMMISSION.

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

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

38 17. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
39 EXCHANGING OF DATA.

40 18. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE
41 BYLAWS.

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

44 20. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
45 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
46 THIS COMPACT CONSISTENT WITH ALL APPLICABLE PRIVACY LAWS.

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

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

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

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

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

7 (E) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND
8 STAFF OF THE INTERSTATE COMMISSION;

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

13 (G) PROVIDING "START UP" RULES FOR INITIAL ADMINISTRATION OF THE
14 COMPACT.

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

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

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

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

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

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

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

55 (A) THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR
56 AND EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES, ACTING WITHIN

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

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

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

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

41 2. RULES SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTAN-
42 TIALY CONFORMS TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE
43 PROCEDURE ACT AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE
44 COMMISSION.

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

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

1 S 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION. 1. (A) ALL
2 COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES IN ANY
3 JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO
4 THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT THE POWERS, RESPON-
5 SIBILITIES OR ACTIONS OF THE INTERSTATE COMMISSION.

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

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

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

20 (B) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
21 REGARDING THE DEFAULT.

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

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

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

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

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

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

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

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

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

13 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
14 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY
15 OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFESSION.
16

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

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

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

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

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

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

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

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

2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER JURISDICTION.

3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW WITHIN SIXTY DAYS OF ITS RECEIPT THEREOF.

4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF WITHDRAWAL.

5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE COMMISSION.

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

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

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

S 3318. BINDING EFFECT OF COMPACT AND OTHER LAWS. 1. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

2. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.

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

PART B

Section 1. Clause (iii) of subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as added by chapter 327 of the laws of 2002, is amended and a new clause (iv) is added to read as follows:

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state[.]; OR

(IV) WAS HONORABLY DISCHARGED FROM THE ARMED FORCES OF THE UNITED STATES AND IS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY, AND IS ATTENDING SUCH INSTITUTION OR EDUCATIONAL UNIT IN ACCORDANCE WITH THE FEDERAL GI BILLS.

1 S 2. Subparagraph (iii) of paragraph (a-1) of subdivision 7 of section
2 6206 of the education law, as amended by chapter 260 of the laws of
3 2011, is amended and a new subparagraph (iv) is added to read as
4 follows:

5 (iii) was enrolled in an institution or educational unit of the city
6 university in the fall semester or quarter of the two thousand one--two
7 thousand two academic year and was authorized by such institution or
8 educational unit to pay tuition at the rate or charge imposed for
9 students who are residents of the state[.]; OR

10 (IV) WHO WAS HONORABLY DISCHARGED FROM THE ARMED FORCES OF THE UNITED
11 STATES AND IS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE CITY
12 UNIVERSITY, AND IS ATTENDING SUCH INSTITUTION OR EDUCATIONAL UNIT IN
13 ACCORDANCE WITH THE FEDERAL GI BILLS.

14 S 3. Subparagraph (iii) of paragraph (a) of subdivision 7 of section
15 6206 of the education law, as amended by chapter 327 of the laws of
16 2002, is amended and a new subparagraph (iv) is added to read as
17 follows:

18 (iii) was enrolled in an institution or educational unit of the city
19 university in the fall semester or quarter of the two thousand one--two
20 thousand two academic year and was authorized by such institution or
21 educational unit to pay tuition at the rate or charge imposed for
22 students who are residents of the state[.]; OR

23 (IV) WHO WAS HONORABLY DISCHARGED FROM THE ARMED FORCES OF THE UNITED
24 STATES AND IS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE CITY
25 UNIVERSITY, AND IS ATTENDING SUCH INSTITUTION OR EDUCATIONAL UNIT IN
26 ACCORDANCE WITH THE FEDERAL GI BILLS.

27 S 4. Paragraph (iii) of subdivision 5 of section 6301 of the education
28 law, as amended by chapter 327 of the laws of 2002, is amended and a new
29 paragraph (iv) is added to read as follows:

30 (iii) was enrolled in an institution or educational unit of the state
31 university in the fall semester or quarter of the two thousand one--two
32 thousand two academic year and was authorized by such institution or
33 educational unit to pay tuition at the rate or charge imposed for
34 students who are residents of the state[.]; OR

35 (IV) WHO WAS HONORABLY DISCHARGED FROM THE ARMED FORCES OF THE UNITED
36 STATES AND IS ENROLLED IN A COMMUNITY COLLEGE UNDER THE PROGRAM OF THE
37 STATE UNIVERSITY, AND IS ATTENDING SUCH COMMUNITY COLLEGE IN ACCORDANCE
38 WITH THE FEDERAL GI BILLS.

