

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 159** Session of  
2011

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INTRODUCED BY ROBBINS, SCARNATI, PILEGGI, COSTA, ARGALL, BAKER,  
BOSCOLA, BROWNE, BRUBAKER, EARLL, EICHELBERGER, ERICKSON,  
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PIPPY, RAFFERTY, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON,  
WASHINGTON, WAUGH, D. WHITE, M. WHITE, WILLIAMS, YAW,  
YUDICHAK, FARNESE AND FERLO, JANUARY 18, 2011

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SENATOR PICCOLA, EDUCATION, AS AMENDED, FEBRUARY 8, 2011

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## 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 and enforcement of the  
4 compact; imposing additional powers and duties on the  
5 Governor, the Secretary of the Commonwealth and the compact  
6 commissioner; and establishing the State Council on  
7 Interstate Educational 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:

1 Interstate Compact on Educational Opportunity  
2 for Military Children

3 ARTICLE I

4 PURPOSE

5 It is the purpose of this compact to remove barriers to  
6 educational success imposed on children of military families  
7 because of frequent moves and deployment of their parents by:

- 8 A. Facilitating the timely enrollment of children of  
9 military families and ensuring that they are not placed  
10 at a disadvantage due to difficulty in the transfer of  
11 education records from the previous school district(s) or  
12 variations in entrance/age requirements.
- 13 B. Facilitating the student placement process through which  
14 children of military families are not disadvantaged by  
15 variations in attendance requirements, scheduling,  
16 sequencing, grading, course content or assessment.
- 17 C. Facilitating the qualification and eligibility for  
18 enrollment, educational programs, and participation in  
19 extracurricular academic, athletic, and social  
20 activities.
- 21 D. Facilitating the on-time graduation of children of  
22 military families.
- 23 E. Providing for the promulgation and enforcement of  
24 administrative rules implementing the provisions of this  
25 compact.
- 26 F. Providing for the uniform collection and sharing of  
27 information between and among member states, schools and  
28 military families under this compact.
- 29 G. Promoting coordination between this compact and other  
30 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 12301 et seq. and 12401 et  
12 seq.

13 B. "Children of military families" means: a school-aged  
14 child(ren), enrolled in Kindergarten through Twelfth  
15 (12th) grade, normally residing in the household of an  
16 active duty member.

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

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

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

1 results of evaluative tests, health data, disciplinary  
2 status, test protocols, and individualized education  
3 programs.

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

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

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

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

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

1 works, rivers and harbors projects, or flood control  
2 projects.

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

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

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

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

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

24 P. "Student" means: the child of a military family for whom  
25 the local education agency receives public funding and  
26 who is formally enrolled in Kindergarten through Twelfth  
27 (12th) grade.

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

- 1 sending state to another school in the receiving state.
- 2 R. "Uniformed service(s)" means: the Army, Navy, Air Force,  
3 Marine Corps, Coast Guard as well as the Commissioned  
4 Corps of the National Oceanic and Atmospheric  
5 Administration, and Public Health Services.
- 6 S. "Veteran" means: a person who served in the uniformed  
7 services and who was discharged or released therefrom  
8 under conditions other than dishonorable.

9 ARTICLE III

10 APPLICABILITY

- 11 A. Except as otherwise provided in Section C, this compact  
12 shall apply to the children of:
- 13 1. active duty members of the uniformed services as  
14 defined in this compact;
  - 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 ~~26 The provisions of this interstate compact shall only~~ ←  
24 ~~27 apply to local education agencies as defined in this~~  
25 ~~28 compact.~~

29 B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY ←  
30 APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS  
31 COMPACT.

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



1 official education records to the school in the receiving  
2 state within ten (10) days or within such time as is  
3 reasonably determined under the rules promulgated by the  
4 Interstate Commission.

