



State of Wisconsin
 2009 - 2010 LEGISLATURE
 In 3/12
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TUESDAY
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FROM
 4311/P1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT *to create* 14.91, 20.255 (3) (f), subchapter VIII (title) of chapter 115
 2 [precedes 115.997] and 115.997 of the statutes; **relating to:** adopting the
 3 Interstate Compact on Educational Opportunity for Military Children.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
 For further information see the **state and local** fiscal estimate, which will be
 printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 14.91 of the statutes is created to read:
 5 14.91 State council on the interstate compact on educational
 6 opportunity for military children. (1) There is created a state council on the
 7 interstate compact on educational opportunity for military children as specified
 8 under s. 115.997 (8), consisting of the following members:

***NOTE: Please see the questions under proposed s. 115.997 (8) that correspond to the members of the commission.

public instruction

- 1 (a) The state superintendent of education
- 2 (b) The superintendent of a school district with a high concentration of children
- 3 of military families, appointed by the state superintendent of public instruction.
- 4 (c) The governor or his or her designee.

5 (d) A representative from a military installation, appointed by ~~to be~~

6 ~~determined~~ the state superintendent of public instruction

~~***NOTE: Who should appoint the member under this par. (d)?~~

- 7 (e) A member of the senate, appointed by the senate majority leader.
- 8 (f) A member of the assembly, appointed by the speaker of the assembly.
- 9 (g) The compact commissioner, as defined in s. 115.997 (2) (c), appointed by the
- 10 governor under s. 115.997 (8) (c), and the military family education liaison appointed
- 11 under s. 115.997 (8) (b), to serve as nonvoting members.

12 ~~CS~~ NOTE Would you prefer that the state superintendent appoint the compact commissioner
(2) The members of the council shall serve without compensation.

13 SECTION 2. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
14 the following amounts for the purposes indicated:

	2009-10	2010-11
20.255 Public instruction, department of		
(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS		
(f) Interstate compact on educational opportunity for military children	GPR A	-0- -0-

22 SECTION 3. 20.255 (3) (f) of the statutes is created to read:

equal to the amount determined under s. 115.928(58)

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20.255 (3) (f) *Interstate compact on educational opportunity for military children.* A sum sufficient to pay assessments levied by the interstate commission on educational opportunity for military children under s. 115.997 (14) (b).

SECTION 4. Subchapter VIII (title) of chapter 115 [precedes 115.997] of the statutes is created to read:

CHAPTER 115
SUBCHAPTER VIII
INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR
MILITARY CHILDREN

SECTION 5. 115.997 of the statutes is created to read:

115.997 Interstate compact on educational opportunity for military children. The interstate compact on educational opportunity for children of military families is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

(1) 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 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.

1 (c) Facilitating the qualification and eligibility for enrollment, educational
2 programs, and participation in extracurricular academic, athletic, and social
3 activities.

4 (d) Facilitating the on-time graduation of children of military families.

5 (e) Providing for the promulgation and enforcement of administrative rules
6 implementing the provisions of this compact.

7 (f) Providing for the uniform collection and sharing of information between and
8 among member states, schools, and military families under this compact.

9 (g) Promoting coordination between this compact and other compacts affecting
10 military children.

11 (h) Promoting flexibility and cooperation between the educational system,
12 parents, and students in order to achieve educational success for the students.

13 (2) ARTICLE II - DEFINITIONS. As used in this compact, unless the context
14 clearly requires a different construction:

15 (a) "Active duty" means full-time duty status in the active uniformed service
16 of the United States, including members of the National Guard and Reserve on active
17 duty orders pursuant to 10 USC 1209 and 1211.

> ~~***NOTE: Is there an "inactive uniformed service"? Is it necessary to use the word "active duty" before "uniformed service"?~~
I moved "active" so it modifies "duty" instead of "uniformed service" ok?

18 (b) "Child of a military family" means a school-aged child enrolled in any of the
19 grades from kindergarten to 12, and who resides in the household of an active duty member.

> ~~***NOTE: The defined term in the drafting instructions was "children of military families," and the definition provided for this term included a hybrid word "child(ren)," but then referred only to one household. I changed the defined term from "children of military families" to "child of a military family," to provide consistent use of tense and form throughout the definition.~~

***NOTE: This definition refers to a child "in the household of an active duty member." Who is a "member"? Should this read "active duty member of a uniformed service"?

****NOTE: It does not seem to me that this definition captures all of the children to which the compact is supposed to apply under sub. (3) (a) (Article III). That subsection indicates that the compact applies to children of veterans, members of the uniformed service who are medically discharged, and members of the uniformed service who die on active duty. Unless I am mistaken, I don't believe veterans or medically discharged or deceased members of the uniformed services are "active duty members." For that reason, any reference to "child of a military family" throughout the compact would not include children of veterans or medically discharged or deceased members of a uniformed service.

You may wish to either modify the definition of "child of a military family" or supplement the use of "child of a military family" throughout the compact to include those children identified under sub. (3) (a).

1 (c) "Compact commissioner" means the voting representative of each
2 compacting state appointed pursuant to sub. (8) of this compact.

3 (d) "Deployment" means the period one month prior to a service members'
4 departure from his or her home station on military orders though 6 months after
5 return to his or her home station.

6 (e) "Education records" means those records, files, and data directly related to
7 a student and maintained by the school or local education agency, including records
8 encompassing all the material kept in the student's cumulative folder such as
9 general identifying data, records of attendance and of academic work completed,
10 records of achievement and results of evaluative tests, health data, disciplinary
11 status, test protocols, and individualized education programs.

12 (f) "Extracurricular activity" means a voluntary activity sponsored by a school
13 or local education agency or an organization sanctioned by the local education
14 agency. Extracurricular activity includes preparation for and involvement in public
15 performances, contests, athletic competitions, demonstrations, displays, and club
16 activities.

17 (g) "Interstate commission" means the Interstate Commission on Educational
18 Opportunity for Military Children created under sub. (9) of this compact.

