

2009 DRAFTING REQUEST

Bill

Received: 03/11/2010

Received By: pgrant

Wanted: As time permits

Companion to LRB: -4643

For: Sody Pope-Roberts (608) 266-3520

By/Representing: Tom McCarthy

May Contact:

Drafter: pgrant

Subject: Education - miscellaneous
Education - school boards

Addl. Drafters:

Extra Copies: TKK

Submit via email: YES

Requester's email: Rep.Pope-Roberts@legis.wisconsin.gov

Carbon copy (CC:) to: Anne.Sappenfield@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Interstate Compact on Educational Opportunity for Military Children

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 03/12/2010	bkraft 03/12/2010		_____			S&L
/P1	pgrant 03/22/2010	csicilia 03/22/2010	mduchek 03/16/2010	_____	sbasford 03/16/2010		S&L
/P2	pgrant 03/24/2010	bkraft 03/29/2010	rschluet 03/23/2010	_____			S&L
/1	pgrant	bkraft	rschluet	_____	lparisi		S&L

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	03/31/2010	03/31/2010	03/29/2010 _____		03/29/2010		
/2	pgrant 04/06/2010	bkraft 04/06/2010	rschluet 03/31/2010 _____		sbasford 03/31/2010	cduerst 04/05/2010	S&L
/3			rschluet 04/06/2010 _____		cduerst 04/06/2010	cduerst 04/06/2010	

FE Sent For:

<END>

↳ At
Intro

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	03/31/2010	03/31/2010	03/29/2010	_____	03/29/2010		
/2			rschluet	_____	sbasford	cduerst	
			03/31/2010	_____	03/31/2010	04/05/2010	

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/1
rschluet
lparisi

Handwritten signatures and dates:
3/31/10
3/31

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

12 bjk 3/31

03/29/2010 _____

03/29/2010

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/?	pgrant 03/12/2010	bkraft 03/12/2010		_____			S&L
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/P1		1/p2 ijs 3/22 10	mduchek 03/16/2010	_____	sbasford 03/16/2010		
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FE Sent For:

3/22/10
529B
<END>

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Received: 03/11/2010

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Wanted: As time permits

Identical to LRB:

For: SONDY POPE-ROBERTS (608) 266-3520

By/Representing: Tom McCarthy

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

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Education - school boards

Extra Copies: **TKK**

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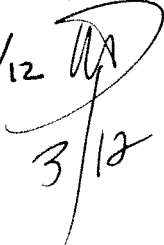
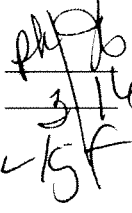
Interstate Compact on Educational Opportunity for Military Children

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/?	pgrant	/PI bjk 3/12					
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FE Sent For:

<END>

To: Sen. John Lehman
Rep. Sondy Pope-Roberts
From: Jennifer Kammerud, Legislative Liaison
Date: January 8, 2010
Re: **Interstate Compact on Educational Opportunity for Military Children**

Per your request the department has reviewed the Interstate Compact for Military Children and the attached legislation, LRB 3523/1. The purpose of this memo is to review the rationale behind the compact and the provisions therein. It is noted throughout the analysis the provisions already present under Wisconsin law and those addressed in the draft legislation.

Background

The compact was written to deal with educational issues facing children of military families. Military families move between postings on a regular basis and, while reassignments can often be advantageous for career personnel, they often wreak havoc on the children of these families. The average military student faces transition challenges more than twice during high school, and most military children will have six to nine different school systems in their lives from kindergarten through twelfth grade. The purpose of the compact is to ensure that children of military families are afforded the same opportunities for educational success as other children and not penalized or delayed in achieving their educational goals by inflexible administrative and bureaucratic practices.

The compact is written with the intent to remove barriers to educational success. The inflexible administrative and bureaucratic practices it is designed to prevent do not appear to be present in Wisconsin. Wisconsin laws and school district policies are already in place to ensure that such barriers do not exist in this state and that every child is afforded every opportunity to receive a free public education.