39 S 5. This act shall take effect immediately; provided, however, that
40 the amendments to paragraph (a-1) of subdivision 7 of section 6206 of
41 the education law, made by section two of this act, shall be subject to
42 the expiration and reversion of such paragraph pursuant to section 16 of
43 chapter 260 of the laws of 2011, when upon such date the provisions of
44 section three of this act shall take effect.

45 PART C

46 Section 1. Section 354-b of the executive law, as added by chapter 106
47 of the laws of 2003, paragraph (c) of subdivision 2 as amended by chap-
48 ter 418 of the laws of 2004, is amended to read as follows:

49 S 354-b. New York state supplemental burial allowance for members of
50 the armed forces of the United States killed in combat or duty subject
51 to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)].
52 1. As used in this section, "parent" means a father, a mother, a father
53 through adoption, a mother through adoption, or an individual who, for a
54 period of not less than one year, at any time before the decedent's

1 entry into active military service stood in the relationship of a parent
2 to a decedent [killed] WHO DIED in combat or duty subject to hostile
3 fire or imminent danger, as defined in 37 USC S 310[(a)(4)], OR WHO DIED
4 FROM A WOUND INCURRED IN COMBAT OR WHILE SERVING ON DUTY SUBJECT TO
5 HOSTILE FIRE OR IMMINENT DANGER, AS DEFINED IN 37 USC S 310 or, if two
6 persons stood in the relationship of a parent for one year or more, the
7 person who bore the expenses of the funeral of the decedent.

8 2. AS USED IN THIS SECTION, "WOUND" MEANS A PHYSICAL INJURY TO A
9 SERVICEMEMBER ON ACTIVE DUTY CAUSED BY (I) A BULLET, SHRAPNEL, OR OTHER
10 PROJECTILE; (II) A MINE OR TRAP PLACED BY THE ENEMY; (III) AN EXPLOSION
11 CAUSED OR INDUCTED BY THE ENEMY'S ACTIONS; (IV) AN ENEMY-RELEASED CHEMI-
12 CAL, BIOLOGICAL, OR NUCLEAR AGENT; (V) A VEHICLE OR AIRCRAFT ACCIDENT
13 RESULTING FROM ENEMY FIRE; OR (VI) ANY OTHER ACTION CAUSED OR INDUCED BY
14 THE ENEMY DIRECTLY RESULTING IN PHYSICAL HARM TO THE SERVICEMEMBER.

15 3. There is hereby established within the division a New York state
16 supplemental burial allowance for [members] ANY MEMBER of the armed
17 forces of the United States [killed] WHO: (A) DIED in combat or duty
18 subject to hostile fire or imminent danger, as defined in 37 USC S
19 310[(a)(4), who were residents] OR DIED FROM A WOUND INCURRED IN COMBAT
20 OR WHILE SERVING ON DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER, AS
21 DEFINED IN 37 USC S 310, OTHER THAN THE EXCEPTIONS NOTED IN PARAGRAPHS
22 (D), (E) AND (F) OF SUBDIVISION FOUR OF THIS SECTION, AND (B) WHO WAS
23 (I) A RESIDENT of New York state at the time of his or her death OR (II)
24 A NONRESIDENT OF NEW YORK STATE AT THE TIME OF HIS OR HER DEATH AND A
25 MEMBER OF THE NEW YORK ARMY OR AIR NATIONAL GUARD AT THE TIME HE OR SHE
26 ENTERED TITLE 10, UNITED STATES CODE, FEDERAL ACTIVE DUTY STATUS DURING
27 WHICH PERIOD OF SERVICE HE OR SHE DIED.

28 4. (a) The purpose of the program is to administer and monitor a
29 supplemental allowance program to aid families of military personnel who
30 [were killed] DIED in combat or duty subject to hostile fire or imminent
31 danger, as defined in 37 USC S 310[(a)(4)], OR DIED FROM A WOUND
32 INCURRED IN COMBAT OR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER,
33 AS DEFINED IN 37 USC S 310, with respect to expenses incurred in
34 connection with THE DECEDENT'S FUNERAL AND the burial, CREMATION, OR
35 OTHER INTERMENT of the [decedent] DECEDENT'S REMAINS.

