
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1574 Session of
2008

INTRODUCED BY ROBBINS, PILEGGI, BAKER, BOSCOLA, BROWNE,
BRUBAKER, COSTA, ERICKSON, FOLMER, FONTANA, GREENLEAF,
KITCHEN, LAVALLE, LOGAN, MUSTO, O'PAKE, PIPPY, PUNT,
RAFFERTY, STACK, TARTAGLIONE, TOMLINSON, WASHINGTON, WAUGH,
M. WHITE AND C. WILLIAMS, SEPTEMBER 18, 2008

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
SEPTEMBER 18, 2008

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Compact on Educational Opportunity for Military
3 Children; providing for the form of the compact; imposing
4 additional powers and duties on the Governor, the Secretary
5 of the Commonwealth and the compact administrator; and
6 establishing the State Council on Interstate Educational
7 Opportunity for Military Children.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Interstate
12 Compact on Educational Opportunity for Military Children Act.

13 Section 2. Authority to execute compact.

14 The Governor of Pennsylvania, on behalf of this State, is
15 hereby authorized to execute a compact in substantially the
16 following form with any one or more of the states of the United
17 States, and the General Assembly hereby signifies in advance its
18 approval and ratification of such compact:

Interstate Compact on Educational Opportunity
for Military Children

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.

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

4 ARTICLE II

5 DEFINITIONS

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

8 A. "Active duty" means: full-time duty status in the active
9 uniformed service of the United States, including members
10 of the National Guard and Reserve on active duty orders
11 pursuant to 10 U.S.C. Section 1209 and 1211.

12 B. "Children of military families" means: a school-aged
13 child(ren), enrolled in Kindergarten through Twelfth
14 (12th) grade, in the household of an active duty member.

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

18 D. "Deployment" means: the period one (1) month prior to the
19 service members' departure from their home station on
20 military orders through six (6) months after return to
21 their home station.

22 E. "Education(al) records" means: those official records,
23 files, and data directly related to a student and
24 maintained by the school or local education agency,
25 including but not limited to records encompassing all the
26 material kept in the student's cumulative folder such as
27 general identifying data, records of attendance and of
28 academic work completed, records of achievement and
29 results of evaluative tests, health data, disciplinary
30 status, test protocols, and individualized education

1 programs.

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

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

13 H. "Local education agency" means: a public authority
14 legally constituted by the state as an administrative
15 agency to provide control of and direction for
16 Kindergarten through Twelfth (12th) grade public
17 educational institutions.

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

20 J. "Military installation" means: a base, camp, post,
21 station, yard, center, homeport facility for any ship, or
22 other activity under the jurisdiction of the Department
23 of Defense, including any leased facility, which is
24 located within any of the several States, the District of
25 Columbia, the Commonwealth of Puerto Rico, the U.S.
26 Virgin Islands, Guam, American Samoa, the Northern
27 Marianas Islands and any other U.S. Territory. Such term
28 does not include any facility used primarily for civil
29 works, rivers and harbors projects, or flood control
30 projects.

1 K. "Non-member state" means: a state that has not enacted
2 this compact.

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

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

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

18 O. "State" means: a state of the United States, the District
19 of Columbia, the Commonwealth of Puerto Rico, the U.S.
20 Virgin Islands, Guam, American Samoa, the Northern
21 Marianas Islands and any other U.S. Territory.

22 P. "Student" means: the child of a military family for whom
23 the local education agency receives public funding and
24 who is formally enrolled in Kindergarten through Twelfth
25 (12th) grade.

26 Q. "Transition" means: 1) the formal and physical process of
27 transferring from school to school or 2) the period of
28 time in which a student moves from one school in the
29 sending state to another school in the receiving state.

30 R. "Uniformed service(s)" means: the Army, Navy, Air Force,

1 Marine Corps, Coast Guard as well as the Commissioned
2 Corps of the National Oceanic and Atmospheric
3 Administration, and Public Health Services.

4 S. "Veteran" means: a person who served in the uniformed
5 services and who was discharged or released there from
6 under conditions other than dishonorable.