The compact contains a total of 18 articles. The first two articles are Article I—Purpose and Article II—Definitions. Following is a summary of Articles III through XVIII, along with notes and comments regarding current laws and policies in Wisconsin and provisions addressed in the draft legislation.

Article III - Applicability

The compact applies to the children of:

- Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one (1) year after medical discharge or retirement; and
- 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 (1) year after death.

The compact does not apply to children of:

- Inactive members of the national guard and military reserves;
- Members of the uniformed services now retired not covered above;
- Veterans of the uniformed services not covered above; and
- Other U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

There are currently no education statutes defining this group of students. The draft legislation, LRB 3523/1 codifies the compact's definition outlined above.

Article IV—Educational Records and Enrollment

Compacting states must enroll and conditionally place students for 30 days or whatever period is considered reasonable while students obtain required immunizations. Receiving states are required to accept students in the same grade or the next highest grade as the student was in, regardless of age. Subsequent evaluations can address these initial placements. Enrollment is not to be dependent on the transfer of official student records and transcripts. Unofficial educational records are to be accepted for initial enrollment, and the sending state is required to process and furnish official records within 10 days of receiving a request.

- Wisconsin law currently allows students to be placed in school immediately, with proof of immunizations required within 30 days.
- Current law gives local school districts the authority to place students at the appropriate grade level. However, it is not stated anywhere in state statutes that school districts must place students at a specific grade level.
- LRB 3523/1 states that a school board shall allow a child of a military family who moved to the school district from another state after the commencement of classes to continue in the same grade in which he or she was enrolled in the other state. It also states that a school board shall allow a child of a military family who moved to the school district from another state after satisfactorily completing a grade level to enroll in the next grade level.
- Wisconsin school districts currently admit students with or without records. Schools are required to educate all children living in the district. Similarly, Wisconsin law requires that a school district provide student records to another school within five days of receiving a request.
- Wisconsin's pupil records laws protect access to student records.

Article V—Placement and Attendance

Under the compact receiving states must initially honor the sending state's educational assessments and placement in specific courses such as advanced placement and vocational/technical courses as well as in programs such as gifted and talented programs and

English as a second language (ESL) programs. In addition, the receiving state is to provide comparable services to students with disabilities based on current IEPs and in compliance with the federal Rehabilitation Act and the Americans with Disabilities Act. School districts shall have flexibility in waiving prerequisite requirements or other preconditions. Finally, additional excused absences are to be granted for visits with a parent called to duty, on leave, or immediately returning from a combat zone.

- Each school board in Wisconsin currently sets policies that allow incoming students to participate fully in the school district's academic curriculum, as well as available advanced coursework and special programs. Specific policies are not prescribed in state law.
- LRB 3523/1 states that school districts shall initially place a child in an educational program and in courses based on the child's placement in the school he or she most recently attended.
- Wisconsin schools are required to follow federal law with regard to students with disabilities, and students must be provided comparable services to those described in the IEP from the previous school.
- School boards currently have the flexibility to waive prerequisites or preconditions.
- State law includes compulsory school attendance requirements. However, excused absences are defined by school board policies, and individual districts currently have the authority to allow excused absences for the specific requirements in the compact. In addition, state law allows students to be excused for any reason with prior written notice for 10 days each school year.
- LRB 3523/1 requires districts to adopt a policy relating to excusing a child of a military family.

Article VI—Eligibility

A special power of attorney is created, but not defined, in the compact. That power would be sufficient for the purposes of enrollment and other actions requiring parental participation and consent. In addition a school district under the compact may not charge tuition to a transitioning military child placed in the custody of a non-custodial parent and districts are to facilitate the opportunity for participation in extracurricular activities.

- Wisconsin currently allows power of attorney (e.g. guardians) to be sufficient relative to school district requirements for parental consent.
- Wisconsin law allows for tuition waivers that permit students to finish the current (and sometimes subsequent) school year in the same school. In addition open enrollment provides students the opportunity to continue in the same school district in subsequent years.

