

# House Bill 2348

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Veterans' Affairs)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Enacts Interstate Compact on Educational Opportunity for Military Children.

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## A BILL FOR AN ACT

Relating to education of children of military families.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Interstate Compact on Educational Opportunity for Military Children is enacted into law and entered into on behalf of this state with all other jurisdictions legally joining therein in the form substantially as follows:**

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## ARTICLE I 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:**

**A. 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 a previous school district or variations in entrance or age requirements.**

**B. 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.**

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

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

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

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

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

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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

ARTICLE II  
DEFINITIONS

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

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard or the military reserve forces who are on active duty orders pursuant to 10 U.S.C. 1209 and 1211.

B. "Children of military families" means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

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

D. "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.

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

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

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

H. "Local education agency" means the Department of Education.

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

J. "Military installation" means a base, camp, post, station, yard, center, home port 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. The term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

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

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

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

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

3 O. "State" means a state of the United States, the District of Columbia, the Common-  
4 wealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the  
5 Northern Marianas Islands and any other United States territory.

6 P. "Student" means the child of a military family for whom the local education agency  
7 receives public funding and who is formally enrolled in kindergarten through grade 12.

8 Q. "Transition" means:

9 1. The formal and physical process of transferring from school to school; or

10 2. The period of time in which a student moves from one school in the sending state to  
11 another school in the receiving state.

12 R. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard,  
13 the commissioned corps of the National Oceanic and Atmospheric Administration and the  
14 commissioned corps of the United States Public Health Service.

15 S. "Veteran" means a person who served in the uniformed services and who was dis-  
16 charged or released from the uniformed services under conditions other than dishonorable.

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18 **ARTICLE III**  
19 **APPLICABILITY**

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21 A. Except as otherwise provided in Section B of this Article, this compact shall apply to  
22 the children of:

23 1. Active duty members of the uniformed services as defined in this compact, including  
24 members of the National Guard or the military reserve forces who are on active duty orders  
25 pursuant to 10 U.S.C. 1209 and 1211;

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

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

30 B. The provisions of this compact shall only apply to local education agencies as defined  
31 in this compact.

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

33 1. Inactive members of the National Guard or the military reserve forces;

34 2. Members of the uniformed services now retired, except as provided in Section A of this  
35 Article;

36 3. Veterans of the uniformed services, except as provided in Section A of this Article;  
37 and

38 4. Other Department of Defense personnel and other federal agency civilian and contract  
39 employees not defined as active duty members of the uniformed services.

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41 **ARTICLE IV**  
42 **EDUCATION RECORDS AND ENROLLMENT**

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44 A. Unofficial or hand-carried education records. In the event that official education re-  
45 cords cannot be released to the parents for the purpose of transfer, the custodian of the

1 records in the sending state shall prepare and furnish to the parent a complete set of unof-  
 2 ficial education records containing uniform information as determined by the Interstate  
 3 Commission. Upon receipt of the unofficial education records by a school in the receiving  
 4 state, the school shall enroll and appropriately place the student based on the information  
 5 provided in the unofficial records pending validation by the official records, as quickly as  
 6 possible.

7 **B. Official education records and transcripts.** Simultaneous with the enrollment and  
 8 conditional placement of the student, the school in the receiving state shall request the  
 9 student’s official education record from the school in the sending state. Upon receipt of this  
 10 request, the school in the sending state will process and furnish the official education re-  
 11 cords to the school in the receiving state within 10 days or within such time as is reasonably  
 12 determined under the rules promulgated by the Interstate Commission.

13 **C. Immunizations.** Compacting states shall give 30 days from the date of enrollment, or  
 14 within such time as is reasonably determined under the rules promulgated by the Interstate  
 15 Commission, for students to obtain any immunizations required by the receiving state. For  
 16 a series of immunizations, initial vaccinations must be obtained within 30 days or within such  
 17 time as is reasonably determined under the rules promulgated by the Interstate Commission.

