

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2518** Session of
2008

INTRODUCED BY COHEN, GODSHALL, GEORGE, RAYMOND, BOBACK,
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HORNAMAN, FREEMAN, PETRONE, SHIMKUS, DALEY, SCHRODER AND
PASHINSKI, MAY 13, 2008

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 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 commissioner; 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

1 States, and the General Assembly hereby signifies in advance its
2 approval and ratification of such compact:

3 Interstate Compact on Educational Opportunity
4 for Military Children

5 ARTICLE I

6 PURPOSE

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

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

- 1 G. Promoting coordination between this compact and other
2 compacts affecting military children.
- 3 H. Promoting flexibility and cooperation between the
4 educational system, parents and the student in order to
5 achieve educational success for the student.

6 ARTICLE II

7 DEFINITIONS

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

- 10 A. "Active duty" means: full-time duty status in the active
11 uniformed service of the United States, including members
12 of the National Guard and Reserve on active duty orders
13 pursuant to 10 U.S.C. Section 1209 and 1211.
- 14 B. "Children of military families" means: a school-aged
15 child(ren), enrolled in Kindergarten through Twelfth
16 (12th) grade, in the household of an 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 the
28 material kept in the student's cumulative folder such as
29 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 there from
8 under conditions other than dishonorable.

9 ARTICLE III

10 APPLICABILITY

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

13 1. active duty members of the uniformed services as
14 defined in this compact, including members of the
15 National Guard and Reserve on active duty orders
16 pursuant to 10 U.S.C. Section 1209 and 1211;

17 2. members or veterans of the uniformed services who
18 are severely injured and medically discharged or
19 retired for a period of one (1) year after
20 medical discharge or retirement; and

21 3. members of the uniformed services who die on
22 active duty or as a result of injuries sustained
23 on active duty for a period of one (1) year after
24 death.

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

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

30 1. inactive members of the national guard and

- 1 military reserves;
- 2 2. members of the uniformed services now retired,
- 3 except as provided in Section A;
- 4 3. veterans of the uniformed services, except as
- 5 provided in Section A; and
- 6 4. other U.S. Dept. of Defense personnel and other
- 7 federal agency civilian and contract employees
- 8 not defined as active duty members of the
- 9 uniformed services.

10 ARTICLE IV

11 EDUCATIONAL RECORDS & ENROLLMENT

- 12 A. Unofficial or "hand-carried" education records - In the
- 13 event that official education records cannot be released
- 14 to the parents for the purpose of transfer, the custodian
- 15 of the records in the sending state shall prepare and
- 16 furnish to the parent a complete set of unofficial
- 17 educational records containing uniform information as
- 18 determined by the Interstate Commission. Upon receipt of
- 19 the unofficial education records by a school in the
- 20 receiving state, the school shall enroll and
- 21 appropriately place the student based on the information
- 22 provided in the unofficial records pending validation by
- 23 the official records, as quickly as possible.
- 24 B. Official education records/transcripts - Simultaneous
- 25 with the enrollment and conditional placement of the
- 26 student, the school in the receiving state shall request
- 27 the student's official education record from the school
- 28 in the sending state. Upon receipt of this request, the
- 29 school in the sending state will process and furnish the
- 30 official education records to the school in the receiving

1 state within ten (10) days or within such time as is
2 reasonably determined under the rules promulgated by the
3 Interstate Commission.

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

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

27 ARTICLE V

28 PLACEMENT & ATTENDANCE

29 A. Course placement - When the student transfers before or
30 during the school year, the receiving state school shall

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

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

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

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

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

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

28 ARTICLE VI

29 ELIGIBILITY

30 A. Eligibility for enrollment

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

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

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

1 Article.

2 ARTICLE VIII

3 STATE COORDINATION

- 4 A. Each member state shall, through the creation of a State
5 Council or use of an existing body or board, provide for
6 the coordination among its agencies of government, local
7 education agencies and military installations concerning
8 the state's participation in, and compliance with, this
9 compact and Interstate Commission activities. While each
10 member state may determine the membership of its own
11 State Council, its membership must include at least: the
12 state superintendent of education, superintendent of a
13 school district with a high concentration of military
14 children, representative from a military installation,
15 one representative each from the legislative and
16 executive branches of government, and other offices and
17 stakeholder groups the State Council deems appropriate. A
18 member state that does not have a school district deemed
19 to contain a high concentration of military children may
20 appoint a superintendent from another school district to
21 represent local education agencies on the State Council.
- 22 B. The State Council of each member state shall appoint or
23 designate a military family education liaison to assist
24 military families and the state in facilitating the
25 implementation of this compact.
- 26 C. The compact commissioner responsible for the
27 administration and management of the state's
28 participation in the compact shall be appointed by the
29 Governor or as otherwise determined by each member state.
- 30 D. The compact commissioner and the military family

1 education liaison designated herein shall be ex-officio
2 members of the State Council, unless either is already a
3 full voting member of the State Council.

