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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,  
FOLMER, FONTANA, GORDNER, GREENLEAF, KASUNIC, MENSCH, ORIE,  
PIPPY, RAFFERTY, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON,  
WASHINGTON, WAUGH, D. WHITE, M. WHITE, WILLIAMS, YAW AND  
YUDICHAK, JANUARY 18, 2011

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REFERRED TO EDUCATION, JANUARY 18, 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 ~~B6~~ The provisions of this interstate compact shall only  
24 27 apply to local education agencies as defined in this  
25 28 compact.

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

- 31 1. inactive members of the national guard and  
32 military reserves;
- 33 2. members of the uniformed services now retired,

1                   except as provided in Section A;

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

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

8                   ARTICLE IV

9                   EDUCATIONAL RECORDS & ENROLLMENT

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

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

1 Interstate Commission.

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

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

25 ARTICLE V

26 PLACEMENT & ATTENDANCE

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



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

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

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

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

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

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

## 27 ARTICLE VI

### 28 ELIGIBILITY

29 A. Eligibility for enrollment - Children of military  
30 families shall be eligible for enrollment in the public

1 schools of a state pursuant to the provisions of the  
2 state's public school statute that provide for admission,  
3 without the payment of tuition, of children of military  
4 families not domiciled within the school district,  
5 provided that the specified conditions in those  
6 provisions are met.

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

## 12 ARTICLE VII

### 13 GRADUATION

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

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

27 B. Exit exams - States shall accept: 1) exit or end-of-  
28 course exams required for graduation from the sending  
29 state; or 2) national norm-referenced achievement tests  
30 or 3) alternative testing, in lieu of testing

1 requirements for graduation in the receiving state. In  
2 the event the above alternatives cannot be accommodated  
3 by the receiving state for a student transferring in his  
4 or her Senior year, then the provisions of Article VII,  
5 Section C shall apply.

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

## 19 ARTICLE VIII

### 20 STATE COORDINATION

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

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

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

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

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

## 21 ARTICLE IX

### 22 INTERSTATE COMMISSION ON EDUCATIONAL

#### 23 OPPORTUNITY FOR MILITARY CHILDREN

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

29 A. Be a body corporate and joint agency of the member states  
30 and shall have all the responsibilities, powers and

1 duties set forth herein, and such additional powers as  
2 may be conferred upon it by a subsequent concurrent  
3 action of the respective legislatures of the member  
4 states in accordance with the terms of this compact.

5 B. Consist of one Interstate Commission voting  
6 representative from each member state who shall be that  
7 state's compact commissioner.

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

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

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

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

23 C. Consist of ex-officio, non-voting representatives who are  
24 members of interested organizations. Such ex-officio  
25 members, as defined in the bylaws, may include, but not  
26 be limited to, members of the representative  
27 organizations of military family advocates, local  
28 education agency officials, parent and teacher groups,  
29 the U.S. Department of Defense, the Education Commission  
30 of the States, the Interstate Agreement on the

1 Qualification of Educational Personnel and other  
2 interstate compacts affecting the education of children  
3 of military members.

3 D. Meet at least once each calendar year. The chairperson  
4 may call additional meetings and, upon the request of a  
5 simple majority of the member states, shall call  
6 additional meetings.

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

23 F. Establish bylaws and rules that provide for conditions  
24 and procedures under which the Interstate Commission  
25 shall make its information and official records available  
26 to the public for inspection or copying. The Interstate  
27 Commission may exempt from disclosure information or  
28 official records to the extent they would adversely  
29 affect personal privacy rights or proprietary interests.

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

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

23 H. Cause its legal counsel or designee to certify that a  
24 meeting may be closed and shall reference each relevant  
25 exemptible provision for any meeting, or portion of a  
26 meeting, which is closed pursuant to this provision. The  
27 Interstate Commission shall keep minutes which shall  
28 fully and clearly describe all matters discussed in a  
29 meeting and shall provide a full and accurate summary of  
30 actions taken, and the reasons therefore, including a



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

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

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

## 26 ARTICLE X

### 27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

28 The Interstate Commission shall have the following powers:

- 29 A. To provide for dispute resolution among member states.  
30 B. To promulgate rules and take necessary actions to effect

1 the goals, purposes and obligations as enumerated in this  
2 compact. The rules shall have the force and effect of  
3 statutory law and shall be binding in the compact states  
4 to the extent and in the manner provided in this compact.