1 (h) "Local education agency" means a public authority legally constituted by
2 the state as an administrative agency to provide control of and direction for grades
3 kindergarten to 12 public educational institutions.

****NOTE: Does this include the Department of Public Instruction? Or individual school districts? Or both?

> ~~****NOTE: This definition does not include schools participating in the MFCF. Okay?~~

4 (i) "Member state" means a state that has enacted this compact.

5 (j) "Military installation" means a base, camp, post, station, yard, center,
6 homeport facility for any ship, or other activity under the jurisdiction of the U.S.
7 department of defense, including any leased facility, which is located within any of
8 the several States, the District of Columbia, the Commonwealth of Puerto Rico, the
9 U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and
10 any other U.S. Territory. "Military installation" does not include any facility used
11 primarily for civil works, rivers and harbors projects, or flood control projects.

****NOTE: This paragraph defines a "military installation" as an "activity." Is it possible for an installation to be an activity?

12 (k) "Nonmember state" means a state that has not enacted this compact.

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

15 (m) "Rule" means a written statement by the interstate commission
16 promulgated pursuant to sub. (12) that is of general applicability; implements,
17 interprets, or prescribes a policy or provision of the compact, or an organizational,
18 procedural, or practice requirement of the interstate commission; and has the force
19 and effect of statutory law in a member state, ~~and includes the amendment, repeal,~~

20 ~~or suspension of an existing rule~~ if approved by the legislature of the member state

> ~~****NOTE: This includes the modification made by Virginia Sec 5, which states that the rules have the force of ch 227 administrative rules~~

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

3 (o) "State" means a state of the United States, the District of Columbia, the
4 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the
5 Northern Marianas Islands, and any other U.S. Territory.

6 (p) "Student" means a child of a military family for whom the local education
7 agency receives public funding and who is formally enrolled in any of the grades from
8 kindergarten to 12.

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****NOTE: For the same reasons as specified in the ****NOTE under the definition
of "child of a military family," I don't believe the definition ^{of} ~~for~~ "student" captures all of the
students to whom the compact is supposed to apply under sub. (3) (a). You may wish to
either modify the definition ^{of} ~~for~~ "student" or "child of a military family" or both, or
supplement the use of "student" throughout the compact to include those children. Please
advise.

9 (q) "Transition" means all of the following:
10 1. The formal and physical process of transferring from school to school.
11 2. The period of time in which a student moves from one school in a sending
12 state to another school in a receiving state.

13 (r) "Uniformed service" means the army, navy, air force, marine corps, coast
14 guard, the commissioned corps of the national oceanic and atmospheric
15 administration, and the commissioned corps of the public health services.

16 (s) "Veteran" means a person who served in ^{the} ~~the~~ ^a uniformed service and was
17 discharged or released therefrom under conditions other than dishonorable.

****NOTE: As drafted, "veteran" includes a person who served in the commissioned
corps of NOAA or the public health services. Is that your intent?

18 (3) ARTICLE III – APPLICABILITY. (a) Except as provided in pars. (b) and (c), this
19 interstate compact ^{applies} ~~shall apply~~ to a child of any of the following:

1 1. An active duty member of the uniformed service, including a member of the
2 national guard and reserve on active duty orders pursuant to 10 USC 1209 and 1211.

3 2. A member or veteran of the uniformed service who is severely injured and
4 medically discharged or retired for a period of one year after medical discharge or
5 retirement.

****NOTE: Is "is severely injured" a condition of "retired," or only of "medically discharged"?

****NOTE: Does "for a period of one year after medical discharge or retirement" mean that the compact only applies to a child of this person for one year after the person's medical discharge or retirement?

6 3. A member of the uniformed service who dies on active duty or as a result of
7 injuries sustained on active duty for a period of one year after death.

****NOTE: Does "for a period of one year after death" mean that the compact only applies to a child of this person for one year after the person's death, or does it mean that the person must have died within one year after sustaining injuries?

8 (b) The provisions of this interstate compact ~~shall~~ ^{move} only apply to local education
9 agencies.

****NOTE: Does this mean that the compact does not apply to the Department of Public Instruction?

10 (c) The provisions of this compact ~~shall~~ ^{do} not apply to a child of any of the
11 following:

- 12 1. An inactive member of the national guard and military reserves.
- 13 2. Except as provided in par. (a), a retired member of the uniformed services.
- 14 3. Except as provided in par. (a), a veteran of the uniformed services.
- 15 4. Other U.S. department of defense personnel, or of a civilian or contract
- 16 employee of any other federal agency, who is not an active duty member of a
- 17 uniformed service.

18 (4) ARTICLE IV – EDUCATIONAL RECORDS AND ENROLLMENT. (a) *Unofficial or*
19 *hand-carried pupil records.* In the event that official education records cannot be

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1 released to the parents for the purpose of transfer, the custodian of the education
 2 records in the sending state shall prepare and furnish to the parent a complete set
 3 of unofficial education records containing uniform information as determined by the
 4 interstate commission. ~~Upon receipt of the unofficial education records by a school~~ ^{The}
 5 in the receiving state, the school shall enroll and appropriately place the student,
 6 based on the information provided in the unofficial education records ^{if provided,} pending
 7 validation by the official education records, as quickly as possible.

***NOTE: The term "student" is defined by the compact to mean "a child of a military family for whom the local education agency receives public funding and who is formally enrolled in any of the grades from kindergarten to 12." Yet in this paragraph, the student is described as not yet enrolled; the use of the term student, therefore, is problematic.

8 (b) *Education records and transcripts.* Simultaneous with the enrollment and
 9 conditional placement of the student, the school in the receiving state shall request
 10 the student's official education records from the school in the sending state. Upon
 11 receipt of this request, the school in the sending state ^{shall} will process and furnish the
 12 official education records to the school in the receiving state within 10 days or within
 13 such time as is reasonably determined under the rules promulgated by the interstate
 14 commission.

***NOTE: What does "conditional placement" mean? Does this refer to course placement under sub. (5) (Article V) of the compact? When does placement become permanent, and what are the factors that are considered by the school to make the placement permanent?

