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

9216--A

I N A S S E M B L Y

April 1, 2014

Introduced by M. of A. BENEDETTO, GLICK, ENGLEBRIGHT, GALEF, RUSSELL, CUSICK, LUPARDO, BRINDISI, BARRETT, SANTABARBARA, SKOUFIS, SCHIMEL -- Multi-Sponsored by -- M. of A. SWEENEY -- (at request of the Governor) -- read once and referred to the Committee on Veterans' Affairs -- 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 (Part A); to amend the education law, in relation to veterans' tuition at colleges and universities of the state university of New York and the city university of New York (Part B); to amend the executive law, in relation to the New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310(a)(4)(Part C); and to amend the real property law and the general business law, in relation to authorizing the department of state to issue certain professional licenses to spouses of members of the armed forces who are licensed in other jurisdictions and meet certain qualifications (Part D)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement provisions of law relating to educational opportunities for military children. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

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

LBD12080-04-4

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

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.
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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 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 EDUCATIONAL 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 EDUCATIONAL AGENCY OR AN ORGANIZATION SANCTIONED BY THE LOCAL EDUCATIONAL AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, PREPARATION FOR AND 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 EDUCATIONAL 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. IN NEW YORK STATE, A LOCAL EDUCATIONAL AGENCY MEANS A PUBLIC SCHOOL DISTRICT LOCATED WITHIN NEW YORK STATE.

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.

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 EDUCATIONAL 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.

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

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

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

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

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

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

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

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

(C) VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION; AND

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

S 3304. EDUCATIONAL RECORDS AND ENROLLMENT. 1. IN THE EVENT THAT OFFICIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR THE PURPOSE OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING STATE SHALL PREPARE AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFICIAL EDUCATIONAL RECORDS, TO THE EXTENT FEASIBLE, AND USING ANY TEMPLATE DEVELOPED BY THE INTERSTATE COMMISSION. UPON RECEIPT OF THE UNOFFICIAL EDUCATION RECORDS BY A SCHOOL IN THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND APPROPRIATELY PLACE THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE UNOFFICIAL RECORDS PENDING VALIDATION BY THE OFFICIAL RECORDS, AS QUICKLY AS POSSIBLE.

2. SIMULTANEOUS WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT, THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS

AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE RECEIVING STATE WITHIN TEN 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 RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON HIS OR HER CURRENT INDIVIDUALIZED EDUCATION PROGRAM; AND

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

4. LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING COURSE OR PROGRAM PREREQUISITES, OR OTHER PRECONDITIONS FOR PLACEMENT IN COURSES OR PROGRAMS OFFERED UNDER THE JURISDICTION OF THE LOCAL EDUCATIONAL AGENCY.

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

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

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

(C) A TRANSITIONING MILITARY CHILD, PLACED IN THE CARE OF A NON-CUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT, MAY CONTINUE TO

ATTEND THE SCHOOL WITHIN NEW YORK IN WHICH HE OR SHE WAS ENROLLED WHILE RESIDING WITH THE CUSTODIAL PARENT UNTIL THE CHILD COMPLETES THE HIGHEST GRADE LEVEL IN SUCH SCHOOL. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO REQUIRE A LOCAL EDUCATIONAL AGENCY TO PROVIDE TRANSPORTATION SERVICES TO SUCH STUDENT WHILE RESIDING OUTSIDE OF THE DISTRICT FOR DISTANCES GREATER THAN THE MAXIMUM TRANSPORTATION LIMIT ESTABLISHED UNDER SCHOOL DISTRICT POLICY.

2. STATE AND LOCAL EDUCATIONAL 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 EDUCATIONAL AGENCIES SHALL INCORPORATE THE FOLLOWING PROCEDURES:

1. LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE OFFICIALS SHALL WAIVE SPECIFIC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSEWORK HAS BEEN SATISFACTORILY COMPLETED IN ANOTHER LOCAL EDUCATIONAL 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 EDUCATIONAL 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 EDUCATIONAL AGENCY AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED, THE SENDING AND RECEIVING LOCAL EDUCATIONAL AGENCIES SHALL ENSURE THE RECEIPT OF A DIPLOMA FROM THE SENDING LOCAL EDUCATIONAL AGENCY, IF THE STUDENT MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCATIONAL 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 EDUCATIONAL AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE STATE'S PARTICIPATION IN, AND COMPLIANCE WITH, THIS COMPACT AND INTERSTATE COMMISSION ACTIVITIES. IN NEW YORK, THE STATE COUNCIL SHALL INCLUDE THE COMMISSIONER OR HIS OR HER DESIGNEE, THE DIRECTOR OF THE NEW YORK STATE DIVISION OF VETERANS' AFFAIRS OR HIS OR HER DESIGNEE, THE ADJUTANT GENERAL OF THE STATE OF NEW YORK OR HIS OR HER DESIGNEE, A SUPERINTENDENT OF A SCHOOL DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN APPOINTED BY THE COMMISSIONER, A DISTRICT SUPERINTENDENT OF SCHOOLS OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES SERVING AN AREA WITH A HIGH CONCENTRATION OF MILITARY CHILDREN APPOINTED BY THE COMMISSIONER, A REPRESENTATIVE FROM A MILITARY INSTALLATION APPOINTED BY THE GOVERNOR, A REPRESENTATIVE OF MILITARY FAMILIES APPOINTED BY THE GOVERNOR, A PUBLIC MEMBER APPOINTED BY THE GOVERNOR AND ONE REPRESENTATIVE EACH APPOINTED BY THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE GOVERNOR.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. SHALL COLLECT STANDARDIZED DATA CONCERNING THE EDUCATIONAL TRANSITION OF THE CHILDREN OF MILITARY FAMILIES UNDER THIS COMPACT AS DIRECTED THROUGH ITS RULES WHICH SHALL SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF COLLECTION AND DATA EXCHANGE AND REPORTING REQUIREMENTS. SUCH METHODS OF DATA COLLECTION, EXCHANGE AND REPORTING SHALL, IN SO FAR AS IS REASONABLY POSSIBLE, CONFORM TO CURRENT TECHNOLOGY AND COORDINATE ITS INFORMATION FUNCTIONS WITH THE APPROPRIATE CUSTODIAN OF RECORDS AS IDENTIFIED IN THE BYLAWS AND RULES, AND SHALL IN ALL CASES BE CONSISTENT WITH ALL APPLICABLE PRIVACY LAWS.

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

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

1. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES.

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

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

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

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

6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH THE INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL.

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

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

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

13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

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

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

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

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

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

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

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

S 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION. 1. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS PRESENT AND VOTING, WITHIN TWELVE MONTHS AFTER THE FIRST INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR

APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING, BUT NOT LIMITED TO:

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

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

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

(D) PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION, AND ENSURING REASONABLE NOTICE OF EACH SUCH MEETING;

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

(F) PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE INTERSTATE COMMISSION AND THE RETURN OF SURPLUS FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE PAYMENT AND RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS; AND

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

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

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

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

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

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

(B) THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE APPROVAL OF THE INTERSTATE COMMISSION, APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION, AS THE INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND SUPERVISE SUCH OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.

4. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSI-

BILITIES; PROVIDED, THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

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

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

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

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

2. RULES SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE PROCEDURE ACT AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE COMMISSION.

3. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE; PROVIDED, THAT THE FILING OF SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND

SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.

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

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

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

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

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

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

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

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

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

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

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

3. (A) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT TO THE COMPACT AND

WHICH MAY ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER STATES.

(B) THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

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

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

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

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

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

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

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

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

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

3. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND

BINDING UPON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

S 3316. WITHDRAWAL AND DISSOLUTION. 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY 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.

PART B

Section 1. Subparagraph 3 of paragraph h of subdivision 2 of section 355 of the education law, as separately amended by chapters 552 and 616 of the laws of 1985, is amended to read as follows:

(3) (I) Such regulations shall further provide that the payment of tuition and fees by any student in any state-operated institution of the state university who is a member or the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of the state, shall be paid at a rate or charge no greater than that imposed for students thereat who are residents of this state.

(II) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT THE PAYMENT OF TUITION AND FEES BY ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE SHALL BE PAID AT A RATE OR CHARGE NO GREATER THAN THAT IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE IF SUCH STUDENT 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 AND IN COMPLIANCE WITH ALL APPLICABLE ELIGIBILITY REQUIREMENTS THEREOF.

S 2. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (a-2) to read as follows:

(A-2) THE TRUSTEES SHALL FURTHER PROVIDE THAT THE PAYMENT OF TUITION AND FEES BY ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE SHALL BE PAID AT A RATE OR CHARGE NO GREATER THAN THAT IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE IF SUCH STUDENT IS ENROLLED IN ANY COLLEGE OR EDUCATIONAL UNIT OF THE CITY UNIVERSITY OF NEW YORK AND IS ATTENDING SUCH COLLEGE OR EDUCATIONAL UNIT IN ACCORDANCE WITH THE FEDERAL GI BILLS AND IN COMPLIANCE WITH ALL APPLICABLE ELIGIBILITY REQUIREMENTS THEREOF.