18 **D. Kindergarten and first grade entrance age.** Students shall be allowed to continue their  
 19 enrollment at grade level in the receiving state commensurate with their grade level, in-  
 20 cluding kindergarten, from a local education agency in the sending state at the time of  
 21 transition, regardless of age. A student that has satisfactorily completed the prerequisite  
 22 grade level in the local education agency in the sending state shall be eligible for enrollment  
 23 in the next highest grade level in the receiving state, regardless of age. A student trans-  
 24 ferring after the start of the school year in the receiving state shall enter the school in the  
 25 receiving state on their validated level from an accredited school in the sending state.

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 27 **ARTICLE V**  
 28 **PLACEMENT AND ATTENDANCE**  
 29

30 **A. Course placement.** When the student transfers before or during the school year, the  
 31 receiving state school shall initially honor placement of the student in educational courses  
 32 based on the student’s enrollment in the sending state school or educational assessments  
 33 conducted at the school in the sending state if the courses are offered. Course placement  
 34 includes but is not limited to honors, International Baccalaureate, advanced placement, vo-  
 35 cational, technical and career pathways courses. Continuing the student’s academic program  
 36 from the previous school and promoting placement in academically and career challenging  
 37 courses should be paramount when considering placement. This does not preclude the school  
 38 in the receiving state from performing subsequent evaluations to ensure appropriate place-  
 39 ment and continued enrollment of the student in a course.

40 **B. Educational program placement.** The receiving state school shall initially honor  
 41 placement of the student in educational programs based on current educational assessments  
 42 conducted at the school in the sending state or based on participation or placement in like  
 43 programs in the sending state. Such programs include, but are not limited to, talented and  
 44 gifted programs and English as a second language programs. This does not preclude the  
 45 school in the receiving state from performing subsequent evaluations to ensure appropriate

1 placement of the student.

2 C. Special education services.

3 1. In compliance with the federal requirements of the Individuals with Disabilities Edu-  
4 cation Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable ser-  
5 vices to a student with disabilities based on the student’s current individualized education  
6 program. This does not preclude the school in the receiving state from performing subse-  
7 quent evaluations to ensure appropriate placement of the student.

8 2. In compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C.  
9 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131-12165, the re-  
10 ceiving state shall make reasonable accommodations and modifications to address the needs  
11 of incoming students with disabilities, subject to an existing section 504 or Title II plan, to  
12 provide the student with equal access to education. This does not preclude the school in the  
13 receiving state from performing subsequent evaluations to ensure appropriate placement of  
14 the student.

15 D. Placement flexibility. Local education agency administrative officials shall have flexi-  
16 bility in waiving course or program prerequisites, or other preconditions for placement in  
17 courses or programs offered under the jurisdiction of the local education agency.

18 E. Absence as related to deployment activities. A student whose parent or legal guardian  
19 is an active duty member of the uniformed services, as defined by this compact, and has been  
20 called to duty for, is on leave from, or immediately returned from deployment to a combat  
21 zone or combat support posting, shall be granted additional excused absences at the dis-  
22 cretion of the local education agency superintendent to visit with the student’s parent or  
23 legal guardian relative to such leave or deployment of the parent or guardian.

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25 ARTICLE VI  
26 ELIGIBILITY  
27

28 A. Eligibility for enrollment.

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

32 2. A local education agency shall be prohibited from charging local tuition to a transi-  
33 tioning military child placed in the care of a noncustodial parent or other person standing  
34 in loco parentis who lives in a jurisdiction other than that of the custodial parent.

35 3. A transitioning military child, placed in the care of a noncustodial parent or other  
36 person standing in loco parentis who lives in a jurisdiction other than that of the custodial  
37 parent, may continue to attend the school in which the child was enrolled while residing with  
38 the custodial parent.

39 B. Eligibility for extracurricular participation. State and local education agencies shall  
40 facilitate the opportunity for transitioning military children’s inclusion in extracurricular  
41 activities, regardless of application deadlines, to the extent they are otherwise qualified.