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

8 D. To enforce compliance with the compact provisions, the  
9 rules promulgated by the Interstate Commission, and the  
10 bylaws, using all necessary and proper means, including,  
11 but not limited to, the use of judicial process.

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

14 F. To purchase and maintain insurance and bonds.

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

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

22 I. To elect or appoint such officers, attorneys, employees,  
23 agents, or consultants, and to fix their compensation,  
24 define their duties and determine their qualifications;  
25 and to establish the Interstate Commission's personnel  
26 policies and programs relating to conflicts of interest,  
27 rates of compensation, and qualifications of personnel.

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

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

28 ARTICLE XI

29 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 30 A. The Interstate Commission shall, by a majority of the

1 members present and voting, within 12 months after the  
2 first Interstate Commission meeting, adopt bylaws to  
3 govern its conduct as may be necessary or appropriate to  
4 carry out the purposes of the compact, including, but not  
5 limited to:

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

28 B. The Interstate Commission shall, by a majority of the  
29 members, elect annually from among its members a  
30 chairperson, a vice-chairperson, and a treasurer, each of

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

13 C. Executive Committee, Officers and Personnel

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

- 17 a. Managing the affairs of the Interstate  
18 Commission in a manner consistent with the  
19 bylaws and purposes of the Interstate  
20 Commission;
- 21 b. Overseeing an organizational structure  
22 within, and appropriate procedures for the  
23 Interstate Commission to provide for the  
24 creation of rules, operating procedures, and  
25 administrative and technical support  
26 functions; and
- 27 c. Planning, implementing, and coordinating  
28 communications and activities with other  
29 state, federal and local government  
30 organizations in order to advance the goals

1                               of the Interstate Commission.

2               2.   (Reserved).

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

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

27            1.   The liability of the Interstate Commission's  
28                    executive director and employees or Interstate  
29                    Commission representatives, acting within the  
30                    scope of such person's employment or duties for

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

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

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

17   ARTICLE XII

18                   RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

19       A. Rulemaking Authority - The Interstate Commission shall  
20       promulgate reasonable rules in order to effectively and  
21       efficiently achieve the purposes of this compact.

22       Notwithstanding the foregoing, in the event the  
23       Interstate Commission exercises its rulemaking authority  
24       in a manner that is beyond the scope of the purposes of  
25       this Act, or the powers granted hereunder, then such an  
26       action by the Interstate Commission shall be invalid and  
27       have no force or effect.

28       B. Rulemaking Procedure - Rules shall be made pursuant to a  
29       rulemaking process that substantially conforms to the  
30       "Model State Administrative Procedure Act," of 1981 Act,



1 Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended,  
2 as may be appropriate to the operations of the Interstate  
3 Commission.

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

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

20 ARTICLE XIII

21 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

22 A. Oversight

23 1. The executive, legislative and judicial branches  
24 of state government in each member state shall  
25 enforce this compact and shall take all actions  
26 necessary and appropriate to effectuate the  
27 compact's purposes and intent. The provisions of  
28 this compact and the rules promulgated hereunder  
29 shall have standing as statutory law.

30 2. All courts shall take judicial notice of the

1 compact and the rules in any judicial or  
2 administrative proceeding in a member state  
3 pertaining to the subject matter of this compact  
4 which may affect the powers, responsibilities or  
5 actions of the Interstate Commission.

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

14 B. Default, Technical Assistance, Suspension and Termination

15 - If the Interstate Commission determines that a member  
16 state has defaulted in the performance of its obligations  
17 or responsibilities under this compact, or the bylaws or  
18 promulgated rules, the Interstate Commission shall:

- 19 1. Provide written notice to the defaulting state  
20 and other member states, of the nature of the  
21 default, the means of curing the default and any  
22 action taken by the Interstate Commission. The  
23 Interstate Commission shall specify the  
24 conditions by which the defaulting state must  
25 cure its default.
- 26 2. Provide remedial training and specific technical  
27 assistance regarding the default.
- 28 3. If the defaulting state fails to cure the  
29 default, the defaulting state shall be terminated  
30 from the compact upon an affirmative vote of a

1 majority of the member states and all rights,  
2 privileges and benefits conferred by this compact  
3 shall be terminated from the effective date of  
4 termination. A cure of the default does not  
5 relieve the offending state of obligations or  
6 liabilities incurred during the period of the  
7 default.