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

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

28 ARTICLE V

29 PLACEMENT & ATTENDANCE

30 A. Course placement - When the student transfers before or

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

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

28 C. Special education services - 1) In compliance with the  
29 federal requirements of the Individuals with Disabilities  
30 Education Act (IDEA), 20 U.S.C.A. Section 1400 et seq.,

1 the receiving state shall initially provide comparable  
2 services to a student with disabilities based on his/her  
3 current Individualized Education Program (IEP); and 2) In  
4 compliance with the requirements of Section 504 of the  
5 Rehabilitation Act, 29 U.S.C.A. Section 794, and with  
6 Title II of the Americans with Disabilities Act, 42  
7 U.S.C.A. Sections 12131-12165, the receiving state shall  
8 make reasonable accommodations and modifications to  
9 address the needs of incoming students with disabilities,  
10 subject to an existing 504 or Title II Plan, to provide  
11 the student with equal access to education. This does not  
12 preclude the school in the receiving state from  
13 performing subsequent evaluations to ensure appropriate  
14 placement of the student.

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

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

30 ARTICLE VI

1 ELIGIBILITY

2 A. Eligibility for enrollment - Children of military  
3 families shall be eligible for enrollment in the public  
4 schools of a state pursuant to the provisions of the  
5 state's public school statute that provide for admission,  
6 without the payment of tuition, of children of military  
7 families not domiciled within the school district,  
8 provided that the specified conditions in those  
9 provisions are met.

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

15 ARTICLE VII

16 GRADUATION

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

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

30 B. Exit exams - States shall accept: 1) exit or end-of-

1 course exams required for graduation from the sending  
2 state; or 2) national norm-referenced achievement tests  
3 or 3) alternative testing, in lieu of testing  
4 requirements for graduation in the receiving state. In  
5 the event the above alternatives cannot be accommodated  
6 by the receiving state for a student transferring in his  
7 or her Senior year, then the provisions of Article VII,  
8 Section C shall apply.

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

## 22 ARTICLE VIII

### 23 STATE COORDINATION

24 A. Each member state shall, through the creation of a State  
25 Council or use of an existing body or board, provide for  
26 the coordination among its agencies of government, local  
27 education agencies and military installations concerning  
28 the state's participation in, and compliance with, this  
29 compact and Interstate Commission activities. While each  
30 member state may determine the membership of its own

1 State Council, its membership must include at least: the  
2 state superintendent of education, superintendent of a  
3 school district with a high concentration of military  
4 children, representative from a military installation,  
5 one representative each from the legislative and  
6 executive branches of government, and other offices and  
7 stakeholder groups the State Council deems appropriate. A  
8 member state that does not have a school district deemed  
9 to contain a high concentration of military children may  
10 appoint a superintendent from another school district to  
11 represent local education agencies on the State Council.

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

16 C. The compact commissioner responsible for the  
17 administration and management of the state's  
18 participation in the compact shall be appointed by the  
19 Governor or as otherwise determined by each member state.

20 D. The compact commissioner and the military family  
21 education liaison designated herein shall be ex-officio  
22 members of the State Council, unless either is already a  
23 full voting member of the State Council.

#### 24 ARTICLE IX

#### 25 INTERSTATE COMMISSION ON EDUCATIONAL

#### 26 OPPORTUNITY FOR MILITARY CHILDREN

27 The member states hereby create the "Interstate Commission on  
28 Educational Opportunity for Military Children." The activities  
29 of the Interstate Commission are the formation of public policy  
30 and are a discretionary state function. The Interstate

1 Commission shall:

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

8 B. Consist of one Interstate Commission voting  
9 representative from each member state who shall be that  
10 state's compact commissioner.

11 1. Each member state represented at a meeting of the  
12 Interstate Commission is entitled to one vote.

13 2. A majority of the total member states shall  
14 constitute a quorum for the transaction of  
15 business, unless a larger quorum is required by  
16 the bylaws of the Interstate Commission.

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

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

26 C. Consist of ex-officio, non-voting representatives who are  
27 members of interested organizations. Such ex-officio  
28 members, as defined in the bylaws, may include, but not  
29 be limited to, members of the representative  
30 organizations of military family advocates, local

1 education agency officials, parent and teacher groups,  
2 the U.S. Department of Defense, the Education Commission  
3 of the States, the Interstate Agreement on the  
4 Qualification of Educational Personnel and other  
5 interstate compacts affecting the education of children  
6 of military members.

7 D. Meet at least once each calendar year. The chairperson  
8 may call additional meetings and, upon the request of a  
9 simple majority of the member states, shall call  
10 additional meetings.