42  
43 ARTICLE VII  
44 GRADUATION  
45

1 In order to facilitate the on-time graduation of children of military families, states and local  
 2 education agencies shall incorporate the following procedures:

3 A. Waiver requirements. Local education agency administrative officials shall waive  
 4 specific courses required for graduation if similar course work has been satisfactorily com-  
 5 pleted in another local education agency or shall provide reasonable justification for denial.  
 6 Should a waiver not be granted to a student who would qualify to graduate from the sending  
 7 school, the local education agency shall provide an alternative means of acquiring required  
 8 coursework so that graduation may occur on time.

9 B. Exit exams. States shall accept exit or end-of-course exams required for graduation  
 10 from the sending state, national norm-referenced achievement tests or alternative testing  
 11 that is given in lieu of testing requirements for graduation in the receiving state. In the  
 12 event the above alternatives cannot be accommodated by the receiving state for a student  
 13 transferring in the student's senior year, then the provisions of Section C of this Article  
 14 shall apply.

15 C. Transfers during senior year. Should a military student transferring at the beginning  
 16 or during the student's senior year be ineligible to graduate from the receiving local educa-  
 17 tion agency after all alternatives have been considered, the sending and receiving local edu-  
 18 cation agencies shall ensure the receipt of a diploma from the sending local education  
 19 agency, if the student meets the graduation requirements of the sending local education  
 20 agency. In the event that one of the states in question is not a member of this compact, the  
 21 member state shall use best efforts to facilitate the on-time graduation of the student in  
 22 accordance with Sections A and B of this Article.

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 24 **ARTICLE VIII**  
 25 **STATE COORDINATION**  
 26

27 A. Each member state shall, through the creation of a State Council or use of an existing  
 28 body or board, provide for the coordination among its agencies of government, local educa-  
 29 tion agencies and military installations concerning the state's participation in, and compli-  
 30 ance with, this compact and Interstate Commission activities. While each member state may  
 31 determine the membership of its own State Council, its membership must include at least:  
 32 the state superintendent of education, a superintendent of a school district with a high con-  
 33 centration of military children, a representative from a military installation, one represen-  
 34 tative each from the legislative and executive branches of government, and other offices and  
 35 stakeholder groups the State Council deems appropriate. A member state that does not have  
 36 a school district deemed to contain a high concentration of military children may appoint a  
 37 superintendent from another school district to represent local education agencies on the  
 38 State Council.

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

42 C. The compact commissioner responsible for the administration and management of the  
 43 state's participation in the compact shall be appointed by the Governor or as otherwise de-  
 44 termined by each member state.

45 D. The compact commissioner and the military family education liaison designated herein

1 shall be ex officio members of the State Council, unless either is already a full voting mem-  
2 ber of the State Council.

3  
4 **ARTICLE IX**  
5 **INTERSTATE COMMISSION ON EDUCATIONAL**  
6 **OPPORTUNITY FOR MILITARY CHILDREN**  
7

8 **The member states hereby create the Interstate Commission on Educational Opportunity for**  
9 **Military Children. The activities of the Interstate Commission are the formation of public**  
10 **policy and are a discretionary state function. The Interstate Commission shall:**

11 **A. Be a body corporate and joint agency of the member states and shall have all the re-**  
12 **sponsibilities, powers and duties set forth herein, and such additional powers as may be**  
13 **conferred upon it by a subsequent concurrent action of the respective legislatures of the**  
14 **member states in accordance with the terms of this compact.**

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

17 **1. Each member state represented at a meeting of the Interstate Commission is entitled**  
18 **to one vote.**

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

21 **3. A representative may not delegate a vote to another member state. In the event the**  
22 **compact commissioner is unable to attend a meeting of the Interstate Commission, the**  
23 **Governor or State Council may delegate voting authority to another person from their state**  
24 **for a specified meeting.**

25 **4. The bylaws may provide for meetings of the Interstate Commission to be conducted**  
26 **by telecommunication or electronic communication.**