- Wisconsin is generous in its definition of residency. Essentially, unless you live in the district for the sole reason of education, the district must educate you. In addition, resident students that have been expelled from school in other states must be enrolled in Wisconsin.
- The department is not aware of specific problems in allowing transitioning students to participate fully in extracurricular activities. Note that participation in athletic programs is overseen by the Wisconsin Interscholastic Athletic Association. Other extracurricular activities may be overseen by other outside entities as well.
- LRB 3523/1 requires school boards to make every effort to include a child of a military family in extracurricular activities to the extent he or she is qualified.

Article VII—Graduation

To facilitate on-time graduation of children of military families, school districts are to waive specific course requirements, exit exams, and end of course exams under the compact. Furthermore, a diploma is to be granted from a sending state if a student doesn't qualify to receive a diploma in the receiving state.

- Wisconsin does not have statewide exams that are required to qualify for graduation.
- Wisconsin law prescribes basic graduation requirements and directs the state superintendent to encourage school boards to require additional credits.
- School boards generally have policies for students who move into the district in high school.
- LRB 3523/1 requires school boards to make every effort to ensure that a child of a military family who moves to the district from another state graduates from high school with his or her class.

Article VIII—State Coordination

A state council is created under the compact to participate in state activities related to the Interstate Commission. Membership is to include the state superintendent, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. The council is to appoint a military family education liaison. The governor is to appoint a compact commissioner, or the appointment may be made as determined by the state.

- The compact directs the governor to appoint the compact commissioner. This conflicts with the supervision of public instruction vested in the state superintendent as provided in the Wisconsin Constitution.

*

- LRB 3523/1 requires the state superintendent to periodically consult with the secretary of military affairs and the chairperson of the interstate commission on educational opportunity for military children regarding the success of children of military families.

Article IX—Interstate Commission on Educational Opportunity for Military Children

This article establishes an Interstate Commission created by the member states and declares the commission's activities to be the formation of public policy. The commission will include one voting member from each member state and will also include non-voting representatives from interested organizations. The commission is to meet at least once a year. Officers of the commission will serve as the executive committee, and the commission is to establish bylaws and rules. The language also provides for public notices of meetings and certification by the commission's legal counsel if a meeting is to be closed. The commission is authorized to collect data concerning the educational transition of children of military families. It is to create a process that permits military officials, education officials and parents to report alleged violations of the compact.

- Wisconsin already has processes in place to report statutory violations of all students, including those of children of military families.
- The compact directs the commission to form public policy regarding education. It is of concern that this commission is unelected and unaccountable to Wisconsin voters.

Article X—Powers and Duties of the Interstate Commission

The Interstate Commission is authorized to: provide dispute resolution among member states; promulgate rules (with the force and effect of statute) to fulfill the goals of the compact; issue advisory opinions concerning the compact and its actions; establish and maintain offices in one or more member states; purchase and maintain insurance and bonds; hire or contract for services of personnel; establish and appoint committees; elect or appoint needed personnel; accept donations; lease, purchase or accept donations of property; dispose of property; establish budget and make expenditures; adopt a seal and bylaws; report annually to the member states concerning the activities of the preceding year; coordinate education and awareness of the compact; establish uniform standards for reporting, collecting and exchanging data; maintain corporate books and records; provide uniform collection and sharing information among member states, schools and military families; and perform any other functions necessary or appropriate to achieve the purposes of the compact.

Article XI—Organization and Operation of the Interstate Commission

This article establishes in further detail how the Interstate Commission will function including specifics regarding adoption of bylaws; election of officers; authority of the executive committee, officers and personnel; and liability of the commission's executive director and employees.

Article XII—Rulemaking Functions of the Interstate Commission

This article describes the commission’s authority to promulgate rules to effectively and efficiently achieve the purposes of the compact, specifies that the rulemaking process shall substantially conform to the Model State Administrative Procedure Act of 1981, provides for judicial review of a rule, and provides that a majority of the legislatures of member states may reject a rule.