7 ARTICLE III

8 APPLICABILITY

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

- 11 1. active duty members of the uniformed services as
12 defined in this compact, including members of the
13 National Guard and Reserve on active duty orders
14 pursuant to 10 U.S.C. Section 1209 and 1211;
- 15 2. members or veterans of the uniformed services who
16 are severely injured and medically discharged or
17 retired for a period of one (1) year after
18 medical discharge or retirement; and
- 19 3. members of the uniformed services who die on
20 active duty or as a result of injuries sustained
21 on active duty for a period of one (1) year after
22 death.

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

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

- 28 1. inactive members of the national guard and
29 military reserves;
- 30 2. members of the uniformed services now retired,

1 except as provided in Section A;

2 3. veterans of the uniformed services, except as
3 provided in Section A; and

4 4. other U.S. Dept. of Defense personnel and other
5 federal agency civilian and contract employees
6 not defined as active duty members of the
7 uniformed services.

8 ARTICLE IV

9 EDUCATIONAL RECORDS & ENROLLMENT

10 A. Unofficial or "hand-carried" education records - In the
11 event that official education records cannot be released
12 to the parents for the purpose of transfer, the custodian
13 of the records in the sending state shall prepare and
14 furnish to the parent a complete set of unofficial
15 educational records containing uniform information as
16 determined by the Interstate Commission. Upon receipt of
17 the unofficial education records by a school in the
18 receiving state, the school shall enroll and
19 appropriately place the student based on the information
20 provided in the unofficial records pending validation by
21 the official records, as quickly as possible.

22 B. Official education records/transcripts - Simultaneous
23 with the enrollment and conditional placement of the
24 student, the school in the receiving state shall request
25 the student's official education record from the school
26 in the sending state. Upon receipt of this request, the
27 school in the sending state will process and furnish the
28 official education records to the school in the receiving
29 state within ten (10) days or within such time as is
30 reasonably determined under the rules promulgated by the

1 Interstate Commission.

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

11 D. Kindergarten and First grade entrance age - Students
12 shall be allowed to continue their enrollment at grade
13 level in the receiving state commensurate with their
14 grade level (including Kindergarten) from a local
15 education agency in the sending state at the time of
16 transition, regardless of age. A student that has
17 satisfactorily completed the prerequisite grade level in
18 the local education agency in the sending state shall be
19 eligible for enrollment in the next highest grade level
20 in the receiving state, regardless of age. A student
21 transferring after the start of the school year in the
22 receiving state shall enter the school in the receiving
23 state on their validated level from an accredited school
24 in the sending state.

25 ARTICLE V

26 PLACEMENT & ATTENDANCE

27 A. Course placement - When the student transfers before or
28 during the school year, the receiving state school shall
29 initially honor placement of the student in educational
30 courses based on the student's enrollment in the sending

1 state school and/or educational assessments conducted at
2 the school in the sending state if the courses are
3 offered. Course placement includes but is not limited to
4 Honors, International Baccalaureate, Advanced Placement,
5 vocational, technical and career pathways courses.
6 Continuing the student's academic program from the
7 previous school and promoting placement in academically
8 and career challenging courses should be paramount when
9 considering placement. This does not preclude the school
10 in the receiving state from performing subsequent
11 evaluations to ensure appropriate placement and continued
12 enrollment of the student in the course(s).

13 B. Educational program placement - The receiving state
14 school shall initially honor placement of the student in
15 educational programs based on current educational
16 assessments conducted at the school in the sending state
17 or participation/placement in like programs in the
18 sending state. Such programs include, but are not limited
19 to: 1) gifted and talented programs; and 2) English as a
20 second language (ESL). This does not preclude the school
21 in the receiving state from performing subsequent
22 evaluations to ensure appropriate placement of the
23 student.