11 E. Establish an executive committee, whose members shall  
12 include the officers of the Interstate Commission and  
13 such other members of the Interstate Commission as  
14 determined by the bylaws. Members of the executive  
15 committee shall serve a one year term. Members of the  
16 executive committee shall be entitled to one vote each.  
17 The executive committee shall have the power to act on  
18 behalf of the Interstate Commission, with the exception  
19 of rulemaking, during periods when the Interstate  
20 Commission is not in session. The executive committee  
21 shall oversee the day-to-day activities of the  
22 administration of the compact including enforcement and  
23 compliance with the provisions of the compact, its bylaws  
24 and rules, and other such duties as deemed necessary. The  
25 U.S. Dept. of Defense shall serve as an ex-officio,  
26 nonvoting member of the executive committee.

27 F. Establish bylaws and rules that provide for conditions  
28 and procedures under which the Interstate Commission  
29 shall make its information and official records available  
30 to the public for inspection or copying. The Interstate

1 Commission may exempt from disclosure information or  
2 official records to the extent they would adversely  
3 affect personal privacy rights or proprietary interests.

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

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

26 H. Cause its legal counsel or designee to certify that a  
27 meeting may be closed and shall reference each relevant  
28 exemptible provision for any meeting, or portion of a  
29 meeting, which is closed pursuant to this provision. The  
30 Interstate Commission shall keep minutes which shall

1 fully and clearly describe all matters discussed in a  
2 meeting and shall provide a full and accurate summary of  
3 actions taken, and the reasons therefore, including a  
4 description of the views expressed and the record of a  
5 roll call vote. All documents considered in connection  
6 with an action shall be identified in such minutes. All  
7 minutes and documents of a closed meeting shall remain  
8 under seal, subject to release by a majority vote of the  
9 Interstate Commission.

10 I. Collect standardized data concerning the educational  
11 transition of the children of military families under  
12 this compact as directed through its rules which shall  
13 specify the data to be collected, the means of collection  
14 and data exchange and reporting requirements. Such  
15 methods of data collection, exchange and reporting shall,  
16 in so far as is reasonably possible, conform to current  
17 technology and coordinate its information functions with  
18 the appropriate custodian of records as identified in the  
19 bylaws and rules.

20 J. Create a process that permits military officials,  
21 education officials and parents to inform the Interstate  
22 Commission if and when there are alleged violations of  
23 the compact or its rules or when issues subject to the  
24 jurisdiction of the compact or its rules are not  
25 addressed by the state or local education agency. This  
26 section shall not be construed to create a private right  
27 of action against the Interstate Commission or any member  
28 state or a political subdivision of a member state.

29 ARTICLE X

30 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

- 1 The Interstate Commission shall have the following powers:
- 2 A. To provide for dispute resolution among member states.
  - 3 B. To promulgate rules and take necessary actions to effect  
4 the goals, purposes and obligations as enumerated in this  
5 compact. The rules shall have the force and effect of  
6 statutory law and shall be binding in the compact states  
7 to the extent and in the manner provided in this compact.
  - 8 C. To issue, upon request of a member state, advisory  
9 opinions concerning the meaning or interpretation of the  
10 interstate compact, its bylaws, rules and actions.
  - 11 D. To enforce compliance with the compact provisions, the  
12 rules promulgated by the Interstate Commission, and the  
13 bylaws, using all necessary and proper means, including,  
14 but not limited to, the use of judicial process.
  - 15 E. To establish and maintain offices which shall be located  
16 within one or more of the member states.
  - 17 F. To purchase and maintain insurance and bonds.
  - 18 G. To borrow, accept, hire or contract for services of  
19 personnel.
  - 20 H. To establish and appoint committees including, but not  
21 limited to, an executive committee as required by Article  
22 IX, Section E, which shall have the power to act on  
23 behalf of the Interstate Commission in carrying out its  
24 powers and duties hereunder.
  - 25 I. To elect or appoint such officers, attorneys, employees,  
26 agents, or consultants, and to fix their compensation,  
27 define their duties and determine their qualifications;  
28 and to establish the Interstate Commission's personnel  
29 policies and programs relating to conflicts of interest,  
30 rates of compensation, and qualifications of personnel.