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

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

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

29 7. The defaulting state may appeal the action of the  
30 Interstate Commission by petitioning the U.S.

1 District Court for the District of Columbia or  
2 the federal district where the Interstate  
3 Commission has its principal offices. The  
4 prevailing party shall be awarded all costs of  
5 such litigation including reasonable attorney's  
6 fees.

7 C. Dispute Resolution

8 1. The Interstate Commission shall attempt, upon the  
9 request of a member state, to resolve disputes  
10 which are subject to the compact and which may  
11 arise among member states and between member and  
12 non-member states.

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

16 D. Enforcement

17 1. The Interstate Commission, in the reasonable  
18 exercise of its discretion, shall enforce the  
19 provisions and rules of this compact.

20 2. The Interstate Commission may, by majority vote  
21 of the members, initiate legal action in the  
22 United States District Court for the District of  
23 Columbia or, at the discretion of the Interstate  
24 Commission, in the federal district where the  
25 Interstate Commission has its principal offices,  
26 to enforce compliance with the provisions of the  
27 compact, its promulgated rules and bylaws,  
28 against a member state in default. The relief  
29 sought may include both injunctive relief and  
30 damages. In the event judicial enforcement is



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

#### 8 ARTICLE XV

##### 9 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

#### 27 ARTICLE XVI

##### 28 WITHDRAWAL AND DISSOLUTION

##### 29 A. Withdrawal

- 30 1. Once effective, the compact shall continue in

1 force and remain binding upon each and every  
2 member state; provided that a member state may  
3 withdraw from the compact specifically repealing  
4 the statute, which enacted the compact into law.

5 2. Withdrawal from this compact shall be by the  
6 enactment of a statute repealing the same, but  
7 shall not take effect until one (1) year after  
8 the effective date of such statute and until  
9 written notice of the withdrawal has been given  
10 by the withdrawing state to the Governor of each  
11 other member state.

12 3. The withdrawing state shall immediately notify  
13 the chairperson of the Interstate Commission in  
14 writing upon the introduction of legislation  
15 repealing this compact in the withdrawing state.  
16 The Interstate Commission shall notify the other  
17 member states of the withdrawing state's intent  
18 to withdraw within sixty (60) days of its receipt  
19 thereof.

20 4. The withdrawing state is responsible for all  
21 assessments, obligations and liabilities incurred  
22 through the effective date of withdrawal,  
23 including obligations, the performance of which  
24 extend beyond the effective date of withdrawal.

25 5. Reinstatement following withdrawal of a member  
26 state shall occur upon the withdrawing state  
27 reenacting the compact or upon such later date as  
28 determined by the Interstate Commission.

29 B. Dissolution of Compact

30 1. This compact shall dissolve effective upon the

1 date of the withdrawal or default of the member  
2 state which reduces the membership in the compact  
3 to one (1) member state.

4 2. Upon the dissolution of this compact, the compact  
5 becomes null and void and shall be of no further  
6 force or effect, and the business and affairs of  
7 the Interstate Commission shall be concluded and  
8 surplus funds shall be distributed in accordance  
9 with the bylaws.

10 ARTICLE XVII

11 SEVERABILITY AND CONSTRUCTION

- 12 A. The provisions of this compact shall be severable, and if  
13 any phrase, clause, sentence or provision is deemed  
14 unenforceable, the remaining provisions of the compact  
15 shall be enforceable.
- 16 B. The provisions of this compact shall be liberally  
17 construed to effectuate its purposes.
- 18 C. Nothing in this compact shall be construed to prohibit  
19 the applicability of other interstate compacts to which  
20 the states are members.

21 ARTICLE XVIII

22 BINDING EFFECT OF COMPACT AND OTHER LAWS

- 23 A. Other Laws
- 24 1. Nothing herein prevents the enforcement of any  
25 other law of a member state that is not  
26 inconsistent with this compact.
- 27 2. All member states' laws conflicting with this  
28 compact are superseded to the extent of the  
29 conflict.
- 30 B. Binding Effect of the Compact



- 1           1. All lawful actions of the Interstate Commission,  
2           including all rules and bylaws promulgated by the  
3           Interstate Commission, are binding upon the  
4           member states.
- 5           2. All agreements between the Intrastate Commission  
6           and the member states are binding in accordance  
7           with their terms.
- 8           3. In the event any provision of this compact  
9           exceeds the constitutional limits imposed on the  
10          legislature of any member state, such provision  
11          shall be ineffective to the extent of the  
12          conflict with the constitutional provision in  
13          question in that member state.