15 (c) *Immunizations.* A member state shall give 30 days from the date of
 16 enrollment or within such time as is reasonably determined under the rules
 17 promulgated by the interstate commission for a student to obtain any immunization
 18 required by the receiving state. For a series of immunizations, initial vaccinations
 19 must be obtained within 30 days or within such time as is reasonably determined
 20 under the rules promulgated by the interstate commission.

****NOTE: The compact template directed me to start this paragraph with the term, "compacting states." However, a state that has enacted the compact is defined by the compact as a "member state," so that is the term I used ~~in this paragraph~~.

1 (d) *Kindergarten and first grade entrance age.* A student shall be allowed to
2 continue his or her enrollment at the grade level in the receiving state commensurate
3 with his or her grade level, including kindergarten, from a local education agency in
4 the sending state at the time of transition, regardless of age. A student who has
5 satisfactorily completed the prerequisite grade level in the local education agency in
6 the sending state shall be eligible for enrollment in the next highest grade level in
7 the receiving state, regardless of age. A student transferring after the start of the
8 school year in the receiving state shall enter the school in the receiving state on his
9 or her validated level from an accredited school in the sending state.

a local education agency

Note that I changed

to "accredited school"

in the last sentence
to ↓ local
education agency
OK?

****NOTE: What does "validated level" mean? ~~What is~~ "accredited school"?

10 (5) ARTICLE V — PLACEMENT AND ATTENDANCE. (a) *Course placement.* When a
11 student transfers before or during the school year, the receiving state school shall
12 initially honor placement of the student in educational courses based on the student's
13 enrollment in the sending state school or educational assessments conducted at the
14 school in the sending state if the courses are offered. Course placement includes
15 honors, international baccalaureate, advanced placement, vocational, technical, and
16 career pathways courses. Continuing the student's academic program from the
17 previous school and promoting placement in academically and career challenging
18 courses should be paramount when considering placement. This does not preclude
19 the school in the receiving state from performing subsequent evaluations to ensure
20 appropriate placement and continued enrollment of the student in a course.

21 (b) *Educational program placement.* The receiving state school shall initially
22 honor placement of the student in educational programs, including gifted and

1 talented programs and English as a second language programs, based on current
2 educational assessments conducted at the school in the sending state or
3 participation or placement in like programs in the sending state. This paragraph
4 does not preclude the school in the receiving state from performing subsequent
5 evaluations to ensure appropriate placement of the student.

6 (c) *Special education services.* 1. In compliance with the requirements of 20
7 USC 1400 to 1482, the receiving state shall initially provide comparable services to
8 a student with disabilities based on his or her current individualized education
9 program.

10 2. In compliance with the requirements of 29 USC 794 and with 42 USC 12131
11 to 12165, the receiving state shall make reasonable accommodations and
12 modifications to address the needs of incoming students with disabilities, subject to
13 an existing plan prepared under 29 USC 794 or 42 USC 12131 to 12165, to provide
14 the student with equal access to education. This does not preclude the school in the
15 receiving state from performing subsequent evaluations to ensure appropriate
16 placement of the student.

17 (d) *Placement flexibility.* Local education agency administrative officials shall
18 have flexibility in waiving course or program prerequisites or other preconditions for
19 placement in a course or program offered under the jurisdiction of the local education
20 agency.

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21 (e) *Absence as related to deployment activities.* A student whose parent or legal
22 guardian is an active duty member of a uniformed service and has been called to duty
23 for, is on leave from, or has immediately returned from deployment to a combat zone
24 or combat support posting shall be granted additional excused absences at the

1 discretion of the local education agency superintendent to visit with his or her parent
2 or legal guardian relative to such leave or deployment of the parent or guardian.

3 (6) ARTICLE VI – ELIGIBILITY. (a) *Eligibility for enrollment.* 1. A local education
4 agency shall be prohibited from charging local tuition to a child of a military family
5 in transition placed in the care of a noncustodial parent or other person standing in
6 the place of a parent who lives in a jurisdiction other than that of the custodial
7 parent. (JNS. 12-7)

***NOTE: I substituted "transitioning" with "transition" and "military child" with
"child of a military family." Okay?

***NOTE: I deleted the subdivision relating to "special power of attorney" because
that status does not exist in this state.

8 2. A child of a military family who is in transition and who has been placed in
9 the care of a noncustodial parent or other person standing in the place of a parent
10 who lives in a jurisdiction other than that of the custodial parent may continue to
11 attend the school in which he or she was enrolled while residing with the custodial
12 parent.

13 (b) *Eligibility for extracurricular participation.* State and local education
14 agencies shall facilitate the opportunity for a child of a military family in transition
15 to be included in extracurricular activities, regardless of application deadlines, to the
16 extent he or she is otherwise qualified.

17 (7) ARTICLE VII – GRADUATION. In order to facilitate the on-time graduation
18 of a child of a military family, states and local education agencies shall incorporate
19 the following procedures:

20 (a) *Waiver requirements.* Local education agency administrative officials shall
21 waive specific courses required for graduation if similar course work has been
22 satisfactorily completed in another local education agency or shall provide

1 reasonable justification for denial. Should a waiver not be granted to a student who
2 would qualify to graduate from the sending school, the local education agency shall
3 provide an alternative means of acquiring required course work so that graduation
4 may occur on time.

5 (b) *Exit exams.* Except as provided in par. (c), a member state shall accept all
6 of the following examinations or tests administered to the child of a military family
7 in lieu of testing requirements for graduation in the receiving state:

> ****NOTE: Is it the member state that shall consider ^{or must accept} these alternatives or the local
education agency? _{AA =} The same question applies to par. (c) below.

- 8 1. Exit or end-of-course exams required for graduation from the sending state.
- 9 2. National norm-referenced achievement tests.
- 10 3. Alternative testing acceptable to the receiving state.