- 1 J. To accept any and all donations and grants of money,  
2 equipment, supplies, materials, and services, and to  
3 receive, utilize, and dispose of it.
- 4 K. To lease, purchase, accept contributions or donations of,  
5 or otherwise to own, hold, improve or use any property,  
6 real, personal, or mixed.
- 7 L. To sell, convey, mortgage, pledge, lease, exchange,  
8 abandon, or otherwise dispose of any property, real,  
9 personal or mixed.
- 10 M. To establish a budget and make expenditures.
- 11 N. To adopt a seal and bylaws governing the management and  
12 operation of the Interstate Commission.
- 13 O. To report annually to the legislatures, governors,  
14 judiciary, and state councils of the member states  
15 concerning the activities of the Interstate Commission  
16 during the preceding year. Such reports shall also  
17 include any recommendations that may have been adopted by  
18 the Interstate Commission.
- 19 P. To coordinate education, training and public awareness  
20 regarding the compact, its implementation and operation  
21 for officials and parents involved in such activity.
- 22 Q. To establish uniform standards for the reporting,  
23 collecting and exchanging of data.
- 24 R. To maintain corporate books and records in accordance  
25 with the bylaws.
- 26 S. To perform such functions as may be necessary or  
27 appropriate to achieve the purposes of this compact.
- 28 T. To provide for the uniform collection and sharing of  
29 information between and among member states, schools and  
30 military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

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

1 B. The Interstate Commission shall, by a majority of the  
2 members, elect annually from among its members a  
3 chairperson, a vice-chairperson, and a treasurer, each of  
4 whom shall have such authority and duties as may be  
5 specified in the bylaws. The chairperson or, in the  
6 chairperson's absence or disability, the vice-  
7 chairperson, shall preside at all meetings of the  
8 Interstate Commission. The officers so elected shall  
9 serve without compensation or remuneration from the  
10 Interstate Commission; provided that, subject to the  
11 availability of budgeted funds, the officers shall be  
12 reimbursed for ordinary and necessary costs and expenses  
13 incurred by them in the performance of their  
14 responsibilities as officers of the Interstate  
15 Commission.

16 C. Executive Committee, Officers and Personnel

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

- 20 a. Managing the affairs of the Interstate  
21 Commission in a manner consistent with the  
22 bylaws and purposes of the Interstate  
23 Commission;
- 24 b. Overseeing an organizational structure  
25 within, and appropriate procedures for the  
26 Interstate Commission to provide for the  
27 creation of rules, operating procedures, and  
28 administrative and technical support  
29 functions; and
- 30 c. Planning, implementing, and coordinating

1                   communications and activities with other  
2                   state, federal and local government  
3                   organizations in order to advance the goals  
4                   of the Interstate Commission.

5           2.   (Reserved).

6           3.   The executive committee may, subject to the  
7           approval of the Interstate Commission, appoint or  
8           retain an executive director for such period,  
9           upon such terms and conditions and for such  
10          compensation, as the Interstate Commission may  
11          deem appropriate. The executive director shall  
12          serve as secretary to the Interstate Commission,  
13          but shall not be a Member of the Interstate  
14          Commission. The executive director shall hire and  
15          supervise such other persons as may be authorized  
16          by the Interstate Commission.

17   D.   The Interstate Commission's executive director and  
18          employees shall be immune from suit and liability, either  
19          personally or in their official capacity, for a claim for  
20          damage to or loss of property or personal injury or other  
21          civil liability caused or arising out of or relating to  
22          an actual or alleged act, error, or omission that  
23          occurred, or that such person had a reasonable basis for  
24          believing occurred, within the scope of Interstate  
25          Commission employment, duties, or responsibilities;  
26          provided, that such person shall not be protected from  
27          suit or liability for damage, loss, injury, or liability  
28          caused by the intentional or willful and wanton  
29          misconduct of such person.