27 **C. Consist of ex officio, nonvoting representatives who are members of interested or-**  
28 **ganizations. Such ex officio members, as defined in the bylaws, may include but not be lim-**  
29 **ited to members of the representative organizations of military family advocates, local**  
30 **education agency officials, parent and teacher groups, the Department of Defense, the Edu-**  
31 **cation Commission of the States, the Interstate Agreement on the Qualification of Educa-**  
32 **tional Personnel and other interstate compacts affecting the education of children of military**  
33 **members.**

34 **D. Meet at least once each calendar year. The chairperson may call additional meetings**  
35 **and, upon the request of a simple majority of the member states, shall call additional**  
36 **meetings.**

37 **E. Establish an executive committee, whose members shall include the officers of the**  
38 **Interstate Commission and such other members of the Interstate Commission as determined**  
39 **by the bylaws. Members of the executive committee shall serve a one-year term. Members**  
40 **of the executive committee shall be entitled to one vote each. The executive committee shall**  
41 **have the power to act on behalf of the Interstate Commission, with the exception of rule**  
42 **making, during periods when the Interstate Commission is not in session. The executive**  
43 **committee shall oversee the day-to-day activities of the administration of this compact, in-**  
44 **cluding enforcement and compliance with the provisions of this compact, its bylaws and**  
45 **rules, and other such duties as deemed necessary. The Department of Defense shall serve**

1 as an ex officio, nonvoting member of the executive committee.

2 F. Establish bylaws and rules that provide for conditions and procedures under which the  
 3 Interstate Commission shall make its information and official records available to the public  
 4 for inspection or copying. The Interstate Commission may exempt from disclosure informa-  
 5 tion or official records to the extent they would adversely affect personal privacy rights or  
 6 proprietary interests.

7 G. Give public notice of all meetings and all meetings shall be open to the public, except  
 8 as set forth in the rules or as otherwise provided in this compact. The Interstate Commis-  
 9 sion and its committees may close a meeting, or portion thereof, when it determines by a  
 10 two-thirds vote that an open meeting would be likely to:

- 11 1. Relate solely to the Interstate Commission’s internal personnel practices and proce-  
 12 dures;
- 13 2. Disclose matters specifically exempted from disclosure by federal and state statute;
- 14 3. Disclose trade secrets or commercial or financial information that is privileged or  
 15 confidential;
- 16 4. Involve accusing a person of a crime or formally censuring a person;
- 17 5. Disclose information of a personal nature if disclosure would constitute a clearly un-  
 18 warranted invasion of personal privacy;
- 19 6. Disclose investigative records compiled for law enforcement purposes; or
- 20 7. Specifically relate to the Interstate Commission’s participation in a civil action or  
 21 other legal proceeding.

22 H. Cause its legal counselor designee to certify that a meeting may be closed and shall  
 23 reference each relevant exemptible provision for any meeting, or portion of a meeting, which  
 24 is closed pursuant to this provision. The Interstate Commission shall keep minutes that shall  
 25 fully and clearly describe all matters discussed in a meeting and shall provide a full and ac-  
 26 curate summary of actions taken, and the reasons therefore, including a description of the  
 27 views expressed and the record of a roll call vote. All documents considered in connection  
 28 with an action shall be identified in such minutes. All minutes and documents of a closed  
 29 meeting shall remain under seal, subject to release by a majority vote of the Interstate  
 30 Commission.

31 I. Collect standardized data concerning the educational transition of the children of mil-  
 32 itary families under this compact as directed through its rules, which shall specify the data  
 33 to be collected, the means of collection and data exchange and reporting requirements. Such  
 34 methods of data collection, exchange and reporting shall, in so far as is reasonably possible,  
 35 conform to current technology and coordinate its information functions with the appropriate  
 36 custodian of records as identified in the bylaws and rules.

37 J. Create a process that permits military officials, education officials and parents to in-  
 38 form the Interstate Commission if and when there are alleged violations of this compact or  
 39 its rules or when issues subject to the jurisdiction of this compact or its rules are not ad-  
 40 dressed by the state or local education agency. This section shall not be construed to create  
 41 a private right of action against the Interstate Commission or any member state.