S 3. Subdivision 8 of section 6305 of the education law, as amended by chapter 615 of the laws of 1985, is amended to read as follows:

8. Part-time and out-of-state students shall be charged such tuition and fees as may be approved by the state university trustees. Any student attending a community college who is a member or the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of this state, shall be charged the tuition rate for residents as approved by the state university trustees. ANY STUDENT ATTENDING A COMMUNITY COLLEGE IN ACCORDANCE WITH THE FEDERAL GI BILLS AND IN COMPLIANCE WITH ALL APPLICABLE ELIGIBILITY REQUIREMENTS THEREOF, WHETHER OR NOT A RESIDENT OF THIS STATE, SHALL BE CHARGED THE TUITION RATE FOR RESIDENTS AS APPROVED BY THE STATE UNIVERSITY TRUSTEES.

S 4. This act shall take effect immediately.

PART C

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

S 354-b. New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)].

1. As used in this section, "parent" means a father, a mother, a father through adoption, a mother through adoption, or an individual who, for a period of not less than one year, at any time before the decedent's entry into active military service stood in the relationship of a parent to a decedent [killed] WHO DIED in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)], OR WHO DIED FROM A WOUND INCURRED IN COMBAT OR WHILE SERVING ON DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER, AS DEFINED IN 37 USC S 310 or, if two persons stood in the relationship of a parent for one year or more, the person who bore the expenses of the funeral of the decedent.

2. AS USED IN THIS SECTION, (A) "WOUND" MEANS A PHYSICAL INJURY TO A SERVICEMEMBER ON ACTIVE DUTY CAUSED BY (I) A BULLET, SHRAPNEL, OR OTHER PROJECTILE; (II) A MINE OR TRAP; (III) AN EXPLOSION; (IV) A VEHICLE OR AIRCRAFT ACCIDENT NOT CAUSED BY THE SERVICEMEMBER'S WILLFUL MISCONDUCT; OR (V) ANY OTHER ACTION CAUSED OR INDUCED BY THE ENEMY DIRECTLY RESULTING IN PHYSICAL HARM TO THE SERVICEMEMBER.

(B) "BURIAL RECEPTACLE" MEANS (I) A CASKET, WHICH SHALL MEAN A RIGID CONTAINER THAT IS DESIGNED FOR THE ENCASEMENT OF HUMAN REMAINS AND CUSTOMARILY ORNAMENTED AND LINED WITH FABRIC, (II) AN URN, WHICH SHALL MEAN A CONTAINER OF WOOD, METAL, POTTERY, OR OTHER MATERIAL DESIGNED FOR THE STORAGE OF CREMATED HUMAN REMAINS, AND/OR (III) AN OUTER BURIAL

RECEPTACLE, WHICH SHALL MEAN A GRAVELINER, BURIAL VAULT, OR OTHER SIMILAR TYPE OF CONTAINER FOR THE PLACEMENT OF A CASKET OR URN.

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

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

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

(c) Such burial allowance is a partial reimbursement of an eligible decedent's [burial and] funeral AND BURIAL, BURIAL RECEPTACLE, CREMATION OR OTHER INTERMENT costs. The reimbursement is generally applicable to two components: (i) [a burial and] funeral expenses [allowance], and (ii) [a plot interment allowance] EXPENSES ARISING FROM THE BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT OF THE DECEDENT'S REMAINS. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. S 2301, 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. S 1482, OR BY THE DECEDENT'S STATE OF RESIDENCE IN THE CASE OF AN ALLOWANCE ELIGIBLE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, shall be first applied toward [burial and] funeral AND BURIAL, BURIAL RECEPTACLE, CREMATION OR OTHER INTERMENT

costs. [A state] THE STATE MAY AWARD AN allowance of up to six thousand dollars [may be awarded] to cover any remaining expenses.

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

(e) THE STATE SHALL NOT GRANT SUPPLEMENTAL BURIAL ALLOWANCE PAYMENTS FOR THE FUNERAL OR THE BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT OF REMAINS OF ANY DECEDENT WHOSE RELATIONS RECEIVED ANY REIMBURSEMENT FROM THIS ALLOWANCE FOR ANY PREVIOUS FUNERAL OR BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT OF REMAINS FOR THIS SAME DECEDENT.