11 (c) *Transfers during senior year.* If a child of a military family is or will be
12 making a transition ^{transfers} at the beginning of or during the child's high school senior year,

13 and the receiving state has considered the examinations and tests under par. (b) and
14 determined that the child would be ineligible to graduate from the local education
15 agency of the receiving state after all alternatives have been considered, the local
16 education ~~agencies~~ ^{agency} of the sending state ~~and~~ ^{with} the ~~receiving state~~ ^{cooperation of the local educational} shall ensure the
17 receipt of a diploma from the local education agency of the sending state if the
18 student meets the graduation requirements of the local education agency of the
19 sending state. If one of the states in question is a nonmember state ^{of the} the member state
20 shall use best efforts to facilitate the on-time graduation of the student in accordance
21 with pars. (a) and (b) of this subsection.

****NOTE: I replaced "military student" with "child of a military family." I also replaced "sending and receiving local education agencies" with "the local education agencies of the sending state and the receiving state."

***NOTE: This section is substantially modified from the compact. Please review it carefully to ensure that it accomplishes your intent.

(8) 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~~ ^{shall} include ~~each~~ ^{all} of the following:

1. The state superintendent of education.
2. The superintendent of a school district with a high concentration of children of military families. A member state that does not have a school district deemed to contain a high concentration of children of military families may appoint a superintendent from another school district to represent local education agencies on the state council.

***NOTE: ~~The drafting instructions used the term, "military children." This is not a defined term; I substituted the plural form of the defined term, "child of a military family."~~

As drafted, the superintendent of a school district with a high concentration of children of military families is appointed by the state superintendent. OK?

***NOTE: What does "high concentration" mean? What if there is more than one school district with a "high concentration" of children of military families? Should each such school district be represented on the council? Or should the only the district with the highest concentration be included on the council?

***NOTE: Who "deems" a school district to have a high concentration of children of military families? DPI?

3. A representative from a military installation.

***NOTE: As drafted, the military representative on the council is appointed by the state superintendent of public instruction. OK? ~~Does the military installation have to be located in this state?~~
4. One representative from the legislative branch of government.

***NOTE: As drafted, the council created under s. 14.91 includes one member each of the senate and assembly. OK?
5. One representative from the executive branch of government.

***NOTE: The drafting instructions directed me to include on the council "one representative ... from the executive branch[] of government." As drafted, the council includes the governor or his or her designee. Ok?

6. Representatives from other offices and stakeholder groups the state council deems appropriate.

***NOTE: How will the council determine whether other representatives should be added to the membership of the council? By a simple majority? Will there be a limit to the number of "other" members of the state council?

(b) The state council established or existing body or board designated by each member state under par. (a) shall appoint or designate a military family education liaison to assist children of military families and the state in facilitating the implementation of this compact.

(c) A compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

(d) The compact commissioner appointed under par. (c) and the military family education liaison appointed or designated under par. (b) shall serve on the state council as nonvoting members of the state council, unless either is already a full voting member of the state council.

***NOTE: I substituted nonvoting for ex officio. Okay?

(9) ARTICLE IX – INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN. The member states hereby create the interstate commission. The activities of the interstate commission are the formation of public policy and are a discretionary state function. All of the following apply to the interstate commission:

(a) The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in this compact, and such additional powers as may be conferred upon it by a

1 subsequent concurrent action of the respective legislatures of the member states in
2 accordance with the terms of this compact.

3 (b) The interstate commission shall consist of one interstate commission voting
4 representative from each member state who shall be that state's compact
5 commissioner. The following apply to meetings of the interstate commission:

6 1. Each member state represented at a meeting is entitled to one vote.

7 2. A majority of the member states shall constitute a quorum for the transaction
8 of business, unless a larger number is required by the bylaws of the interstate
9 commission.

10 3. A representative shall not delegate a vote to another member state. In the

11 event a compact commissioner of a state is unable to attend a meeting of the
12 interstate commission, the governor or state council of that state may delegate voting
13 authority to another person from that state for a specified meeting.

14 4. The bylaws may provide for meetings of the interstate commission to be
15 conducted by telecommunication or electronic communication.

16 (c) The interstate commission shall include nonvoting members who are
17 members of interested organizations. Such nonvoting members, as defined in the
18 bylaws, may include members of the representative organizations of military family
19 advocates, local education agency officials, parent and teacher groups, the U.S.
20 department of defense, the Education Commission of the States, the Interstate
21 Agreement on the Qualification of Educational Personnel, and other interstate
22 compacts affecting the education of children of military families.

***NOTE: I changed "children of military members" to "children of military families." Okay? *ae*



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1 (d) The interstate commission shall meet at least once each calendar year. The
2 chairperson may call additional meetings and, upon the request of a simple majority
3 of the member states, shall call additional meetings.

4 (e) The interstate commission shall establish an executive committee, whose
5 members shall include the officers of the interstate commission and such other
6 members of the interstate commission as determined by the bylaws. Members of the
7 executive committee shall serve one-year terms. Members of the executive
8 committee shall be entitled to one vote each. The executive committee shall have the
9 power to act on behalf of the interstate commission, with the exception of rule
10 making, during periods when the interstate commission is not in session. The
11 executive committee shall oversee the day-to-day activities of the administration of
12 the compact, including enforcement and compliance with the provisions of the
13 compact, its bylaws and rules, and other such duties as deemed necessary. The U.S.
14 department of defense shall serve as a nonvoting member of the executive
15 committee.

16 (f) The interstate commission shall establish bylaws and rules that provide for
17 conditions and procedures under which the interstate commission shall make its
18 information and official records available to the public for inspection or copying. The
19 interstate commission may exempt from disclosure information or official records to
20 the extent they would adversely affect personal privacy rights or proprietary
21 interests.

22 (g) The interstate commission shall give public notice of all meetings and all
23 meetings shall be open to the public, except as set forth in the rules or as otherwise
24 provided in the compact. The interstate commission and any committee of the
25 commission may close a meeting or portion of a meeting if the ~~members of the~~

1 commission or committee determined by two-thirds vote that an open meeting would
 2 be likely to fulfil any of the following:

****NOTE: I modified the last sentence of this paragraph to refer to the members of the commission or committee making a decision to close the meeting, rather than the commission or committee itself. Okay?