42  
 43 **ARTICLE X**  
 44 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**  
 45



1 **The Interstate Commission shall have the following powers:**

2 **A. To provide for dispute resolution among member states.**

3 **B. To promulgate rules and take all necessary actions to effect the goals, purposes and**  
4 **obligations as enumerated in this compact. The rules shall have the force and effect of**  
5 **statutory law and shall be binding in the compact states to the extent and in the manner**  
6 **provided in this compact.**

7 **C. To issue, upon request of a member state, advisory opinions concerning the meaning**  
8 **or interpretation of this compact, its bylaws, rules and actions.**

9 **D. To enforce compliance with the compact provisions, the rules promulgated by the**  
10 **Interstate Commission and the bylaws, using all necessary and proper means, including but**  
11 **not limited to the use of the judicial process.**

12 **E. To establish and maintain offices that shall be located within one or more of the**  
13 **member states.**

14 **F. To purchase and maintain insurance and bonds.**

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

16 **H. To establish and appoint committees, including but not limited to an executive com-**  
17 **mittee as required by Article IX, Section E of this compact, which shall have the power to**  
18 **act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.**

19 **I. To elect or appoint such officers, attorneys, employees, agents or consultants, and to**  
20 **fix their compensation, define their duties and determine their qualifications, and to estab-**  
21 **lish the Interstate Commission's personnel policies and programs relating to conflicts of in-**  
22 **terest, rates of compensation and qualifications of personnel.**

23 **J. To accept any and all donations and grants of money, equipment, supplies, materials**  
24 **and services, and to receive, utilize and dispose of it.**

25 **K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,**  
26 **improve or use any property, real, personal or mixed.**

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

29 **M. To establish a budget and make expenditures.**

30 **N. To adopt a seal and bylaws governing the management and operation of the Interstate**  
31 **Commission.**

32 **O. To report annually to the legislatures, governors, judiciary and state councils of the**  
33 **member states concerning the activities of the Interstate Commission during the preceding**  
34 **year. Such reports shall also include any recommendations that may have been adopted by**  
35 **the Interstate Commission.**

36 **P. To coordinate education, training and public awareness regarding this compact, its**  
37 **implementation and operation for officials and parents involved in such activity.**

38 **Q. To establish uniform standards for the reporting, collecting and exchanging of data.**

39 **R. To maintain corporate books and records in accordance with the bylaws.**

40 **S. To perform such functions as may be necessary or appropriate to achieve the purposes**  
41 **of this compact.**

42 **T. To provide for the uniform collection and sharing of information between and among**  
43 **member states, schools and military families under this compact.**

44  
45 **ARTICLE XI**

**ORGANIZATION AND OPERATION OF THE  
INTERSTATE COMMISSION**

**A. The Interstate Commission shall, by a majority of the members present and voting, within 12 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 this compact, including but not limited to:**

- 1. Establishing the fiscal year of the Interstate Commission;**
- 2. Establishing an executive committee and such other committees as may be necessary;**
- 3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;**
- 4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;**
- 5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;**
- 6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of this compact after the payment and reserving of all of its debts and obligations; and**
- 7. Providing start up rules for initial administration of this compact.**

**B. 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.**

**C. Executive committee, officers and personnel.**

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

- a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;**
- b. 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**
- c. 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.**

**2. 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.**



1 substantially conforms to the “Model State Administrative Procedure Act,” of 1981, Uniform  
 2 Laws Annotated, Vol. 15, p. I (2000), as amended, as may be appropriate to the operations  
 3 of the Interstate Commission.

4 C. Not later than 30 days after a rule is promulgated, any person may file a petition for  
 5 judicial review of the rule provided that the filing of such a petition shall not stay or other-  
 6 wise prevent the rule from becoming effective unless the court finds that the petitioner has  
 7 a substantial likelihood of success. The court shall give deference to the actions of the  
 8 Interstate Commission consistent with applicable law and shall not find the rule to be un-  
 9 lawful if the rule represents a reasonable exercise of the Interstate Commission’s authority.