24 C. Special education services - 1) In compliance with the
25 federal requirements of the Individuals with Disabilities
26 Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq,
27 the receiving state shall initially provide comparable
28 services to a student with disabilities based on his/her
29 current Individualized Education Program (IEP); and 2) In
30 compliance with the requirements of Section 504 of the

1 Rehabilitation Act, 29 U.S.C.A. Section 794, and with
2 Title II of the Americans with Disabilities Act, 42
3 U.S.C.A. Sections 12131-12165, the receiving state shall
4 make reasonable accommodations and modifications to
5 address the needs of incoming students with disabilities,
6 subject to an existing 504 or Title II Plan, to provide
7 the student with equal access to education. This does not
8 preclude the school in the receiving state from
9 performing subsequent evaluations to ensure appropriate
10 placement of the student.

11 D. Placement flexibility - Local education agency
12 administrative officials shall have flexibility in
13 waiving course/program prerequisites, or other
14 preconditions for placement in courses/programs offered
15 under the jurisdiction of the local education agency.

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

26 ARTICLE VI

27 ELIGIBILITY

28 A. Eligibility for enrollment

29 1. Special power of attorney, relative to the
30 guardianship of a child of a military family and

1 executed under applicable law shall be sufficient
2 for the purposes of enrollment and all other
3 actions requiring parental participation and
4 consent.

5 2. A local education agency shall be prohibited from
6 charging local tuition to a transitioning
7 military child placed in the care of a non-
8 custodial parent or other person standing in loco
9 parentis who lives in a jurisdiction other than
10 that of the custodial parent.

11 3. A transitioning military child, placed in the
12 care of a non-custodial parent or other person
13 standing in loco parentis who lives in a
14 jurisdiction other than that of the custodial
15 parent, may continue to attend the school in
16 which he/she was enrolled while residing with the
17 custodial parent.

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

23 ARTICLE VII

24 GRADUATION

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

28 A. Waiver requirements - Local education agency
29 administrative officials shall waive specific courses
30 required for graduation if similar course work has been

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

8 B. Exit exams - States shall accept: 1) exit or end-of-
9 course exams required for graduation from the sending
10 state; or 2) national norm-referenced achievement tests
11 or 3) alternative testing, in lieu of testing
12 requirements for graduation in the receiving state. In
13 the event the above alternatives cannot be accommodated
14 by the receiving state for a student transferring in his
15 or her Senior year, then the provisions of Article VII,
16 Section C shall apply.

17 C. Transfers during Senior year - Should a military student
18 transferring at the beginning or during his or her Senior
19 year be ineligible to graduate from the receiving local
20 education agency after all alternatives have been
21 considered, the sending and receiving local education
22 agencies shall ensure the receipt of a diploma from the
23 sending local education agency, if the student meets the
24 graduation requirements of the sending local education
25 agency. In the event that one of the states in question
26 is not a member of this compact, the member state shall
27 use best efforts to facilitate the on-time graduation of
28 the student in accordance with Sections A and B of this
29 Article.

30 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: the state superintendent of education, 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. 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 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 and the military family education liaison designated herein shall be ex-officio members of the State Council, unless either is already a

1 full voting member of the State Council.

2 ARTICLE IX

3 INTERSTATE COMMISSION ON EDUCATIONAL

4 OPPORTUNITY FOR MILITARY CHILDREN

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

- 10 A. Be a body corporate and joint agency of the member states
11 and shall have all the responsibilities, powers and
12 duties set forth herein, and such additional powers as
13 may be conferred upon it by a subsequent concurrent
14 action of the respective legislatures of the member
15 states in accordance with the terms of this compact.
- 16 B. Consist of one Interstate Commission voting
17 representative from each member state who shall be that
18 state's compact commissioner.

- 19 1. Each member state represented at a meeting of the
20 Interstate Commission is entitled to one vote.
- 21 2. A majority of the total member states shall
22 constitute a quorum for the transaction of
23 business, unless a larger quorum is required by
24 the bylaws of the Interstate Commission.
- 25 3. A representative shall not delegate a vote to
26 another member state. In the event the compact
27 commissioner is unable to attend a meeting of the
28 Interstate Commission, the Governor or State
29 Council may delegate voting authority to another
30 person from their state for a specified meeting.