Article XIII—Oversight, Enforcement, and Dispute Resolution

The executive, legislative and judicial branches of each member state’s government shall enforce the compact. If the commission determines that a member state has defaulted in the performance of its obligations, the commission will notify the member state and provide training regarding the default. Only if all means of securing compliance have been exhausted, a state’s membership in the compact will be suspended or terminated. The commission shall not bear any costs relating to the default. Any disputes that arise among member states and between member and non-member states are to be resolved by the commission. This article gives the commission authority to initiate legal action in the U.S. District Court for the District of Columbia to enforce compliance with the provisions of the compact.

- This compact places multiple requirements on state government.
- Under this provision the state would effectively relinquish its sovereignty to the compact. Legal action could potentially be brought against the state in federal court in Washington, D.C.

Article XIV—Financing of the Interstate Commission

The commission is responsible for the payment of all reasonable expenses and is authorized to levy and collect an annual assessment from each member state. The annual assessment amount shall be based upon a formula, and the commission is to promulgate a rule binding upon all member states. Financial obligations are not to be incurred by the commission prior to securing adequate funds. Funds are to be audited yearly by a CPA.

- Membership in the compact would obligate the state to pay an annual fee, and it is unclear how much the assessment would be during the first year or subsequent years as it is determined by the commission.

Article XV—Member States, Effective Date and Amendment

All states are eligible to become members of the compact. It becomes effective upon legislative enactment by at least 10 states. The commission may propose amendments to the compact for enactment by member states.

- The compact is now in effect.

Article XVI—Withdrawal and Dissolution

A state may withdraw from the compact by repealing the statute that enacted the compact into law.

Article XVII—Severability and Construction

The provisions of the compact shall be severable if any provision is deemed unenforceable. Nothing in the compact is to prohibit the applicability of other interstate compacts to which the states are members.

Article XVIII—Binding Effect of Compact and Other Laws

Nothing within the compact prevents the enforcement of any other law that is consistent with the compact. All lawful actions of the commission are binding upon the member states as are agreements between the commission and member states. If a provision in the compact exceeds constitutional limits imposed on a state legislature, that provision shall be ineffective to the extent of the conflict with the constitutional provision in question.

2/11/10 mtg w/ Tom (Pope Roberts), Jennifer Kannah (OP) see VA impact version → Sherry
 & their rules
~~rather important~~

(it. now abt 500 children of milit. families in WI
 cost = abt \$1 per child
 impact says Comm. can charge a fee — ^{PR} wants a cap of \$1/child or
 \$1000 whichever is less.

Jennifer & Sherry will work on this & get back to us by the end of next week.

✓ 1. Cap assessment @ \$1/pupil or \$1,000/ly
whichever is less

~~2. XIII B 7 - must appear in D.C. fed. ct - del.?~~

2. US ^{Fed} Dist Ct of D.C. - del. XIII - D.
Rec enforcement (copies VA)
(said I.C. ct. initiate legal action in D.C. fed. ct)

3. XIII-C-2 "I.C. shall prom. a rule
pending for both mediation and binding dispute
resolution for disputes as appropriate:
VA struck "binding ~~and~~ dispute resolution"

4. XIII A-1. last sentence

... the rule prom. hereunder shall have

standing as ~~statutory law~~ as regulatory accepted
under the Administrative Act (S. 2.2-400 et seq.)

VA
but see
def of "rule"
in VA

change to sub. II of ch 227?

5. X-D

The IC may

any action to enforce compliance
shall be brought up &
made there

VA del. 2nd sentence, only

want to del. as well?

6. Art VIII - A

requires each state to cre a council or
use an existing body, whel to coordinate LEAS, state,
& military, concerning state particip in & compliance w/
the compact etc.

must include st. sup. of ed, sup. of
a so. of hi concentration of children & mil (an,

SEC. CR. 115.998

~~115.998 Council on the interstate compact on educational opportunity for military children.~~

~~(1) There is created~~

~~rep from a milit. instn, one member
of sec. or ass (want me 1 each?),
gov. or designee
reps from other states & stakeholder groups
as would deem appropriate~~

~~gov. appoints a
see C. ~~gov.~~ compact commissioner -~~

~~want state rep. to appoint?~~

7. Compact commissioner, appointed by gov.,
"empowered to establish statewide policy related
to matters governed by this compact"
see VIII.C.

want state rep to appoint?

or want compact commish to be the state rep?