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

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

(H) APPLICANTS SHALL FURNISH EVIDENCE OF THE DECEDENT'S MILITARY SERVICE AND RELEVANT AFTER ACTION REPORTS OR OTHER DOCUMENTS EXPLAINING WHY THE APPLICATION MEETS ELIGIBILITY REQUIREMENTS FOR EACH CASE IN THE MANNER AND FORM PRESCRIBED BY THE STATE DIRECTOR OR HIS OR HER DESIGNEE. UPON BEING SATISFIED THAT THE FACTS IN THE APPLICATION ARE TRUE, THE STATE DIRECTOR OR HIS OR HER DESIGNEE SHALL CERTIFY TO THE STATE COMPTROLLER THE NAME AND ADDRESS OF SUCH RECIPIENT. THE DECISION OF THE STATE DIRECTOR OR DESIGNEE ON ALL MATTERS REGARDING ANY PAYMENT FROM THIS ALLOWANCE SHALL BE FINAL.

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

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART D

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

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

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

6. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, THE DEPARTMENT OF STATE SHALL GRANT A REAL ESTATE BROKER OR A REAL ESTATE SALESMAN LICENSE TO AN APPLICANT WHO IS A MEMBER OF THE HOUSEHOLD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WAS A MEMBER OF SUCH HOUSEHOLD BEFORE SUCH MEMBER OF THE ARMED FORCES RELOCATED TO THE STATE WHO SUBMITS SATISFACTORY EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY A STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, PROVIDED THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRATION WAS CURRENT AND EFFECTIVE WITHIN ONE YEAR OF THE DATE OF THE INDIVIDUAL'S APPLICATION FOR LICENSURE IN NEW YORK, WAS GRANTED IN COMPLIANCE WITH STANDARDS THAT ARE, IN THE JUDGMENT OF THE SECRETARY, NO LESS RIGOROUS THAN THOSE REQUIRED FOR LICENSURE IN NEW YORK. IF SUCH STANDARDS FOR LICENSURE, CERTIFICATION OR REGISTRATION ARE DEEMED BY THE SECRETARY TO BE LESS RIGOROUS THAN THOSE REQUIRED FOR LICENSURE IN NEW YORK, THE SECRETARY SHALL PERMIT AN APPLICANT TO SUBMIT EVIDENCE IN A FORM ACCEPTABLE TO THE DEPARTMENT OF STATE TO DEMONSTRATE THE APPLICANT'S COMPETENCY AND TRUSTWORTHINESS. IF SUCH EVIDENCE IS SUFFICIENT IN

THE JUDGMENT OF THE SECRETARY, THE SECRETARY SHALL GRANT A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON LICENSE.

S 3. Paragraph c of subdivision 2 of section 406 of the general business law, as amended by chapter 341 of the laws of 1998, is amended to read as follows:

c. Any applicant for a license to practice nail specialty, waxing, natural hair styling, esthetics or cosmetology may submit satisfactory evidence of licensure to practice an equivalent occupation issued by any other state, territory, protectorate or dependency of the United States or any other country in lieu of the evidence of schooling and examination required by this subdivision, provided that such license was granted in compliance with standards which were, in the judgment of the secretary, not lower than those of this state and provided that such state, territory, protectorate, dependency, or country extends similar reciprocity to the licensees of this state, or the applicant practiced an equivalent occupation in such state, territory, protectorate, dependency or country for a minimum of five years, OR THE APPLICANT IS A MEMBER OF THE HOUSEHOLD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WAS A MEMBER OF SUCH HOUSEHOLD BEFORE SUCH MEMBER RELOCATED TO THE STATE.

S 4. Subdivision 5 of section 435 of the general business law, as added by chapter 801 of the laws of 1946, is amended to read as follows:

5. The secretary of state shall upon application and without examination, issue a license to any person over the age of seventeen years who has been duly licensed by any other state, territory, protectorate or dependency of the United States to engage in the practice of barbering upon compliance with standards and requirements not lower, in the judgment of the secretary of state, than those of this state, provided, however, that EITHER such state extends similar reciprocity to licensees of this state OR THE APPLICANT IS A MEMBER OF THE HOUSEHOLD OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WAS A MEMBER OF SUCH HOUSEHOLD BEFORE SUCH MEMBER RELOCATED TO THE STATE. Such application shall be accompanied by the photographs, evidence and the certificate required by paragraphs (a), (b) and (c), respectively, of subdivision one of section four hundred thirty-four of this article and the required license fee.

S 5. This act shall take effect on the sixtieth day after it has become a law, provided however, that effective immediately, the department of state is authorized and directed to promulgate all rules and regulations necessary to implement the provisions of this act on or before its effective date.

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

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