4 ARTICLE IX

5 INTERSTATE COMMISSION ON EDUCATIONAL
6 OPPORTUNITY FOR MILITARY CHILDREN

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

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

18 B. Consist of one Interstate Commission voting
19 representative from each member state who shall be that
20 state's compact commissioner.

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

23 2. A majority of the total member states shall
24 constitute a quorum for the transaction of
25 business, unless a larger quorum is required by
26 the bylaws of the Interstate Commission.

27 3. A representative shall not delegate a vote to
28 another member state. In the event the compact
29 commissioner is unable to attend a meeting of the
30 Interstate Commission, the Governor or State

1 Council may delegate voting authority to another
2 person from their state for a specified meeting.

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

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

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

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

1 administration of the compact including enforcement and
2 compliance with the provisions of the compact, its bylaws
3 and rules, and other such duties as deemed necessary. The
4 U.S. Dept. of Defense shall serve as an ex-officio,
5 nonvoting member of the executive committee.

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

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

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

1 enforcement purposes; or

2 7. Specifically relate to the Interstate
3 Commission's participation in a civil action or
4 other legal proceeding.

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

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

29 J. Create a process that permits military officials,
30 education officials and parents to inform the Interstate

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

8 ARTICLE X

9 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

10 The Interstate Commission shall have the following powers:

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

1 IX, Section E, which shall have the power to act on
2 behalf of the Interstate Commission in carrying out its
3 powers and duties hereunder.

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

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

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

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

19 M. To establish a budget and make expenditures.

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

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

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

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

10 ARTICLE XI

11 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 12 A. The Interstate Commission shall, by a majority of the
13 members present and voting, within 12 months after the
14 first Interstate Commission meeting, adopt bylaws to
15 govern its conduct as may be necessary or appropriate to
16 carry out the purposes of the compact, including, but not
17 limited to:
- 18 1. Establishing the fiscal year of the Interstate
19 Commission;
 - 20 2. Establishing an executive committee, and such
21 other committees as may be necessary;
 - 22 3. Providing for the establishment of committees and
23 for governing any general or specific delegation
24 of authority or function of the Interstate
25 Commission;
 - 26 4. Providing reasonable procedures for calling and
27 conducting meetings of the Interstate Commission,
28 and ensuring reasonable notice of each such
29 meeting;
 - 30 5. Establishing the titles and responsibilities of

1 the officers and staff of the Interstate
2 Commission;

3 6. Providing a mechanism for concluding the
4 operations of the Interstate Commission and the
5 return of surplus funds that may exist upon the
6 termination of the compact after the payment and
7 reserving of all of its debts and obligations.

8 7. Providing "start up" rules for initial
9 administration of the compact.

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

25 C. Executive Committee, Officers and Personnel

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

29 a. Managing the affairs of the Interstate
30 Commission in a manner consistent with the

1 bylaws and purposes of the Interstate
2 Commission;

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

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

14 2. (Reserved).

15 3. The executive committee may, subject to the
16 approval of the Interstate Commission, appoint or
17 retain an executive director for such period,
18 upon such terms and conditions and for such
19 compensation, as the Interstate Commission may
20 deem appropriate. The executive director shall
21 serve as secretary to the Interstate Commission,
22 but shall not be a Member of the Interstate
23 Commission. The executive director shall hire and
24 supervise such other persons as may be authorized
25 by the Interstate Commission.

26 D. The Interstate Commission's executive director and
27 employees shall be immune from suit and liability, either
28 personally or in their official capacity, for a claim for
29 damage to or loss of property or personal injury or other
30 civil liability caused or arising out of or relating to

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

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

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

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

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

29 ARTICLE XII

30 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

- 1 A. Rulemaking Authority - The Interstate Commission shall
2 promulgate reasonable rules in order to effectively and
3 efficiently achieve the purposes of this Compact.
4 Notwithstanding the foregoing, in the event the
5 Interstate Commission exercises its rulemaking authority
6 in a manner that is beyond the scope of the purposes of
7 this Act, or the powers granted hereunder, then such an
8 action by the Interstate Commission shall be invalid and
9 have no force or effect.
- 10 B. Rulemaking Procedure - Rules shall be made pursuant to a
11 rulemaking process that substantially conforms to the
12 "Model State Administrative Procedure Act," of 1981 Act,
13 Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended,
14 as may be appropriate to the operations of the Interstate
15 Commission.
- 16 C. Not later than thirty (30) days after a rule is
17 promulgated, any person may file a petition for judicial
18 review of the rule; provided, that the filing of such a
19 petition shall not stay or otherwise prevent the rule
20 from becoming effective unless the court finds that the
21 petitioner has a substantial likelihood of success. The
22 court shall give deference to the actions of the
23 Interstate Commission consistent with applicable law and
24 shall not find the rule to be unlawful if the rule
25 represents a reasonable exercise of the Interstate
26 Commission's authority.
- 27 D. If a majority of the legislatures of the compacting
28 states rejects a Rule by enactment of a statute or
29 resolution in the same manner used to adopt the compact,
30 then such rule shall have no further force and effect in

1 any compacting state.