3 1. Relate solely to the interstate commission's internal personnel practices and
 4 procedures.

5 2. Disclose matters specifically exempted from disclosure by federal and state
 6 statute.

7 3. Disclose trade secrets or commercial or financial information which is
 8 privileged or confidential.

9 4. Involve accusing a person of a crime, or formally censuring a person.

****NOTE: Any person of any crime? Or only a person who has a relationship with the commission who will be accused of committing a crime involving the activities of the commission?

10 5. Disclose information of a personal nature where disclosure would constitute
 11 a clearly unwarranted invasion of personal privacy.

12 6. Disclose investigative records compiled for law enforcement purposes.

13 7. Specifically relate to the interstate commission's participation in a civil
 14 action or other legal proceeding.

15 (h) For a meeting or portion of a meeting closed under par. (g), the interstate
 16 commission shall cause its legal counsel or designee to certify that a meeting may be

17 closed and shall reference each relevant exemptible provision ~~for any meeting or~~
 18 ~~portion of a meeting which is closed pursuant to this provision.~~ The interstate

19 commission shall keep minutes, which shall fully and clearly describe all matters
 20 discussed in a meeting and shall provide a full and accurate summary of actions

21 taken, and the reasons for taking the actions, including a description of the views

1 expressed and the record of a roll call vote. All documents considered in connection
2 with an action shall be identified in such minutes. All minutes and documents of a
3 closed meeting shall remain under seal, subject to release by a majority vote of the
4 interstate commission.

***NOTE: What does it mean that the legal counsel must "certify that a meeting may be closed"? Does notice have to be given in writing in advance of the meeting? If so, how many days or hours in advance? Or may the legal counsel simply make an oral announcement at the time the commission seeks to go into closed session at the meeting?

> ***NOTE: What does "exemptible provision" mean?

5 (i) The interstate commission shall collect standardized data concerning the
6 educational transitions of children of military families under this compact as
7 directed through its rules. The rules required under this paragraph ^{→ which} shall specify the
8 data to be collected, the means of collection and data exchange, and reporting
9 requirements. Such methods of data collection, exchange, and reporting shall, in so
10 far as is reasonably possible, conform to current technology and coordinate its
11 information functions with the appropriate custodian of records as identified in the
12 bylaws and rules.

***NOTE: I don't understand what "such methods of data collection, exchange, and reporting shall ... coordinate its information functions" means. How can a method coordinate a function?

The interstate commission shall

13 (j) Create a process that permits military officials, education officials, and
14 parents to inform the interstate commission if and when there are alleged violations
15 of the compact or its rules or when issues subject to the jurisdiction of the compact
16 or its rules are not addressed by the state or local education agency. This paragraph
17 shall not be construed to create a private right of action against the interstate
18 commission ^{or} any member state or any local education agency

19 (10) ARTICLE X - POWERS AND DUTIES OF THE INTERSTATE COMMISSION. The
20 interstate commission shall have the following powers:

→ ^{CS} NOTE: I added "or any local education agency" at the end of the last sentence as did Virginia.

(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 statutory law and shall be binding in the member states to the extent and in the manner provided in this compact.

****NOTE: I changed "compact state" to "member state." OK?

(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 the use of judicial process.

(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 an executive committee as required by sub. (9) (e), which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties under the compact.

(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 donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of any such donations and grants.

****NOTE: I added the last sentence of this paragraph as it appears in Virginia's version of the compact. OK?

rules promulgated under subchapter II of chapter 22.7

OK? of Virginia made similar changes

Any action to enforce compliance with the compact provisions by the interstate commission shall be brought against a member state only.

OK?

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****NOTE: The LRB drafting manual prohibits the use of “any and all”, so I eliminated this phrase from this paragraph. I also substituted “any such donations and grants” for “it.”

1 (k) To lease, purchase, accept contributions or donations of, or otherwise to own,
2 hold, improve, or use any property, real, personal, or mixed.

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

5 (m) To establish a budget and make expenditures.

6 (n) To adopt a seal and bylaws governing the management and operation of the
7 interstate commission.

8 (o) To report annually to the legislatures, governors, judiciary, and state
9 councils of the member states concerning the activities of the interstate commission
10 during the preceding year. Such reports shall also include any recommendations
11 that may have been adopted by the interstate commission.

12 (p) To coordinate education, training, and public awareness regarding the
13 compact, its implementation and operation for officials and parents involved in such
14 activity.

15 (q) To establish uniform standards for the reporting, collecting, and exchanging
16 of data.

17 (r) To maintain corporate books and records in accordance with the bylaws.

18 (s) To perform such functions as may be necessary or appropriate to achieve the
19 purposes of this compact.

20 (t) To provide for the uniform collection and sharing of information between and
21 among member states, schools, and military families under this compact.

****NOTE: Should the compact provide a definition for “military families”?

1 (11) ARTICLE XI — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

2 (a) The interstate commission shall, by a majority of the members present and
3 voting, within 12 months after the first interstate commission meeting, adopt bylaws
4 to govern its conduct as may be necessary or appropriate to carry out the purposes
5 of the compact, including all of the following:

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

19 (b) The interstate commission shall, by a majority of the members, elect
 20 annually from among its members a chairperson, a ^(A) vice chairperson, and a
 21 treasurer, each of whom shall have ^{the} such authority and duties ^{as} as may be specified in
 22 the bylaws. The chairperson or, in the chairperson's absence or disability, the
 23 ^(A) vice chairperson, shall preside at all meetings of the interstate commission. The
 24 officers so elected shall serve without compensation or remuneration from the
 25 interstate commission. Subject to the availability of budgeted funds, the officers

1 shall be reimbursed for ordinary and necessary costs and expenses incurred by them
2 in the performance of their responsibilities as officers of the interstate commission.