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

13  
 14 **ARTICLE XIII**  
 15 **OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION**  
 16

17 **A. Oversight.**

18 1. The executive, legislative and judicial branches of state government in each member  
 19 state shall enforce this compact and shall take all actions necessary and appropriate to  
 20 effectuate this compact’s purposes and intent. The provisions of this compact and the rules  
 21 promulgated hereunder shall have standing as statutory law.

22 2. All courts shall take judicial notice of this compact and the rules in any judicial or  
 23 administrative proceeding in a member state pertaining to the subject matter of this com-  
 24 pact that may affect the powers, responsibilities or actions of the Interstate Commission.

25 3. The Interstate Commission shall be entitled to receive all service of process in any  
 26 such proceeding, and shall have standing to intervene in the proceeding for all purposes.  
 27 Failure to provide service of process to the Interstate Commission shall render a judgment  
 28 or order void as to the Interstate Commission, this compact or promulgated rules.

29 **B. Default, technical assistance, suspension and termination.**

30 1. If the Interstate Commission determines that a member state has defaulted in the  
 31 performance of its obligations or responsibilities under this compact, or the bylaws or  
 32 promulgated rules, the Interstate Commission shall provide written notice to the defaulting  
 33 state and other member states of the nature of the default, the means of curing the default  
 34 and any action taken by the Interstate Commission. The Interstate Commission shall specify  
 35 the conditions by which the defaulting state must cure its default.

36 2. If a member state has defaulted, the Interstate Commission shall provide remedial  
 37 training and specific technical assistance regarding the default.

38 3. If the defaulting state fails to cure the default, the defaulting state shall be terminated  
 39 from this compact upon an affirmative vote of a majority of the member states and all  
 40 rights, privileges and benefits conferred by this compact shall be terminated from the effec-  
 41 tive date of termination. A cure of the default does not relieve the offending state of obli-  
 42 gations or liabilities incurred during the period of the default.

43 4. Suspension or termination of membership in this compact shall be imposed only after  
 44 all other means of securing compliance have been exhausted. Notice of intent to suspend or  
 45 terminate shall be given by the Interstate Commission to the Governor, the majority and

1 minority leaders of the defaulting state’s legislature and each of the member states.

2 5. The state that has been suspended or terminated is responsible for all assessments,  
 3 obligations and liabilities incurred through the effective date of suspension or termination  
 4 including obligations, the performance of which extends beyond the effective date of sus-  
 5 pension or termination.

6 6. The Interstate Commission shall not bear any costs relating to any state that has been  
 7 found to be in default or that has been suspended or terminated from this compact, unless  
 8 otherwise mutually agreed upon in writing between the Interstate Commission and the de-  
 9 faulting state.

10 7. The defaulting state may appeal the action of the Interstate Commission by petitioning  
 11 the United States District Court for the District of Columbia or the federal district where  
 12 the Interstate Commission has its principal offices. The prevailing party shall be awarded all  
 13 costs of such litigation including reasonable attorney fees.

14 **C. Dispute resolution.**

15 1. The Interstate Commission shall attempt, upon the request of a member state, to re-  
 16 solve disputes that are subject to this compact and that may arise among member states and  
 17 between member and nonmember states.

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

20 **D. Enforcement.**

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

23 2. The Interstate Commission may, by majority vote of the members, initiate legal action  
 24 in the United State District Court for the District of Columbia or, at the discretion of the  
 25 Interstate Commission, in the federal district where the Interstate Commission has its  
 26 principal offices, to enforce compliance with the provisions of this compact, its promulgated  
 27 rules and bylaws, against a member state in default. The relief sought may include both  
 28 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
 29 party shall be awarded all costs of such litigation, including reasonable attorney fees.

30 3. The remedies herein shall not be the exclusive remedies of the Interstate Commission.  
 31 The Interstate Commission may avail itself of any other remedies available under state law  
 32 or the regulation of a profession.