2 ARTICLE XIII

3 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

4 A. Oversight

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

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

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

26 B. Default, Technical Assistance, Suspension and Termination

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

- 1 1. Provide written notice to the defaulting state
2 and other member states, of the nature of the
3 default, the means of curing the default and any
4 action taken by the Interstate Commission. The
5 Interstate Commission shall specify the
6 conditions by which the defaulting state must
7 cure its default.
- 8 2. Provide remedial training and specific technical
9 assistance regarding the default.
- 10 3. If the defaulting state fails to cure the
11 default, the defaulting state shall be terminated
12 from the compact upon an affirmative vote of a
13 majority of the member states and all rights,
14 privileges and benefits conferred by this compact
15 shall be terminated from the effective date of
16 termination. A cure of the default does not
17 relieve the offending state of obligations or
18 liabilities incurred during the period of the
19 default.
- 20 4. Suspension or termination of membership in the
21 compact shall be imposed only after all other
22 means of securing compliance have been exhausted.
23 Notice of intent to suspend or terminate shall be
24 given by the Interstate Commission to the
25 Governor, the majority and minority leaders of
26 the defaulting state's legislature, and each of
27 the member states.
- 28 5. The state which has been suspended or terminated
29 is responsible for all assessments, obligations
30 and liabilities incurred through the effective

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

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

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

19 C. Dispute Resolution

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

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

28 D. Enforcement

29 1. The Interstate Commission, in the reasonable
30 exercise of its discretion, shall enforce the

1 provisions and rules of this compact.

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

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

21 ARTICLE XIV

22 FINANCING OF THE INTERSTATE COMMISSION

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

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

1 budget as approved each year. The aggregate annual
2 assessment amount shall be allocated based upon a formula
3 to be determined by the Interstate Commission, which
4 shall promulgate a rule binding upon all member states.

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

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

20 ARTICLE XV

21 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

1 Interstate Commission on a non-voting basis prior to
2 adoption of the compact by all states.

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

9 ARTICLE XVI

10 WITHDRAWAL AND DISSOLUTION

11 A. Withdrawal

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

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

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

1 the applicability of other interstate compacts to which
2 the states are members.

3 ARTICLE XVIII

4 BINDING EFFECT OF COMPACT AND OTHER LAWS

5 A. Other Laws

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

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

12 B. Binding Effect of the Compact

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

17 2. All agreements between the ~~Intrastate~~ INTERSTATE ←
18 Commission and the member states are binding in
19 accordance 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, then the compact shall become
2 operative and effective between this State and such other
3 states. The Governor is hereby authorized and directed to take
4 such action as may be necessary to complete the exchange of
5 official documents between this State and any other state
6 ratifying the compact.

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

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

15 (a) Establishment.--Consistent with Article VIII of the
16 Interstate Compact on Educational Opportunity for Military
17 Children, there is hereby established the State Council on
18 Interstate Educational Opportunity for Military Children. The
19 council shall conduct all business pursuant to 65 Pa.C.S. Ch. 7
20 (relating to open meeting), the former act of June 21, 1957
21 (P.L.390, No.212), referred to as the Right-to-Know Law, or the
22 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
23 Know Law. The council shall consist of the Secretary of
24 Education, three members appointed by the Governor, one a
25 superintendent of a school district with a high concentration of
26 military children, one a representative of a military
27 institution and one a representative of the executive branch,
28 and one member each appointed by the President pro tempore of
29 the Senate, the Minority Leader of the Senate, the Speaker of
30 the House of Representatives and the Minority Leader of the

1 House of Representatives.

2 (b) Terms.--The term of a member of the council hereafter
3 appointed, except to fill a vacancy, shall be four years and
4 until a successor has been appointed, but in no event more than
5 90 days beyond the expiration of the appointed term.

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

9 Section 5. Appointment of compact commissioner.

10 The compact commissioner shall be appointed by the Governor
11 and shall serve as a member of the State Council on Interstate
12 Educational Opportunity for Military Children and shall serve on
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 6. 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 7. Effective date.

28 This act shall take effect ~~immediately~~ JULY 1, 2009.

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