36 (b) Eligible recipients under this program shall be those who bore the
37 cost of the DECEDENT'S funeral AND BURIAL, CREMATION, OR OTHER
38 INTERMENT, in THE FOLLOWING order of priority: (i) A surviving [spouses]
39 SPOUSE or domestic [partners of deceased military personnel who were
40 killed in combat or duty subject to hostile fire or imminent danger, as
41 defined in 37 USC S 310(a)(4)] PARTNER OF THE DECEDENT; (ii) adult chil-
42 dren of the [deceased military personnel who were killed in combat or
43 duty subject to hostile fire or imminent danger, as defined in 37 USC S
44 310(a)(4)] DECEDENT, TO INCLUDE STEP-CHILDREN AND ADOPTED CHILDREN;
45 (iii) parents OR GRANDPARENTS of [deceased military personnel who were
46 killed in combat or duty subject to hostile fire or imminent danger, as
47 defined in 37 USC S 310(a)(4)] THE DECEDENT, AND PARENTS-IN-LAW OR
48 GRANDPARENTS-IN-LAW OF THE DECEDENT; [and] (iv) BROTHERS OR SISTERS OF
49 THE DECEDENT, TO INCLUDE BROTHERS OR SISTERS ADOPTED BY THE DECEDENT'S
50 IMMEDIATE FAMILY AND BROTHERS OR SISTERS WITH WHOM THE DECEDENT SHARES
51 ONLY ONE PARENT IN COMMON, AND BROTHERS-IN-LAW OR SISTERS-IN-LAW OF THE
52 DECEDENT; (V) AUNTS, UNCLES, AND FIRST COUSINS OF THE DECEDENT; AND (VI)
53 any other relative. [An application shall be made available to an eligi-
54 ble recipient.] Any applicant convicted of making any false statement in
55 the application for the reimbursement shall be subject to the penalties
56 prescribed in the penal law.

1 (c) Such burial allowance is a partial reimbursement of an eligible
2 decedent's [burial and] funeral AND BURIAL, CREMATION OR OTHER INTERMENT
3 costs. The reimbursement is generally applicable to two components: (i)
4 [a burial and] funeral expenses [allowance], and (ii) [a plot interment
5 allowance] EXPENSES ARISING FROM THE BURIAL, CREMATION, OR OTHER INTER-
6 MENT OF THE DECEDENT'S REMAINS. Any allowance granted by the government
7 of the United States, pursuant to 38 U.S.C. S 2301, 2302, 2303, 2306,
8 2307 and 2308 or 10 U.S.C. S 1482, OR BY THE DECEDENT'S STATE OF RESI-
9 DENCE IN THE CASE OF AN ALLOWANCE ELIGIBLE PURSUANT TO SUBPARAGRAPH (II)
10 OF PARAGRAPH (B) OF THIS SUBDIVISION, shall be first applied toward
11 [burial and] funeral AND BURIAL, CREMATION OR OTHER INTERMENT costs. [A
12 state] THE STATE MAY AWARD AN allowance of up to six thousand dollars
13 may be awarded to cover any remaining expenses.

14 (d) [Evidence of the military service of the decedent for each case
15 shall be furnished in the manner and form prescribed by the state direc-
16 tor; upon being satisfied that the facts in the application are true,
17 the state director shall certify to the state comptroller the name and
18 address of such recipient] THE STATE SHALL NOT AWARD ANY FUNDS FROM THIS
19 ALLOWANCE TO REIMBURSE ANY COSTS FOR THE HEADSTONE, GRAVE MARKER, OR
20 MEDALLION OF THE DECEDENT.

21 (e) THE STATE SHALL NOT GRANT SUPPLEMENTAL BURIAL ALLOWANCE PAYMENTS
22 FOR THE FUNERAL OR THE BURIAL, CREMATION, OR OTHER INTERMENT OF REMAINS
23 OF ANY DECEDENT WHOSE RELATIONS RECEIVED ANY REIMBURSEMENT FROM THIS
24 ALLOWANCE FOR ANY PREVIOUS FUNERAL OR BURIAL, CREMATION, OR OTHER INTER-
25 MENT OF REMAINS FOR THIS SAME DECEDENT.