3 (c) *Executive Committee, Officers and Personnel.* 1. The executive committee
4 shall have ^{the} such authority and duties ^{as} as may be set forth in the bylaws, including all
5 of the following:

6 a. Managing the affairs of the interstate commission in a manner consistent
7 with the bylaws and purposes of the interstate commission.

8 b. Overseeing an organizational structure within, and appropriate procedures
9 for the interstate commission to provide for the creation of rules, operating
10 procedures, and administrative and technical support functions.

11 c. Planning, implementing, and coordinating communications and activities
12 with other state, federal, and local government organizations in order to advance the
13 goals of the interstate commission.

14 2. The executive committee may, subject to the approval of the interstate
15 commission, appoint or retain an executive director for such period, upon such terms
16 and conditions, and for such compensation, as the interstate commission may deem
17 appropriate. The executive director shall serve as secretary to the interstate
18 commission, but shall not be a member of the interstate commission. The executive
19 director shall hire and supervise such other persons as may be authorized by the
20 interstate commission.

21 (d) 1. The interstate commission's executive director and its employees are
22 immune from suit and liability, either personally or in their official capacity, for a
23 claim for damage to or loss of property or personal injury or other civil liability caused
24 or arising out of or relating to an actual or alleged act, error, or omission that
25 occurred, or that such person had a reasonable basis for believing occurred, within

1 the scope of interstate commission employment, duties, or responsibilities, except
2 that the executive director and the employees of the interstate commission shall not
3 be protected under this subdivision from suit or liability for damage, loss, injury, or
4 liability caused by the intentional or willful and wanton misconduct of that executive
5 director or employee.

6 2. The liability of the interstate commission's executive director and employees
7 or interstate commission representatives, acting within the scope of such person's
8 employment or duties for acts, errors, or omissions occurring within such person's
9 state may not exceed the limits of liability set forth under the constitution and laws
10 of that state for state officials, employees, and agents. The interstate commission is
11 considered to be an instrumentality of the states for the purposes of any such action.
12 Nothing in this subdivision shall be construed to protect such person from suit or
13 liability for damage, loss, injury, or liability caused by the intentional or willful and
14 wanton misconduct of such person.

15 3. The interstate commission shall defend the executive director and its
16 employees and, subject to the approval of the attorney general or other appropriate
17 legal counsel of the member state represented by an interstate commission
18 representative, shall defend such interstate commission representative in any civil
19 action seeking to impose liability arising out of an actual or alleged act, error, or
20 omission that occurred within the scope of interstate commission employment,
21 duties or responsibilities, or that the defendant had a reasonable basis for believing
22 occurred within the scope of interstate commission employment, duties, or
23 responsibilities, provided that the actual or alleged act, error, or omission did not
24 result from intentional or willful and wanton misconduct on the part of such person.

1 4. To the extent not covered by the state involved, member state, or the
2 interstate commission, the representatives or employees of the interstate
3 commission shall be held harmless in the amount of a settlement or judgment,
4 including attorney's fees and costs, obtained against such persons arising out of an
5 actual or alleged act, error, or omission that occurred within the scope of interstate
6 commission employment, duties, or responsibilities, or that such persons had a
7 reasonable basis for believing occurred within the scope of interstate commission
8 employment, duties, or responsibilities, provided that the actual or alleged act, error,
9 or omission did not result from intentional or willful and wanton misconduct on the
10 part of such persons.

11 (12) ARTICLE XII – RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION. (a)

12 *Rule-making authority.* (1) The interstate commission shall promulgate reasonable
13 rules in order to effectively and efficiently achieve the purposes of this compact.

14 (2) Notwithstanding subd. 1., ^{If} in the event the interstate commission exercises
15 its rule-making authority in a manner that is beyond the scope of the purposes of this
16 compact, or the powers granted under this compact, then such an action by the
17 interstate commission shall be invalid and have no force or effect.

18 (b) *Rule-making Procedure.* Rules shall be made pursuant to a rule-making
19 process that substantially conforms to the Model State Administrative Procedure
20 Act, as amended, as may be appropriate to the operations of the interstate
21 commission.

22 (c) Not later than 30 days after a rule is promulgated, any person may file a
23 petition for judicial review of the rule; provided, that the filing of such a petition shall
24 not stay or otherwise prevent the rule from becoming effective unless the court finds
25 that the petitioner has a substantial likelihood of success. The court shall give

1 deference to the actions of the interstate commission consistent with applicable law
2 and shall not find the rule to be unlawful if the rule represents a reasonable exercise
3 of the interstate commission's authority.

4 (d) If a majority of the legislatures of the member states rejects a rule by
5 enactment of a statute or resolution in the same manner used to adopt the compact,
6 then such rule shall have no further force and effect in any member state.

→ ****NOTE: I changed several instances of the term "compacting states" to "member states." Okay?

7 (13) ARTICLE XIII – OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION. (a)

8 Oversight. 1. The executive, legislative, and judicial branches of state government
9 in each member state shall enforce this compact and shall take all actions necessary
10 and appropriate to effectuate the compact's purposes and intent. The provisions of
11 this compact and the rules promulgated hereunder shall have standing as statutory

12 law. ~~rules promulgated under subch. II of ch. 227~~

CS ****NOTE: Can a compact or rules have standing? I copied Virginia's version here responding for standing as administrative rules not as statutory law.

13 2. All courts shall take judicial notice of the compact and the rules in any
14 judicial or administrative proceeding in a member state pertaining to the subject
15 matter of this compact which ~~may~~ ^{that} affect the powers, responsibilities or actions of the
16 interstate commission.

17 3. The interstate commission ~~shall be entitled~~ ^{is} to receive all service of process
18 in any such proceeding, and ~~shall have~~ ^{has} standing to intervene in the proceeding for
19 all purposes. Failure to provide service of process to the interstate commission ~~shall~~
20 render a judgment or order void as to the interstate commission, this compact or
21 promulgated rules.

****NOTE: How does an interstate commission receive service of process? Can an interstate commission be sued? Or is the entity being served actually each member state?

Shouldn't one person, perhaps from each member state, be required to receive such service?