30          1.   The liability of the Interstate Commission's

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

16 2. The Interstate Commission shall defend the  
17 executive director and its employees and, subject  
18 to the approval of the Attorney General or other  
19 appropriate legal counsel of the member state  
20 represented by an Interstate Commission  
21 representative, shall defend such Interstate  
22 Commission representative in any civil action  
23 seeking to impose liability arising out of an  
24 actual or alleged act, error or omission that  
25 occurred within the scope of Interstate  
26 Commission employment, duties or  
27 responsibilities, or that the defendant had a  
28 reasonable basis for believing occurred within  
29 the scope of Interstate Commission employment,  
30 duties, or responsibilities, provided that the

1 actual or alleged act, error, or omission did not  
2 result from intentional or willful and wanton  
3 misconduct on the part of such person.

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

20 ARTICLE XII

21 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

22 A. Rulemaking Authority - The Interstate Commission shall  
23 promulgate reasonable rules in order to effectively and  
24 efficiently achieve the purposes of this compact.  
25 Notwithstanding the foregoing, in the event the  
26 Interstate Commission exercises its rulemaking authority  
27 in a manner that is beyond the scope of the purposes of  
28 this Act, or the powers granted hereunder, then such an  
29 action by the Interstate Commission shall be invalid and  
30 have no force or effect.

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

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

18 D. If a majority of the legislatures of the compacting  
19 states rejects a Rule by enactment of a statute or  
20 resolution in the same manner used to adopt the compact,  
21 then such rule shall have no further force and effect in  
22 any compacting state.

### 23 ARTICLE XIII

#### 24 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

##### 25 A. Oversight

26 1. The executive, legislative and judicial branches  
27 of state government in each member state shall  
28 enforce this compact and shall take all actions  
29 necessary and appropriate to effectuate the  
30 compact's purposes and intent. The provisions of

1                   this compact and the rules promulgated hereunder  
2                   shall have standing as statutory law.

3                   2. All courts shall take judicial notice of the  
4                   compact and the rules in any judicial or  
5                   administrative proceeding in a member state  
6                   pertaining to the subject matter of this compact  
7                   which may affect the powers, responsibilities or  
8                   actions of the Interstate Commission.

9                   3. The Interstate Commission shall be entitled to  
10                  receive all service of process in any such  
11                  proceeding, and shall have standing to intervene  
12                  in the proceeding for all purposes. Failure to  
13                  provide service of process to the Interstate  
14                  Commission shall render a judgment or order void  
15                  as to the Interstate Commission, this compact or  
16                  promulgated rules.

17                B. Default, Technical Assistance, Suspension and Termination  
18                - If the Interstate Commission determines that a member  
19                state has defaulted in the performance of its obligations  
20                or responsibilities under this compact, or the bylaws or  
21                promulgated rules, the Interstate Commission shall:

22                  1. Provide written notice to the defaulting state  
23                  and other member states, of the nature of the  
24                  default, the means of curing the default and any  
25                  action taken by the Interstate Commission. The  
26                  Interstate Commission shall specify the  
27                  conditions by which the defaulting state must  
28                  cure its default.

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

1           3. If the defaulting state fails to cure the  
2           default, the defaulting state shall be terminated  
3           from the compact upon an affirmative vote of a  
4           majority of the member states and all rights,  
5           privileges and benefits conferred by this compact  
6           shall be terminated from the effective date of  
7           termination. A cure of the default does not  
8           relieve the offending state of obligations or  
9           liabilities incurred during the period of the  
10          default.

11          4. Suspension or termination of membership in the  
12          compact shall be imposed only after all other  
13          means of securing compliance have been exhausted.  
14          Notice of intent to suspend or terminate shall be  
15          given by the Interstate Commission to the  
16          Governor, the majority and minority leaders of  
17          the defaulting state's legislature, and each of  
18          the member states.

19          5. The state which has been suspended or terminated  
20          is responsible for all assessments, obligations  
21          and liabilities incurred through the effective  
22          date of suspension or termination including  
23          obligations, the performance of which extends  
24          beyond the effective date of suspension or  
25          termination.

26          6. The Interstate Commission shall not bear any  
27          costs relating to any state that has been found  
28          to be in default or which has been suspended or  
29          terminated from the compact, unless otherwise  
30          mutually agreed upon in writing between the

1 Interstate Commission and the defaulting state.

- 2 7. The defaulting state may appeal the action of the  
3 Interstate Commission by petitioning the U.S.  
4 District Court for the District of Columbia or  
5 the federal district where the Interstate  
6 Commission has its principal offices. The  
7 prevailing party shall be awarded all costs of  
8 such litigation including reasonable attorney's  
9 fees.