26 (F) THE STATE SHALL NOT GRANT SUPPLEMENTAL BURIAL ALLOWANCE PAYMENTS
27 FOR ANY PERSON FILING A COMPLETED APPLICATION FOR SUCH ALLOWANCE WITH
28 THE STATE LATER THAN: (I) TWO YEARS AFTER THE APPLICANT RECEIVED FINAL
29 WRITTEN NOTICE FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
30 REGARDING AN APPLICATION FOR REIMBURSEMENT OF FUNERAL OR BURIAL, CREMA-
31 TION OR OTHER INTERMENT EXPENSES PURSUANT TO 38 U.S.C.SS 2301, 2302,
32 2303, 2306, 2307, OR 2308, OR 10 U.S.C.S 1482, OR ANY COMBINATION THERE-
33 OF; OR (II) TWO YEARS AFTER THE EXPIRATION DATE OF THE FILING DEADLINE
34 TO APPLY FOR REIMBURSEMENT OF FUNERAL, BURIAL, CREMATION OR OTHER INTER-
35 MENT EXPENSES FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, AS
36 DEFINED IN 38 U.S.C. S 2304, IF THE APPLICANT NEVER APPLIED FOR
37 REIMBURSEMENT OF FUNERAL, BURIAL, CREMATION OR INTERMENT EXPENSES FROM
38 THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. ANY APPLICATIONS
39 RECEIVED SUBSEQUENT TO THESE PRESCRIBED PERIODS SHALL BE DENIED AS
40 TIME-BARRED.

41 (G) ANY FAMILY MEMBERS OF AN INDIVIDUAL WHO DIED AFTER SEPTEMBER ELEV-
42 ENTH, TWO THOUSAND ONE FOR WHOM THE TIME LIMITATIONS DESCRIBED IN PARA-
43 GRAPH (F) OF THIS SUBDIVISION HAVE EXPIRED, AND WHO PRIOR TO THE EFFEC-
44 TIVE DATE OF THIS PARAGRAPH DID NOT RECEIVE REIMBURSEMENT UNDER THIS
45 SECTION BUT WOULD HAVE QUALIFIED IF THE CRITERIA IN PARAGRAPH (A) OF
46 THIS SUBDIVISION HAD BEEN IN EFFECT AT THE TIME OF THE DECEDENT'S DEATH,
47 SHALL HAVE TWO YEARS FROM THE EFFECTIVE DATE OF THIS PARAGRAPH TO FILE A
48 COMPLETED APPLICATION FOR THIS SUPPLEMENTAL BURIAL ALLOWANCE WITH THE
49 STATE DIRECTOR. ANY APPLICATION FILED UNDER THIS PARAGRAPH AND RECEIVED
50 SUBSEQUENT TO THIS TWO-YEAR PERIOD SHALL BE DENIED AS TIME-BARRED.

51 (H) APPLICANTS SHALL FURNISH EVIDENCE OF THE DECEDENT'S MILITARY
52 SERVICE AND RELEVANT REPORTS AND DOCUMENTS EXPLAINING WHY THE APPLICA-
53 TION MEETS ELIGIBILITY REQUIREMENTS FOR EACH CASE IN THE MANNER AND FORM
54 PRESCRIBED BY THE STATE DIRECTOR OR HIS OR HER DESIGNEE. UPON BEING
55 SATISFIED THAT THE FACTS IN THE APPLICATION ARE TRUE, THE STATE DIRECTOR
56 OR HIS OR HER DESIGNEE SHALL CERTIFY TO THE STATE COMPTROLLER THE NAME

1 AND ADDRESS OF SUCH RECIPIENT. THE DECISION OF THE STATE DIRECTOR OR
2 DESIGNEE ON ALL MATTERS REGARDING ANY PAYMENT FROM THIS ALLOWANCE SHALL
3 BE FINAL.

4 (I) The state director shall submit a report to the governor, the
5 chairperson of the senate finance committee, and the chairperson of the
6 assembly ways and means committee not later than January fifteenth of
7 each year in which this section is in effect. Such report shall include,
8 but not be limited to, regulations promulgated pursuant to this section,
9 allowances paid, and an account of the monies spent and the relationship
10 of the distributees to the decedent.