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

4 C. Consist of ex-officio, non-voting representatives who are
5 members of interested organizations. Such ex-officio
6 members, as defined in the bylaws, may include but not be
7 limited to, members of the representative organizations
8 of military family advocates, local education agency
9 officials, parent and teacher groups, the U.S. Department
10 of Defense, the Education Commission of the States, the
11 Interstate Agreement on the Qualification of Educational
12 Personnel and other interstate compacts affecting the
13 education of children of military members.

14 D. Meet at least once each calendar year. The chairperson
15 may call additional meetings and, upon the request of a
16 simple majority of the member states, shall call
17 additional meetings.

18 E. Establish an executive committee, whose members shall
19 include the officers of the Interstate Commission and
20 such other members of the Interstate Commission as
21 determined by the bylaws. Members of the executive
22 committee shall serve a one year term. Members of the
23 executive committee shall be entitled to one vote each.
24 The executive committee shall have the power to act on
25 behalf of the Interstate Commission, with the exception
26 of rulemaking, during periods when the Interstate
27 Commission is not in session. The executive committee
28 shall oversee the day-to-day activities of the
29 administration of the compact including enforcement and
30 compliance with the provisions of the compact, its bylaws

1 and rules, and other such duties as deemed necessary. The
2 U.S. Dept. of Defense shall serve as an ex-officio,
3 nonvoting member of the executive committee.

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

11 G. Public notice shall be given by the Interstate Commission
12 of all meetings and all meetings shall be open to the
13 public, except as set forth in the rules or as otherwise
14 provided in the compact. The Interstate Commission and
15 its committees may close a meeting, or portion thereof,
16 where it determines by two-thirds vote that an open
17 meeting would be likely to:

- 18 1. Relate solely to the Interstate Commission's
19 internal personnel practices and procedures;
- 20 2. Disclose matters specifically exempted from
21 disclosure by federal and state statute;
- 22 3. Disclose trade secrets or commercial or financial
23 information which is privileged or confidential;
- 24 4. Involve accusing a person of a crime, or formally
25 censuring a person;
- 26 5. Disclose information of a personal nature where
27 disclosure would constitute a clearly unwarranted
28 invasion of personal privacy;
- 29 6. Disclose investigative records compiled for law
30 enforcement purposes; or

1 7. Specifically relate to the Interstate

2 Commission's participation in a civil action or
3 other legal proceeding.

4 H. For a meeting, or portion of a meeting, closed pursuant
5 to this provision, the Interstate Commission's legal
6 counsel or designee shall certify that the meeting may be
7 closed and shall reference each relevant exemptible
8 provision. The Interstate Commission shall keep minutes
9 which shall fully and clearly describe all matters
10 discussed in a meeting and shall provide a full and
11 accurate summary of actions taken, and the reasons
12 therefore, including a description of the views expressed
13 and the record of a roll call vote. All documents
14 considered in connection with an action shall be
15 identified in such minutes. All minutes and documents of
16 a closed meeting shall remain under seal, subject to
17 release by a majority vote of the Interstate Commission.

18 I. The Interstate Commission shall collect standardized data
19 concerning the educational transition of the children of
20 military families under this compact as directed through
21 its rules which shall specify the data to be collected,
22 the means of collection and data exchange and reporting
23 requirements. Such methods of data collection, exchange
24 and reporting shall, in so far as is reasonably possible,
25 conform to current technology and coordinate its
26 information functions with the appropriate custodian of
27 records as identified in the bylaws and rules.

28 J. The Interstate Commission shall create a process that
29 permits military officials, education officials and
30 parents to inform the Interstate Commission if and when

1 there are alleged violations of the compact or its rules
2 or when issues subject to the jurisdiction of the compact
3 or its rules are not addressed by the state or local
4 education agency. This section shall not be construed to
5 create a private right of action against the Interstate
6 Commission or any member state.