1 (b) *Default, technical assistance, suspension, and termination.* If the interstate
2 commission determines that a member state has defaulted in the performance of its
3 obligations or responsibilities under this compact, or the bylaws or promulgated
4 rules, the interstate commission shall do all of the following:

5 1. Provide written notice to the defaulting state and other member states of the
6 nature of the default, the means of curing the default, and any action taken by the
7 interstate commission. The interstate commission shall specify the conditions by
8 which the defaulting state must cure its default.

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

11 3. If the defaulting state fails to cure the default, the defaulting state shall be
12 terminated from the compact upon an affirmative vote of a majority of the member
13 states, and all rights, privileges, and benefits conferred by this compact shall be
14 terminated from the effective date of termination. A cure of the default does not
15 relieve the offending state of obligations or liabilities incurred during the period of
16 the default.

17 4. Suspension or termination of membership in the compact shall be imposed
18 only after all other means of securing compliance have been exhausted. Notice of
19 intent to suspend or terminate shall be given by the interstate commission to the
20 governor, the majority and minority leaders of the defaulting state's legislature, and
21 each of the member states.

22 5. A state ^{or that} which has been suspended or terminated is responsible for all
23 assessments, obligations, and liabilities incurred through the effective date of

1 suspension or termination, including obligations the performance of which extends
2 beyond the effective date of suspension or termination.

3 6. The interstate commission shall not bear any costs relating to any state that
4 has been found to be in default or ^{that} which has been suspended or terminated from the
5 compact, unless otherwise mutually agreed upon in writing between the interstate
6 commission and the defaulting state.

7 7. The defaulting state may appeal the action of the interstate commission by
8 petitioning the U.S. District Court for the District of Columbia or the federal district
9 where the interstate commission has its principal offices. The prevailing party shall
10 be awarded all costs of such litigation including reasonable attorney's fees.

11 (c) *Dispute Resolution.* 1. The interstate commission shall attempt, upon the
12 request of a member state, to resolve disputes that are subject to the compact and
13 that may arise among member states and between member and nonmember states.

14 2. The interstate commission shall promulgate a rule providing for both
15 mediation and binding dispute resolution for disputes as appropriate.

16 (d) *Enforcement.* 1. The interstate commission, in the reasonable exercise of
17 its discretion, shall enforce the provisions and rules of this compact.

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

***NOTE: I deleted "and binding dispute resolution" in para (c) 2 on and all of paragraph (d) a dealing with enforcement. Virginia also made these changes.

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~~3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.~~

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(14) 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 from each member state an annual assessment to cover the cost of the operations and activities of the interstate commission and its staff. The aggregate annual assessment must be sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated among member states based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

> ****NOTE: I created a sum sufficient appropriation under s. 20.255 (3) (f) to cover these costs. Okay? *OK*

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(c) The interstate commission shall not do any of the following:

No 1. Incur obligations of any kind prior to securing the funds adequate to meet the same. *not a law*

No 2. Pledge the credit of any of the member states, except by and with the authority of the member state.

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(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

1 the report of the audit shall be included in and become part of the annual report of
2 the interstate commission.

3 (15) ARTICLE XV - MEMBER STATES, EFFECTIVE DATE AND AMENDMENT. (a) Any
4 state is eligible to become a member state.

5 (b) The compact shall become effective and binding upon legislative enactment
6 of the compact into law by no less than 10 states. Thereafter, it shall become effective
7 and binding as to any other state upon enactment of the compact into law by that
8 state. The governor of a nonmember state or his or her designee shall be invited to
9 participate in the activities of the interstate commission on a nonvoting basis prior
10 to adoption of the compact by all states.

11 (c) The interstate commission may propose amendments to the compact for
12 enactment by the member states. No amendment shall become effective and binding
13 upon the interstate commission and the member states unless and until it is enacted
14 into law by unanimous consent of the member states.

15 (16) ARTICLE XVI - WITHDRAWAL AND DISSOLUTION. (a) *Withdrawal*. 1. (a) Except
16 as provided in subd. 1.b., once effective, the compact shall continue in force and
17 remain binding upon each and every member state. *provided that*

18 *No* b. A member state may withdraw from the compact by specifically repealing
19 the statute *that* enacted the compact into law.

20 2. Withdrawal from this compact shall be by the enactment of a statute
21 repealing the same, but shall not take effect until one year after the effective date
22 of such statute and until written notice of the withdrawal has been given by the
23 withdrawing state to the governor of each other member jurisdiction.

****NOTE: Is it significant that the term, "member jurisdiction" be used here, rather than "member state", which is the defined term?

I deleted that portion of subd. 2.0 which delayed the effective date of withdrawal for one year as the deletion was also made by Virginia.

that

1 3. A withdrawing state shall immediately notify the chairperson of the
2 interstate commission in writing upon the introduction of legislation repealing this
3 compact in the withdrawing state. The interstate commission shall notify the other
4 member states of the withdrawing state's intent to withdraw within 60 days of its
5 receipt thereof.

****NOTE: This subdivision uses the words "withdrawing state" and "introduction of legislation repealing this compact" as a means of describing proposed legislative action to repeal the compact and triggering notice to the interstate commission. However, the introduction of a bill seeking to withdraw from the compact does not mean that the state is a "withdrawing state" or will repeal or withdraw from the compact. Should I modify this language?

6 4. A withdrawing state is responsible for all assessments, obligations, and
7 liabilities incurred through the effective date of withdrawal, including obligations
8 the performance of which extends beyond the effective date of withdrawal.

9 5. Reinstatement following withdrawal of a member state shall occur upon the
10 withdrawing state reenacting the compact or upon such later date as determined by
11 the ~~Interstate~~ Commission.

12 (b) *Dissolution of Compact.* 1. This compact shall dissolve effective upon the
13 date of the withdrawal or default of the member state ^{that} which reduces the membership
14 in the compact to one member state.