Grant, Peter

From: Sappenfield, Anne
Sent: Wednesday, March 10, 2010 11:06 AM
To: McCarthy, Tom
Cc: Grant, Peter
Subject: Interstate compact for military children

Hi Tom,

I went through Virginia and North Carolina's compacts carefully and quickly went through the others sent over by DPI. Among the state laws I have, Virginia made the most changes to the compact language. Based on those states' laws and DPI's comments, here are some modifications to the model language you may wish to consider:

- ✓ In Article II, Virginia modified the definition of "rule" as follows: "Rule' means: a written statement by the Interstate Commission...and has the force and effect of statutory law in a member state, ~~and includes the amendment, repeal, or suspension of an existing rule if approved by the legislature of the member state.~~"

It appears this may require all of the Interstate Commission's rules to go through either the legislative or administrative rule process to have effect in Virginia. I don't know if you want to have this change, or not.

- ✓ In Article IV, A., the compact requires a sending state to give a parent a copy of a child's "unofficial or hand-carried education records". Upon receipt of these records, the receiving state must enroll and place the student as quickly as possible. Jennifer Kammerud states in her memo to Sen. Lehman and Rep. Pope-Roberts, dated January 8, 2010, that WI school districts currently admit students with or without their education records. In order to make this clear, you may want to change the last sentence in sec. A. as follows: "Upon receipt of the unofficial education records by a school in the receiving state, the school in the receiving state 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."
- ✓ In Article V, E., students who are children of active duty members of the military must be granted additional excused absences at the discretion of the superintendent of the local education agency (LEA) to visit with their parents under certain circumstances. LRB-3523/1 created a provision requiring each school board to adopt a policy relating to excusing a child of a military family for visits. You could include this provision in WI's compact instead of the model compact language. [In the LRB draft, see s. 118.60 (4).]
- ~~Article VI, A., sets forth requirements for eligibility for enrollment. In Jennifer's letter, she states that the requirements of the compact are the requirements of WI law and practice. North Carolina cross references its statutes regarding enrollment instead of using the compact language. In WI this section could provide that a student must be enrolled in the school for which he or she meets WI's residency requirements.~~ p. 12
- ✓ In Article VII, C., for students transferring during their senior year, the sending and receiving LEAs shall ensure the receipt of a diploma from the sending LEA, if graduation requirements are met. Virginia changed this language slightly so that the sending LEA, with the cooperation of the receiving LEA, shall ensure the receipt of a diploma from the sending LEA, if the student meets graduation requirements.
- ✓ In Article IX, J., the last sentence provides that the section shall not be construed to create a private right of action against the Interstate Commission or any member state. Virginia and North Carolina's compacts add any local LEA to this list.
- ✓ In Article XIII, C. 2., the Interstate Commission must promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. In Virginia, the legislature deleted "and binding dispute resolution".
- ✓ Article XIII, D., sets forth enforcement provisions for the rules of the compact. Virginia's compact does not include these provisions. I am not sure what the impact of this change is because Virginia still subjects itself to the compact and the rules created by the Interstate Commission.

I hope this is helpful. Please let me know what else you need.

Anne Sappenfield

Senior Staff Attorney
WI Legislative Council
(608) 267-9485

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 187

An Act to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 24, consisting of sections numbered 22.1-360 and 22.1-361, relating to the Interstate Compact on Educational Opportunity for Military Children.

[H 1727]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 24, consisting of sections numbered 22.1-360 and 22.1-361, as follows:

CHAPTER 24.

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

§ 22.1-360. *Interstate Compact on Educational Opportunity for Military Children.*

The Interstate Compact on Educational Opportunity for Military Children is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

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 the previous school district(s) or variations in entrance/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.

Article II.

Definitions.

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

"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. §§ 1209 and 1211.

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

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

"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.

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

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

"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.

"Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.