7 ARTICLE X

8 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

9 The Interstate Commission shall have the following powers:

- 10 A. To provide for dispute resolution among member states.
- 11 B. To promulgate rules and take necessary actions to effect
12 the goals, purposes and obligations as enumerated in this
13 compact. The rules shall have the force and effect of
14 statutory law and shall be binding in the compact states
15 to the extent and in the manner provided in this compact.
- 16 C. To issue, upon request of a member state, advisory
17 opinions concerning the meaning or interpretation of the
18 interstate compact, its bylaws, rules and actions.
- 19 D. To enforce compliance with the compact provisions, the
20 rules promulgated by the Interstate Commission, and the
21 bylaws, using all necessary and proper means, including
22 but not limited to the use of judicial process.
- 23 E. To establish and maintain offices which shall be located
24 within one or more of the member states.
- 25 F. To purchase and maintain insurance and bonds.
- 26 G. To borrow, accept, hire or contract for services of
27 personnel.
- 28 H. To establish and appoint committees including, but not
29 limited to, an executive committee as required by Article
30 IX, Section E, which shall have the power to act on

1 behalf of the Interstate Commission in carrying out its
2 powers and duties hereunder.

3 I. To elect or appoint such officers, attorneys, employees,
4 agents, or consultants, and to fix their compensation,
5 define their duties and determine their qualifications;
6 and to establish the Interstate Commission's personnel
7 policies and programs relating to conflicts of interest,
8 rates of compensation, and qualifications of personnel.

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

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

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

18 M. To establish a budget and make expenditures.

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

21 O. To report annually to the legislatures, governors,
22 judiciary, and state councils of the member states
23 concerning the activities of the Interstate Commission
24 during the preceding year. Such reports shall also
25 include any recommendations that may have been adopted by
26 the Interstate Commission.

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

30 Q. To establish uniform standards for the reporting,

- 1 collecting and exchanging of data.
- 2 R. To maintain corporate books and records in accordance
- 3 with the bylaws.
- 4 S. To perform such functions as may be necessary or
- 5 appropriate to achieve the purposes of this compact.
- 6 T. To provide for the uniform collection and sharing of
- 7 information between and among member states, schools and
- 8 military families under this compact.

9 ARTICLE XI

10 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 11 A. The Interstate Commission shall, by a majority of the
- 12 members present and voting, within 12 months after the
- 13 first Interstate Commission meeting, adopt bylaws to
- 14 govern its conduct as may be necessary or appropriate to
- 15 carry out the purposes of the compact, including, but not
- 16 limited to:

- 17 1. Establishing the fiscal year of the Interstate
- 18 Commission;
- 19 2. Establishing an executive committee, and such
- 20 other committees as may be necessary;
- 21 3. Providing for the establishment of committees and
- 22 for governing any general or specific delegation
- 23 of authority or function of the Interstate
- 24 Commission;
- 25 4. Providing reasonable procedures for calling and
- 26 conducting meetings of the Interstate Commission,
- 27 and ensuring reasonable notice of each such
- 28 meeting;
- 29 5. Establishing the titles and responsibilities of
- 30 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.

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 such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers and Personnel

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

a. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate

Commission;

b. Overseeing an organizational structure within, and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Interstate Commission.

2. (Reserved).

3. 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 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

1 occurred, or that such person had a reasonable basis for
2 believing occurred, within the scope of Interstate
3 Commission employment, duties, or responsibilities;
4 provided, that such person shall not be protected from
5 suit or liability for damage, loss, injury, or liability
6 caused by the intentional or willful and wanton
7 misconduct of such person.

8 1. The liability of the Interstate Commission's
9 executive director and employees or Interstate
10 Commission representatives, acting within the
11 scope of such person's employment or duties for
12 acts, errors, or omissions occurring within such
13 person's state may not exceed the limits of
14 liability set forth under the Constitution and
15 laws of that state for state officials,
16 employees, and agents. The Interstate Commission
17 is considered to be an instrumentality of the
18 states for the purposes of any such action.
19 Nothing in this subsection shall be construed to
20 protect such person from suit or liability for
21 damage, loss, injury, or liability caused by the
22 intentional or willful and wanton misconduct of
23 such person.