15 2. Upon the dissolution of this compact, the compact is null and void and ~~shall~~
16 ~~be~~ of no further force or effect, and the business and affairs of the interstate
17 commission shall be concluded and surplus funds ~~shall be~~ distributed in accordance
18 with the bylaws.

19 (17) ARTICLE XVII — SEVERABILITY AND CONSTRUCTION. (a) The provisions of this
20 compact shall be severable and if any phrase, clause, sentence, or provision is
21 deemed unenforceable, the remaining provisions of the compact shall be enforceable.

1 (b) The provisions of this compact shall be liberally construed to effectuate its
2 purposes.

3 (c) Nothing in this compact shall be construed to prohibit the applicability of
4 other interstate compacts to which the states are members.

5 (18) ARTICLE XVIII — BINDING EFFECT OF COMPACT AND OTHER LAWS. (a) *Other*
6 *Laws*. 1. Nothing herein prevents the enforcement of any other law of a member state
7 that is not inconsistent with this compact.

8 2. All laws of member states that conflict with this compact are superseded to
9 the extent of the conflict.

10 (b) *Binding effect of the compact*. 1. All lawful actions of the interstate
11 commission, including all rules and bylaws promulgated by the interstate
12 commission, are binding upon the member states.

13 2. All agreements between the interstate commission and the member states
14 are binding in accordance with their terms.

15 3. If any provision of this compact exceeds the constitutional limits imposed on
16 the legislature of any member state, such provision shall be ineffective to the extent
17 of the conflict with the constitutional provision in question in that member state.

18 (END)

3-31

A SEC. CR. 115.28 (58) (CS)

(B) 115.28 (58) ASSESSMENT FOR INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR

MILITARY CHILDREN. Annually determine

the amount of the assessment under

so 115.0997 (14)(b) The amount shall be the lesser of \$1,000 or the

amount calculated by multiplying \$1.00 by

the number of children of military families enrolled in public schools in this state.

plus deficit in so 115.0997 (2)(b) where

11-21:1

BILL

1 (b) "State" means a state of the United States, the District of Columbia, the
2 Northern Mariana Islands, and any territory of the United States.

3 (e) "Uniformed service" has the meaning given in s. 6.22 (1) (c).

4 (f) "Veteran" means a person who served in a uniformed service and was
5 discharged or released from service under conditions other than dishonorable.

6 (2) GRADE LEVEL. A school board shall allow a child of a military family who
7 moved to the school district from another state after the commencement of classes
8 to continue in the same grade in which he or she was enrolled in the other state. A
9 school board shall allow a child of a military family who moved to the school district
10 from another state after satisfactorily completing a grade level to enroll in the next
11 grade level.

12 (3) EDUCATIONAL PROGRAM. Except as provided in 34 CFR 300.323 (f), if a child
13 of a military family moves to a school district from another state, the school board
14 of that school district shall initially place the child in an educational program and
15 in courses based on the child's placement in the school he or she most recently
16 attended.

17 (4) SCHOOL ATTENDANCE. Each school board shall adopt a policy relating to
18 excusing a child of a military family who moved to the school district from another
19 state from school attendance in order to visit his or her parent or guardian who is on
20 active duty and has been called to duty for or is on leave from deployment to a combat
21 zone or combat support posting, or has returned from deployment to a combat zone
22 or combat support posting within the past 30 days.

23 (5) EXTRACURRICULAR ACTIVITIES. A school board shall make every effort to
24 include in extracurricular activities a child of a military family who moved to the
25 school district from another state, to the extent he or she is otherwise qualified.



11-21:2

(D) (09) ~~***NOTE~~ (CS) as this paragraph is from
LRB-3523/1 is substituted for the compact
 language.

12-7

NOTE I did not substitute Wisconsin's

residency requirement (the "Thayer rule") for

the compact language in sub. The compact

language does not conflict with the

Thayer rule and

~~either way~~

the provision will apply only to children of

military families. Thus neither way there may

be an unintended implication that there is

a different rule for other children. You may

wish to consider eliminating the provision entirely.

it is difficult to succinctly capture the Thayer rule without losing all of its nuances. In addition, whether the compact language or the Thayer rule is used here ~~it will~~

Grant, Peter

From: McCarthy, Tom
Sent: Friday, March 19, 2010 12:40 PM
To: Sappenfield, Anne; Grant, Peter
Subject: Military Compact Mark-Up from DPI

Attachments: Compact with DPI Mark-Up.pdf

no - just sch. dir's + (20) ch. schools

Peter and Anne,

Attached you will find a marked up version of the draft with some of DPI's suggestions. I'll do my best to summarize below the major points:

- ✓ 1) On page 2, and later on page 14, there are references to the executive branch. Because DPI has constitutional authority in the world of education, they are looking to have those sections deleted and changed as directed
- ✓ 2) On page 6, an existing definition exists for "local education agency" in 115.76 (10) that should work for this, however, the operator of a charter school under 118.40 (2r) must be included as well
- ✓ 3) Throughout the document, state school and state should be replaced with LEA since they are the actors being forced to comply with the compact. The big policy change in doing this shows up on page 20, where the action taken by the committee for WI should be directed at LEAs and not the state.
- ④ 4) We are a little worried about the effect the promulgated rules will have. Does the legislature and DPI have the ability to review them as drafted right now? You will see DPI has marked sections relating to the rules on page 19, 25, and 26.
- ✓ 5) Does there need to be a cross reference to the appropriation on page 28 when talking about the ability of the commission to levy funds?
- ✓ 6) On page 29-30, is there a way to withdraw from the commission and not remove the entire compact? If not, can we make that so. Also, Peter's note on page 30 is legitimate. We cannot control individual legislators in this state and it is cumbersome for the notification process to start for every time someone may attempt to subvert this. I would take any suggestions from the two of you as to how we can clarify this provision.

If you have any other question, please ask me. Thank you again for all your work, I know this document is a lot to handle.

-tom

*RP by RP compact (by law) .
+ utility of RP compact .*



Compact with DPI Mark-Up.pdf (...)

want: rule must go thru our process (i.e. must be promulgated by DPI)