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

"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 U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

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

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

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

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

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

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

"Transition" means: (i) the formal and physical process of transferring from school to school or (ii) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

"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.

"Veteran" means a person who served in the active military, naval, or air service and who was discharged or released there from under conditions other than dishonorable.

Article III.

Applicability.

A. Except as otherwise provided in subsection B, this compact shall apply to the children of:

1. 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. §§ 1209 and 1211;
2. 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
3. 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.

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

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

1. Inactive members of the National Guard and Military Reserves;
2. Members of the uniformed services now retired, except as provided in subsection A;
3. Veterans of the uniformed services, except as provided in subsection A; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Article IV.

Educational Records and Enrollment.

A. Unofficial or "hand-carried" education records. 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 containing uniform information as determined 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.

B. Official education records/transcripts. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education records 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 10 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

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

D. *Kindergarten and first grade entrance age.* Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of minimum age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of minimum 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 a local education agency in the sending state.

Article V.

Placement and Attendance.

A. *Course placement.* 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. Course placement includes, but is not limited to, honors, International Baccalaureate, advanced placement, vocational, technical, and career pathways courses. 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 course(s).

B. *Educational program placement.* 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. Such programs include, but are not limited to, (i) gifted and talented programs and (ii) English as a second language (ESL) programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. *Special education services.* In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 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 (IEP) and in compliance with the requirements of § 504 of the Rehabilitation Act, 29 U.S.C. § 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12165, and 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.

D. *Placement flexibility.* Local education agency administrative officials shall have flexibility in waiving course/program prerequisites or other preconditions for placement in courses/programs offered under the jurisdiction of the local education agency.

E. *Absence as related to deployment activities.* 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 has immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

Article VI.

Eligibility.

A. Eligibility for enrollment.

1. Children of military families shall be eligible for enrollment in the public schools of Virginia provided that the documents required by §§ 22.1-3.1 and 22.1-3.2 are provided and subject to the authority of a local education agency to exclude such children from attendance pursuant to § 22.1-277.2 or if such children have been found guilty or adjudicated delinquent for any offense listed in subsection G of § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories;

2. Special power of attorney, relative to the guardianship of a child of a military family, and executed under Title 10, United States Code, § 1044b, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent;

3. A local education agency shall be prohibited from charging local tuition to a military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent; and

4. A military child, placed in the care of a noncustodial parent or other person standing in loco

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parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

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

Article VII.
Graduation.

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

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

B. Exit exams. States shall accept: (i) exit or end-of-course exams required for graduation from the sending state, (ii) national norm-referenced achievement tests, or (iii) alternative testing acceptable to the receiving state, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state, then the provisions of subsection C of this Article shall apply. Within 12 months of the effective date of this compact, the Interstate Commission shall adopt a rule addressing the acceptance of exit exams.

C. Transfers during senior year. Should a military student transferring in his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending local education agency, with the cooperation of the receiving local education agency, shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with subsections A and B of this Article.

Article VIII.

State Coordination.

A. Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: (i) the state superintendent of education, (ii) the superintendent of a school district with a high concentration of military children, (iii) one representative from a military installation, and (iv) one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

B. 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.

C. The Governor of each member state shall appoint or designate a compact commissioner responsible for the administration and management of the state's participation in the compact and who is empowered to establish statewide policy related to matters governed by this compact.

D. 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.

Article IX.

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:

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

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner and who is empowered to establish statewide policy related to matters governed by this compact.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote;
2. 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;
3. 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 the state for a specified meeting; and

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

C. Consist of *ex officio*, nonvoting 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 education agency officials, parent and teacher groups, the U.S. 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.

D. 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.

E. 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 U.S. Department of Defense shall serve as an *ex officio*, nonvoting member of the executive committee.

F. 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.

G. Public notice shall be given by the Interstate Commission 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, when it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;
2. Disclose matters specifically exempted from disclosure by federal and state statute;
3. Disclose trade secrets or commercial or financial information that is privileged or confidential;
4. Involve accusing a person of a crime or formally censuring a person;
5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
6. Disclose investigative records compiled for law-enforcement purposes; or
7. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

H. For a meeting, or portion of a meeting, closed pursuant to the provisions of subsection G, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible 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 therefore, 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.