10 C. Dispute Resolution

- 11 1. The Interstate Commission shall attempt, upon the  
12 request of a member state, to resolve disputes  
13 which are subject to the compact and which may  
14 arise among member states and between member and  
15 non-member states.
- 16 2. The Interstate Commission shall promulgate a rule  
17 providing for both mediation and binding dispute  
18 resolution for disputes as appropriate.

19 D. Enforcement

- 20 1. The Interstate Commission, in the reasonable  
21 exercise of its discretion, shall enforce the  
22 provisions and rules of this compact.
- 23 2. The Interstate Commission may, by majority vote  
24 of the members, initiate legal action in the  
25 United States District Court for the District of  
26 Columbia or, at the discretion of the Interstate  
27 Commission, in the federal district where the  
28 Interstate Commission has its principal offices,  
29 to enforce compliance with the provisions of the  
30 compact, its promulgated rules and bylaws,



1 D. The Interstate Commission shall keep accurate accounts of  
2 all receipts and disbursements. The receipts and  
3 disbursements of the Interstate Commission shall be  
4 subject to the audit and accounting procedures  
5 established under its bylaws. However, all receipts and  
6 disbursements of funds handled by the Interstate  
7 Commission shall be audited yearly by a certified or  
8 licensed public accountant and the report of the audit  
9 shall be included in and become part of the annual report  
10 of the Interstate Commission.

11 ARTICLE XV

12 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

- 13 A. Any state is eligible to become a member state.
- 14 B. The compact shall become effective and binding upon  
15 legislative enactment of the compact into law by no less  
16 than ten (10) of the states. The effective date shall be  
17 no earlier than December 1, 2007. Thereafter it shall  
18 become effective and binding as to any other member state  
19 upon enactment of the compact into law by that state. The  
20 governors of non-member states or their designees shall  
21 be invited to participate in the activities of the  
22 Interstate Commission on a non-voting basis prior to  
23 adoption of the compact by all states.
- 24 C. The Interstate Commission may propose amendments to the  
25 compact for enactment by the member states. No amendment  
26 shall become effective and binding upon the Interstate  
27 Commission and the member states unless and until it is  
28 enacted into law by unanimous consent of the member  
29 states.

30 ARTICLE XVI

1 WITHDRAWAL AND DISSOLUTION

2 A. Withdrawal

3 ~~1. Once effective, the compact shall continue in~~ ←  
4 ~~force and remain binding upon each and every~~  
5 ~~member state; provided that a member state may~~  
6 ~~withdraw from the compact specifically repealing~~  
7 ~~the statute, which enacted the compact into law.~~

8 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN ←  
9 FORCE AND REMAIN BINDING UPON EACH AND EVERY  
10 MEMBER STATE; PROVIDED THAT A MEMBER STATE MAY  
11 WITHDRAW FROM THE COMPACT BY SPECIFICALLY  
12 REPEALING THE STATUTE, WHICH ENACTED THE COMPACT  
13 INTO LAW.

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

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

29 4. The withdrawing state is responsible for all  
30 assessments, obligations and liabilities incurred

1 through the effective date of withdrawal,  
2 including obligations, the performance of which  
3 extend beyond the effective date of withdrawal.

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

8 B. Dissolution of Compact

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

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

19 ARTICLE XVII

20 SEVERABILITY AND CONSTRUCTION

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

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

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

30 ARTICLE XVIII

1 BINDING EFFECT OF COMPACT AND OTHER LAWS

2 A. Other Laws

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

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

9 B. Binding Effect of the Compact

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

14 ~~2. All agreements between the Intrastate Commission~~ ←  
15 ~~and the member states are binding in accordance~~  
16 ~~with their terms.~~

17 2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION ←  
18 AND THE MEMBER STATES ARE BINDING IN ACCORDANCE  
19 WITH THEIR TERMS.