24 2. The Interstate Commission shall defend the
25 executive director and its employees and, subject
26 to the approval of the Attorney General or other
27 appropriate legal counsel of the member state
28 represented by an Interstate Commission
29 representative, shall defend such Interstate
30 Commission representative in any civil action

1 seeking to impose liability arising out of an
2 actual or alleged act, error or omission that
3 occurred within the scope of Interstate
4 Commission employment, duties or
5 responsibilities, or that the defendant had a
6 reasonable basis for believing occurred within
7 the scope of Interstate Commission employment,
8 duties, or responsibilities, provided that the
9 actual or alleged act, error, or omission did not
10 result from intentional or willful and wanton
11 misconduct on the part of such person.

12 3. To the extent not covered by the state involved,
13 member state, or the Interstate Commission, the
14 representatives or employees of the Interstate
15 Commission shall be held harmless in the amount
16 of a settlement or judgment, including attorney's
17 fees and costs, obtained against such persons
18 arising out of an actual or alleged act, error,
19 or omission that occurred within the scope of
20 Interstate Commission employment, duties, or
21 responsibilities, or that such persons had a
22 reasonable basis for believing occurred within
23 the scope of Interstate Commission employment,
24 duties, or responsibilities, provided that the
25 actual or alleged act, error, or omission did not
26 result from intentional or willful and wanton
27 misconduct on the part of such persons.

28 ARTICLE XII

29 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

30 A. Rulemaking Authority - The Interstate Commission shall

1 promulgate reasonable rules in order to effectively and
2 efficiently achieve the purposes of this Compact.

3 Notwithstanding the foregoing, in the event the
4 Interstate Commission exercises its rulemaking authority
5 in a manner that is beyond the scope of the purposes of
6 this Act, or the powers granted hereunder, then such an
7 action by the Interstate Commission shall be invalid and
8 have no force or effect.

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

15 C. Not later than thirty (30) days after a rule is
16 promulgated, any person may file a petition for judicial
17 review of the rule; provided, that the filing of such a
18 petition shall not stay or otherwise prevent the rule
19 from becoming effective unless the court finds that the
20 petitioner has a substantial likelihood of success. The
21 court shall give deference to the actions of the
22 Interstate Commission consistent with applicable law and
23 shall not find the rule to be unlawful if the rule
24 represents a reasonable exercise of the Interstate
25 Commission's authority.

26 D. If a majority of the legislatures of the compacting
27 states rejects a Rule by enactment of a statute or
28 resolution in the same manner used to adopt the compact,
29 then such rule shall have no further force and effect in
30 any compacting state.

1 ARTICLE XIII

2 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

3 A. Oversight

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

11 2. All courts shall take judicial notice of the
12 compact and the rules in any judicial or
13 administrative proceeding in a member state
14 pertaining to the subject matter of this compact
15 which may affect the powers, responsibilities or
16 actions of the Interstate Commission.

17 3. The Interstate Commission shall be entitled to
18 receive all service of process in any such
19 proceeding, and shall have standing to intervene
20 in the proceeding for all purposes. Failure to
21 provide service of process to the Interstate
22 Commission shall render a judgment or order void
23 as to the Interstate Commission, this compact or
24 promulgated rules.

25 B. Default, Technical Assistance, Suspension and Termination

26 - If the Interstate Commission determines that a member
27 state has defaulted in the performance of its obligations
28 or responsibilities under this compact, or the bylaws or
29 promulgated rules, the Interstate Commission shall:

30 1. Provide written notice to the defaulting state

1 and other member states, of the nature of the
2 default, the means of curing the default and any
3 action taken by the Interstate Commission. The
4 Interstate Commission shall specify the
5 conditions by which the defaulting state must
6 cure its default.

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

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

19 4. Suspension or termination of membership in the
20 compact shall be imposed only after all other
21 means of securing compliance have been exhausted.
22 Notice of intent to suspend or terminate shall be
23 given by the Interstate Commission to the
24 Governor, the majority and minority leaders of
25 the defaulting state's legislature, and each of
26 the member states.