33 **ARTICLE XIV**

34 **FINANCING OF THE INTERSTATE COMMISSION**

35 **A.** The Interstate Commission shall pay, or provide for the payment of, the reasonable  
 36 expenses of its establishment, organization and ongoing activities.

37 **B.** The Interstate Commission may levy on and collect an annual assessment from each  
 38 member state to cover the cost of the operations and activities of the Interstate Commission  
 39 and its staff, which must be in a total amount sufficient to cover the Interstate Commis-  
 40 sion’s annual budget as approved each year. The aggregate annual assessment amount shall  
 41 be allocated based upon a formula to be determined by the Interstate Commission, which  
 42 shall promulgate a rule binding upon all member states.  
 43  
 44

45 **C.** The Interstate Commission shall not incur obligations of any kind prior to securing

1 the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit  
 2 of any of the member states, except by and with the authority of the member state.

3 **D. The Interstate Commission shall keep accurate accounts of all receipts and disburse-**  
 4 **ments. The receipts and disbursements of the Interstate Commission shall be subject to the**  
 5 **audit and accounting procedures established under its bylaws. However, all receipts and dis-**  
 6 **bursements of funds handled by the Interstate Commission shall be audited yearly by a cer-**  
 7 **tified or licensed public accountant and the report of the audit shall be included in and**  
 8 **become part of the annual report of the Interstate Commission.**

9  
 10 **ARTICLE XV**

11 **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

12  
 13 **A. Any state is eligible to become a member state.**

14 **B. This compact shall become effective and binding upon legislative enactment of this**  
 15 **compact into law by no less than 10 of the states. The effective date may be no earlier than**  
 16 **December 1, 2007. Thereafter it shall become effective and binding as to any other member**  
 17 **state upon enactment of this compact into law by that state. The governors of nonmember**  
 18 **states or their designees shall be invited to participate in the activities of the Interstate**  
 19 **Commission on a nonvoting basis prior to adoption of this compact by all states.**

20 **C. The Interstate Commission may propose amendments to this compact for enactment**  
 21 **by the member states. No amendment shall become effective and binding upon the Interstate**  
 22 **Commission and the member states unless and until it is enacted into law by unanimous**  
 23 **consent of the member states.**

24  
 25 **ARTICLE XVI**

26 **WITHDRAWAL AND DISSOLUTION**

27  
 28 **A. Withdrawal.**

29 **1. Once effective, this compact shall continue in force and remain binding upon each and**  
 30 **every member state provided that a member state may withdraw from this compact by spe-**  
 31 **cifically repealing the statute that enacted this compact into law.**

32 **2. Withdrawal from this compact shall be by the enactment of a statute repealing the**  
 33 **same, but shall not take effect until one year after the effective date of such statute and**  
 34 **until written notice of the withdrawal has been given by the withdrawing state to the Gov-**  
 35 **ernor of each other member jurisdiction.**

36 **3. The withdrawing state shall immediately notify the chairperson of the Interstate**  
 37 **Commission in writing upon the introduction of legislation repealing this compact in the**  
 38 **withdrawing state. The Interstate Commission shall notify the other member states of the**  
 39 **withdrawing state's intent to withdraw within 60 days of its receipt thereof.**

40 **4. The withdrawing state is responsible for all assessments, obligations and liabilities in-**  
 41 **curred through the effective date of withdrawal, including obligations, the performance of**  
 42 **which extend beyond the effective date of withdrawal.**

43 **5. Reinstatement following withdrawal of a member state shall occur upon the with-**  
 44 **drawing state reenacting this compact or upon such later date as determined by the Inter-**  
 45 **state Commission.**

**B. Dissolution of compact.**

**1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in this compact to one member state.**

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

**ARTICLE XVII  
SEVERABILITY AND CONSTRUCTION**

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

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

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

**ARTICLE XVIII  
BINDING EFFECT OF COMPACT AND OTHER LAWS**

**A. Other laws.**

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

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

**B. Binding effect of the compact.**

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

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

**3. 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.**