14 Section 3. When and how compact becomes operative.

15       (a) General rule.--When the Governor executes the Interstate  
16 Compact on Educational Opportunity for Military Children on  
17 behalf of this State and files a verified copy thereof with the  
18 Secretary of the Commonwealth and when the compact is ratified  
19 by at least ten other states, upon publication in the  
20 Pennsylvania Bulletin under subsection (b), then the compact  
21 shall become operative and effective between this State and such  
22 other states. The Governor is hereby authorized and directed to  
23 take such action as may be necessary to complete the exchange of  
24 official documents between this State and any other state  
25 ratifying the compact.

26       (b) Publication in Pennsylvania Bulletin.--The Secretary of  
27 the Commonwealth shall forward the ratified compact to the  
28 Legislative Reference Bureau for publication in the Pennsylvania  
29 Bulletin and the Pennsylvania Code when the conditions set forth  
30 in subsection (a) are satisfied and shall include in the notice

1 the date on which the compact became effective and operative  
2 between this State and any other states in accordance with this  
3 act.

4 Section 4. Force and effect of compact rules.

5 Rules promulgated by the Interstate Commission on Educational  
6 Opportunity for Military Children under Article XII of the  
7 Interstate Compact on Educational Opportunity for Military  
8 Children shall not be subject to any of the following:

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

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

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

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

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

19 An action by the Interstate Commission on Educational  
20 Opportunity for Military Children to enforce compliance by the  
21 Commonwealth or a political subdivision with a provision of the  
22 Interstate Compact on Educational Opportunity for Military  
23 Children or with a rule promulgated under Article XII of the  
24 compact must be brought against the Commonwealth and not against  
25 a political subdivision.

26 Section 6. State Council on Interstate Educational Opportunity  
27 for Military Children.

28 (a) Establishment.--Consistent with Article VIII of the  
29 Interstate Compact on Educational Opportunity for Military  
30 Children, there is hereby established the State Council on

1 Interstate Educational Opportunity for Military Children. The  
2 council shall conduct all business pursuant to 65 Pa.C.S. Ch. 7  
3 (relating to open meetings) and the act of February 14, 2008  
4 (P.L.6, No.3), known as the Right-to-Know Law. The council shall  
5 consist of the Secretary of Education; four members appointed by  
6 the Governor, one a superintendent of a school district with a  
7 high concentration of military children, one a representative of  
8 a military installation, one a representative of the  
9 Pennsylvania School Boards Association and one a representative  
10 of the executive branch; and one member each appointed by the  
11 President pro tempore of the Senate, the Minority Leader of the  
12 Senate, the Speaker of the House of Representatives and the  
13 Minority Leader of the House of Representatives.

14 (b) Terms.--The term of a member of the council hereafter  
15 appointed, except to fill a vacancy, shall be four years and  
16 until a successor has been appointed, but in no event more than  
17 90 days beyond the expiration of the appointed term. The term of  
18 a member of the council who is appointed by virtue of serving as  
19 a member of the General Assembly shall continue only as long as  
20 the individual remains in that office.

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

#### 24 Section 7. Appointment of compact commissioner.

25 The compact commissioner shall be appointed by the Governor.  
26 The compact commissioner must have experience in school district  
27 administration, school district operations, student attendance,  
28 enrollment, transfers or education law. The compact commissioner  
29 shall serve as a member of the State Council on Interstate  
30 Educational Opportunity for Military Children and as a member of

1 the Interstate Commission on Educational Opportunity for  
2 Military Children established pursuant to Article IX of the  
3 Interstate Compact on Educational Opportunity for Military  
4 Children.

5 Section 8. Compensation and expenses of compact commissioner.

6 The compact commissioner who represents this State under the  
7 Interstate Compact on Educational Opportunity for Military  
8 Children shall not be entitled to any additional compensation  
9 for his duties and responsibilities as compact commissioner but  
10 shall be entitled to reimbursement for reasonable expenses  
11 actually incurred in connection with his duties and  
12 responsibilities as compact commissioner in the same manner as  
13 for expenses incurred in connection with other duties and  
14 responsibilities of his office or employment.

15 Section 9. Effective date.

16 This act shall take effect immediately.