11 S 2. This act shall take effect immediately.

12 PART D

13 Section 1. Paragraph (a) of subdivision 3 of section 441 of the real
14 property law, as amended by chapter 474 of the laws of 2007, is amended
15 to read as follows:

16 (a) No renewal license shall be issued any licensee under this article
17 for any license period commencing November first, nineteen hundred nine-
18 ty-five unless such licensee shall have within the two year period imme-
19 diately preceding such renewal attended at least twenty-two and one-half
20 hours which shall include at least three hours of instruction pertaining
21 to fair housing and/or discrimination in the sale or rental of real
22 property or an interest in real property and successfully completed a
23 continuing education real estate course or courses approved by the
24 secretary of state as to method, content and supervision, which approval
25 may be withdrawn if in the opinion of the secretary of state such course
26 or courses are not being conducted properly as to method, content and
27 supervision. [The licensee] FOR THOSE INDIVIDUALS LICENSED PURSUANT TO
28 SUBDIVISION SIX OF SECTION FOUR HUNDRED FORTY-TWO-G OF THIS ARTICLE, IN
29 THE INDIVIDUAL'S INITIAL LICENSE TERM, AT LEAST ELEVEN HOURS OF THE
30 REQUIRED TWENTY-TWO AND ONE-HALF HOURS OF CONTINUING EDUCATION SHALL BE
31 COMPLETED DURING THE FIRST YEAR OF THE TERM. OF THOSE ELEVEN HOURS,
32 THREE HOURS SHALL PERTAIN TO APPLICABLE NEW YORK STATE STATUTES AND REGU-
33 LATIONS GOVERNING THE PRACTICE OF REAL ESTATE BROKERS AND SALESPERSONS.
34 TO ESTABLISH COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENTS
35 IMPOSED BY THIS SECTION, LICENSEES shall provide an affidavit, in a form
36 acceptable to the department of state, establishing the nature of the
37 continuing education acquired and shall provide such further proof as
38 required by the department of state. The provisions of this paragraph
39 shall not apply to any licensed real estate broker who is engaged full
40 time in the real estate business and who has been licensed under this
41 article prior to July first, two thousand eight for at least fifteen
42 consecutive years immediately preceding such renewal.

43 S 2. Section 442-g of the real property law is amended by adding a new
44 subdivision 6 to read as follows:

45 6. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, THE DEPART-
46 MENT OF STATE SHALL GRANT A REAL ESTATE BROKER OR A REAL ESTATE SALESMAN
47 LICENSE TO AN APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORC-
48 ES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES WHO SUBMITS SATIS-
49 FACTORY EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE
50 AN EQUIVALENT OCCUPATION ISSUED BY A STATE, TERRITORY, PROTECTORATE OR
51 DEPENDENCY OF THE UNITED STATES, PROVIDED THAT SUCH LICENSE, CERTIF-
52 ICATION OR CERTIFICATE OF REGISTRATION WAS CURRENT AND EFFECTIVE WITHIN
53 ONE YEAR OF THE DATE OF THE INDIVIDUAL'S APPLICATION FOR LICENSURE IN
54 NEW YORK, WAS GRANTED IN COMPLIANCE WITH STANDARDS THAT ARE, IN THE

1 JUDGMENT OF THE SECRETARY, NO LESS RIGOROUS THAN THOSE REQUIRED FOR
2 LICENSURE IN NEW YORK. IF SUCH STANDARDS FOR LICENSURE, CERTIFICATION OR
3 REGISTRATION ARE DEEMED BY THE SECRETARY TO BE LESS RIGOROUS THAN THOSE
4 REQUIRED FOR LICENSURE IN NEW YORK, THE SECRETARY SHALL PERMIT AN APPLI-
5 CANT TO SUBMIT EVIDENCE IN A FORM ACCEPTABLE TO THE DEPARTMENT OF STATE
6 TO DEMONSTRATE THE APPLICANT'S COMPETENCY AND TRUSTWORTHINESS. IF SUCH
7 EVIDENCE IS SUFFICIENT IN THE JUDGMENT OF THE SECRETARY, THE SECRETARY
8 SHALL GRANT A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON LICENSE.

9 S 3. This act shall take effect on the sixtieth day after it has
10 become a law, provided however, that effective immediately, the depart-
11 ment of state is authorized and directed to promulgate all rules and
12 regulations necessary to implement the provisions of this act on or
13 before its effective date.

14 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
15 sion, section or part of this act shall be adjudged by any court of
16 competent jurisdiction to be invalid, such judgment shall not affect,
17 impair, or invalidate the remainder thereof, but shall be confined in
18 its operation to the clause, sentence, paragraph, subdivision, section
19 or part thereof directly involved in the controversy in which such judg-
20 ment shall have been rendered. It is hereby declared to be the intent of
21 the legislature that this act would have been enacted even if such
22 invalid provisions had not been included herein.

23 S 3. This act shall take effect immediately provided, however, that
24 the applicable effective date of Parts A through D of this act shall be
25 as specifically set forth in the last section of such Parts.