27 5. The state which has been suspended or terminated
28 is responsible for all assessments, obligations
29 and liabilities incurred through the effective
30 date of suspension or termination including

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

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

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

18 C. Dispute Resolution

19 1. The Interstate Commission shall attempt, upon the
20 request of a member state, to resolve disputes
21 which are subject to the compact and which may
22 arise among member states and between member and
23 non-member states.

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

27 D. Enforcement

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

1 2. The Interstate Commission may, by majority vote
2 of the members, initiate legal action in the
3 United States District Court for the District of
4 Columbia or, at the discretion of the Interstate
5 Commission, in the federal district where the
6 Interstate Commission has its principal offices,
7 to enforce compliance with the provisions of the
8 compact, its promulgated rules and bylaws,
9 against a member state in default. The relief
10 sought may include both injunctive relief and
11 damages. In the event judicial enforcement is
12 necessary the prevailing party shall be awarded
13 all costs of such litigation including reasonable
14 attorney's fees.

15 3. The remedies herein shall not be the exclusive
16 remedies of the Interstate Commission. The
17 Interstate Commission may avail itself of any
18 other remedies available under state law or the
19 regulation of a profession.

20 ARTICLE XIV

21 FINANCING OF THE INTERSTATE COMMISSION

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

25 B. The Interstate Commission may levy on and collect an
26 annual assessment from each member state to cover the
27 cost of the operations and activities of the Interstate
28 Commission and its staff which must be in a total amount
29 sufficient to cover the Interstate Commission's annual
30 budget as approved each year. The aggregate annual

1 assessment amount shall be allocated based upon a formula
2 to be determined by the Interstate Commission, which
3 shall promulgate a rule binding upon all member states.

4 C. The Interstate Commission shall not incur obligations of
5 any kind prior to securing the funds adequate to meet the
6 same; nor shall the Interstate Commission pledge the
7 credit of any of the member states, except by and with
8 the authority of the member state.

9 D. The Interstate Commission shall keep accurate accounts of
10 all receipts and disbursements. The receipts and
11 disbursements of the Interstate Commission shall be
12 subject to the audit and accounting procedures
13 established under its bylaws. However, all receipts and
14 disbursements of funds handled by the Interstate
15 Commission shall be audited yearly by a certified or
16 licensed public accountant and the report of the audit
17 shall be included in and become part of the annual report
18 of the Interstate Commission.

19 ARTICLE XV

20 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

22 B. The compact shall become effective and binding upon
23 legislative enactment of the compact into law by no less
24 than ten (10) of the states. The effective date shall be
25 no earlier than December 1, 2007. Thereafter it shall
26 become effective and binding as to any other member state
27 upon enactment of the compact into law by that state. The
28 governors of non-member states or their designees shall
29 be invited to participate in the activities of the
30 Interstate Commission on a non-voting basis prior to

1 adoption of the compact by all states.

2 C. The Interstate Commission may propose amendments to the
3 compact for enactment by the member states. No amendment
4 shall become effective and binding upon the Interstate
5 Commission and the member states unless and until it is
6 enacted into law by unanimous consent of the member
7 states.

8 ARTICLE XVI

9 WITHDRAWAL AND DISSOLUTION

10 A. Withdrawal

11 1. Once effective, the compact shall continue in
12 force and remain binding upon each and every
13 member state; provided that a member state may
14 withdraw from the compact specifically repealing
15 the statute, which enacted the compact into law.

16 2. Withdrawal from this compact shall be by the
17 enactment of a statute repealing the same, but
18 shall not take effect until one (1) year after
19 the effective date of such statute and until
20 written notice of the withdrawal has been given
21 by the withdrawing state to the Governor of each
22 other member jurisdiction.

23 3. The withdrawing state shall immediately notify
24 the chairperson of the Interstate Commission in
25 writing upon the introduction of legislation
26 repealing this compact in the withdrawing state.
27 The Interstate Commission shall notify the other
28 member states of the withdrawing state's intent
29 to withdraw within sixty (60) days of its receipt
30 thereof.

1 4. The withdrawing state is responsible for all
2 assessments, obligations and liabilities incurred
3 through the effective date of withdrawal,
4 including obligations, the performance of which
5 extend beyond the effective date of withdrawal.