I. The Interstate Commission 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.

J. The Interstate Commission 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 education agency. This section shall not be construed to create a private right of action against the Interstate Commission, any member state, or any local education agency.

Article X.

Powers and Duties of the Interstate Commission.

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of regulations adopted under the Administrative Process Act (§ 2.2-4000 et seq.), and shall be binding in the compact states to the extent and in the manner provided in this compact.

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

D. 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. Any action to enforce compliance with the compact provisions by the Interstate Commission shall be brought against a member state only.

E. To establish and maintain offices, which shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

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

H. To establish and appoint committees, including but not limited to an executive committee as required by Article IX, subsection E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. 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.

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

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

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

M. To establish a budget and make expenditures.

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

O. 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.

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

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

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

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

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

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 the 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 the compact after the payment and reserving of all of its debts and obligations; and
7. Providing "start-up" rules for initial administration of the 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 the 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: (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.

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.

D. 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 responsibilities, 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.

1. The liability of the Interstate Commission's executive director and employees or the Interstate Commission representatives, acting within the scope of their 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 subsection 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.

2. 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.

3. 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.

Article XII.

Rulemaking Functions of the Interstate Commission.

A. Rulemaking authority. 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 Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking procedure. Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 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.

D. 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.

Article XIII.

Oversight, Enforcement, and Dispute Resolution.

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's

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purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as regulations adopted under the Administrative Process Act (§ 2.2-4000 et seq.).

2. 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 that may affect the powers, responsibilities, or actions of the Interstate Commission; and

3. 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.

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

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:

1. 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;

2. Provide remedial training and specific technical assistance regarding the default;

3. 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;

4. 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;

5. The state that 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;

6. The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state; and

7. 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.

C. Dispute resolution.

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and nonmember states.

2. The Interstate Commission shall promulgate a rule providing for mediation for disputes as appropriate.

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Article XIV.

Financing of the Interstate Commission.

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

B. 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.

C. 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.

D. 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.

Article XV.

Member States, Effective Date, and Amendment.

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into

law by no less than 10 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 nonmember 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.

C. 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.

Article XVI.

Withdrawal and Dissolution.

A. Withdrawal.

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 specifically by repealing the statute that enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same. *(Delete)*

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 60 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 extends 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.

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 the compact to one member state.

2. Upon the dissolution of this compact, the 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 the 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.

§ 22.1-361. Virginia Council on the Interstate Compact on Educational Opportunity for Military Children.

In accordance with the Interstate Compact on Educational Opportunity for Military Children, there is hereby created the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children, hereinafter referred to in this section as the "Virginia Council." The Virginia Council shall consist of one member of the House of Delegates, to be appointed by the Speaker of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; four nonlegislative citizen members, including the Superintendent of Public Instruction, to be appointed by the Governor and the superintendent of a school district with a high concentration of military children to be appointed by the Superintendent of Public Instruction; and also the Governor, or his designee. The Virginia Council shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to

fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

The Governor shall designate one member of the Virginia Council to serve as compact chairman for a two-year term. The Virginia Council shall meet on the call of the chairman or at the request of a majority of members. A majority of members shall constitute a quorum. The Virginia Council may consider any and all matters related to the Interstate Compact on Educational Opportunity for Military Children or the general activities and business of the organization and shall have the authority to represent the Commonwealth in all actions of the Compact.

The Virginia Council members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The costs of expenses of the legislative members incurred in the performance of their duties shall be paid from appropriations to the Virginia Commission on Intergovernmental Cooperation for the attendance of conferences. The costs of expenses of nonlegislative citizen members incurred in the performance of their duties shall be paid from such funds as may be provided for this purpose in the appropriation act.

The chairman of the Virginia Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Virginia Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2. That the provisions of this act shall not become effective unless an appropriation effectuating the purposes of this act is included in the general appropriation act passed by the 2009 Regular Session of the General Assembly that becomes law.