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

26 Section 3. When and how compact becomes operative.

27 (a) General rule.--When the Governor executes the Interstate  
28 Compact on Educational Opportunity for Military Children on  
29 behalf of this State and files a verified copy thereof with the  
30 Secretary of the Commonwealth and when the compact is ratified

1 by at least ten other states, upon publication in the  
2 Pennsylvania Bulletin under subsection (b), then the compact  
3 shall become operative and effective between this State and such  
4 other states. The Governor is hereby authorized and directed to  
5 take such action as may be necessary to complete the exchange of  
6 official documents between this State and any other state  
7 ratifying the compact.

8 (b) Publication in Pennsylvania Bulletin.--The Secretary of  
9 the Commonwealth shall forward the ratified compact to the  
10 Legislative Reference Bureau for publication in the Pennsylvania  
11 Bulletin and the Pennsylvania Code when the conditions set forth  
12 in subsection (a) are satisfied and shall include in the notice  
13 the date on which the compact became effective and operative  
14 between this State and any other states in accordance with this  
15 act.

16 Section 4. Force and effect of compact rules.

17 Rules promulgated by the Interstate Commission on Educational  
18 Opportunity for Military Children under Article XII of the  
19 Interstate Compact on Educational Opportunity for Military  
20 Children shall not be subject to any of the following:

21 (1) Sections 201, 202, 203, 204 or 205 of the act of  
22 July 31, 1968 (P.L.769, No.240), referred to as the  
23 Commonwealth Documents Law.

24 (2) Section 204(b) of the act of October 15, 1980  
25 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

26 (3) The act of June 25, 1982 (P.L.633, No.181), known as  
27 the Regulatory Review Act.

28 (4) The provisions of 2 Pa.C.S. (relating to  
29 administrative law and procedure).

30 Section 5. Action to enforce compliance against member states.

1 An action by the Interstate Commission on Educational  
2 Opportunity for Military Children to enforce compliance by the  
3 Commonwealth or a political subdivision with a provision of the  
4 Interstate Compact on Educational Opportunity for Military  
5 Children or with a rule promulgated under Article XII of the  
6 compact must be brought against the Commonwealth and not against  
7 a political subdivision.

8 Section 6. State Council on Interstate Educational Opportunity  
9 for Military Children.

10 (a) Establishment.--Consistent with Article VIII of the  
11 Interstate Compact on Educational Opportunity for Military  
12 Children, there is hereby established the State Council on  
13 Interstate Educational Opportunity for Military Children. The  
14 council shall conduct all business pursuant to 65 Pa.C.S. Ch. 7  
15 (relating to open meetings) and the act of February 14, 2008  
16 (P.L.6, No.3), known as the Right-to-Know Law. The council shall  
17 consist of the Secretary of Education; four members appointed by  
18 the Governor, one a superintendent of a school district with a  
19 high concentration of military children, one a representative of  
20 a military installation, one a representative of the  
21 Pennsylvania School Boards Association and one a representative  
22 of the executive branch; and one member each appointed by the  
23 President pro tempore of the Senate, the Minority Leader of the  
24 Senate, the Speaker of the House of Representatives and the  
25 Minority Leader of the House of Representatives.

26 (b) Terms.--The term of a member of the council hereafter  
27 appointed, except to fill a vacancy, shall be four years and  
28 until a successor has been appointed, but in no event more than  
29 90 days beyond the expiration of the appointed term. The term of  
30 a member of the council who is appointed by virtue of serving as

1 a member of the General Assembly shall continue only as long as  
2 the individual remains in that office.

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

6 Section 7. Appointment of compact commissioner.

7 The compact commissioner shall be appointed by the Governor.  
8 The compact commissioner must have experience in school district  
9 administration, school district operations, student attendance,  
10 enrollment, transfers or education law. The compact commissioner  
11 shall serve as a member of the State Council on Interstate  
12 Educational Opportunity for Military Children and as a member of  
13 the Interstate Commission on Educational Opportunity for  
14 Military Children established pursuant to Article IX of the  
15 Interstate Compact on Educational Opportunity for Military  
16 Children.

17 Section 8. Compensation and expenses of compact commissioner.

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

27 Section 9. Effective date.

28 This act shall take effect immediately.