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

10 B. Dissolution of Compact

11 1. This compact shall dissolve effective upon the
12 date of the withdrawal or default of the member
13 state which reduces the membership in the compact
14 to one (1) member state.

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

21 ARTICLE XVII

22 SEVERABILITY AND CONSTRUCTION

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

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

29 C. Nothing in this compact shall be construed to prohibit
30 the applicability of other interstate compacts to which

1 the states are members.

2 ARTICLE XVIII

3 BINDING EFFECT OF COMPACT AND OTHER LAWS

4 A. Other Laws

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

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

11 B. Binding Effect of the Compact

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

16 2. All agreements between the Intrastate Commission
17 and the member states are binding in accordance
18 with their terms.

19 3. In the event any provision of this compact
20 exceeds the constitutional limits imposed on the
21 legislature of any member state, such provision
22 shall be ineffective to the extent of the
23 conflict with the constitutional provision in
24 question in that member state.

25 Section 3. When and how compact becomes operative.

26 (a) General rule.--When the Governor executes the Interstate
27 Compact on Educational Opportunity for Military Children on
28 behalf of this State and files a verified copy thereof with the
29 Secretary of the Commonwealth and when the compact is ratified
30 by at least ten other states, then the compact shall become

1 operative and effective between this State and such other
2 states. The Governor is hereby authorized and directed to take
3 such action as may be necessary to complete the exchange of
4 official documents between this State and any other state
5 ratifying the compact.

6 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
7 Commonwealth shall publish a notice in the Pennsylvania Bulletin
8 when the conditions set forth in subsection (a) are satisfied
9 and shall include in the notice the date on which the compact
10 became effective and operative between this State and any other
11 states in accordance with this act.

12 Section 4. State Council on Interstate Educational Opportunity
13 for Military Children.

14 (a) Establishment.--Consistent with Article VIII of the
15 Interstate Compact on Educational Opportunity for Military
16 Children, there is hereby established the State Council on
17 Interstate Educational Opportunity for Military Children. The
18 council shall conduct all business pursuant to 65 Pa.C.S. Ch. 7
19 (relating to open meeting) and the act of February 14, 2008
20 (P.L.6, No.3), known as the Right-to-Know Law. The council shall
21 consist of nine members, four of whom shall be appointed by the
22 Governor. At least one member shall be the compact
23 administrator. The President pro tempore of the Senate, the
24 Minority Leader of the Senate, the Speaker of the House of
25 Representatives and the Minority Leader of the House of
26 Representatives shall each appoint a member of the General
27 Assembly to serve as a member of the council.

28 (b) Terms.--The term of a member of the council hereafter
29 appointed, except to fill a vacancy, shall be four years and
30 until a successor has been appointed, but in no event more than

1 90 days beyond the expiration of the appointed term. The term of
2 a member of the council who is appointed by virtue of serving as
3 a member of the General Assembly shall continue only as long as
4 the individual remains in that office.

5 (c) Vacancy.--A vacancy occurring in an office of a member
6 of the council for any reason shall be filled by the appointing
7 authority for the remainder of the term.

8 Section 5. Appointment of administrator.

9 The compact administrator shall be appointed by the Governor
10 and shall serve as a member of the State Council on Interstate
11 Educational Opportunity for Military Children and shall serve on
12 the Interstate Commission on Educational Opportunity for
13 Military Children established pursuant to Article IX of the
14 Interstate Compact on Educational Opportunity for Military
15 Children.

16 Section 6. Compensation and expenses of administrator.

17 The compact administrator who represents this State under the
18 Interstate Compact on Educational Opportunity for Military
19 Children shall not be entitled to any additional compensation
20 for his duties and responsibilities as compact administrator but
21 shall be entitled to reimbursement for reasonable expenses
22 actually incurred in connection with his duties and
23 responsibilities as compact administrator in the same manner as
24 for expenses incurred in connection with other duties and
25 responsibilities of his office or employment.

26 Section 7. Effective date.

27 This act shall take effect immediately.