

1                   A bill to be entitled  
2     An act relating to the Interstate Compact on  
3     Educational Opportunity for Military Children;  
4     creating s. 1000.36, F.S.; directing the Governor to  
5     execute the Interstate Compact on Educational  
6     Opportunity for Military Children on behalf of this  
7     state with any other state or states legally adopting  
8     the compact; providing definitions; providing  
9     applicability; providing for the transfer of education  
10    records from a sending to a receiving state; requiring  
11    that children of military personnel be enrolled in  
12    classes at current grade level; providing for  
13    eligibility for graduation; providing for a state  
14    council to coordinate agencies and schools; providing  
15    for membership on the council; creating the Interstate  
16    Commission on Educational Opportunity for Military  
17    Children; providing for membership, organization,  
18    meetings, operations, powers, and duties; creating an  
19    executive committee; requiring the commission to adopt  
20    rules; providing for a legal challenge to the adopted  
21    rules; providing for oversight, enforcement, and  
22    dispute resolution; providing procedures to suspend or  
23    terminate member states; authorizing the commission to  
24    levy and collect an annual assessment from each member  
25    state; providing the method for the compact to become  
26    effective and binding on the member states; providing  
27    procedures for the withdrawal of a member state;  
28    providing severability; providing for the effect of

29 the compact on member states' laws; creating s.  
 30 1000.37, F.S.; requiring the Secretary of State to  
 31 furnish a copy of the enrolled act enacting the  
 32 Interstate Compact on Educational Opportunity for  
 33 Military Children to each of the states approving the  
 34 compact; providing an effective date.

36 Be It Enacted by the Legislature of the State of Florida:

38 Section 1. Section 1000.36, Florida Statutes, is created  
 39 to read:

40 1000.36 Interstate Compact on Educational  
 41 Opportunity for Military Children.--The Governor is authorized  
 42 and directed to execute the Interstate Compact on Educational  
 43 Opportunity for Military Children on behalf of this state with  
 44 any other state or states legally joining therein in the form  
 45 substantially as follows:

46 Interstate Compact on Educational  
 47 Opportunity for Military Children

48 ARTICLE I

49 PURPOSE.--It is the purpose of this compact to remove  
 50 barriers to educational success imposed on children of military  
 51 families because of frequent moves and deployment of their  
 52 parents by:

53 A. Facilitating the timely enrollment of children of  
 54 military families and ensuring that they are not placed at a  
 55 disadvantage due to difficulty in the transfer of education

56 records from the previous school district or variations in  
57 entrance or age requirements.

58 B. Facilitating the student placement process through  
59 which children of military families are not disadvantaged by  
60 variations in attendance requirements, scheduling, sequencing,  
61 grading, course content, or assessment.

62 C. Facilitating the qualification and eligibility for  
63 enrollment, educational programs, and participation in  
64 extracurricular academic, athletic, and social activities.

65 D. Facilitating the on-time graduation of children of  
66 military families.

67 E. Providing for the adoption and enforcement of  
68 administrative rules implementing this compact.

69 F. Providing for the uniform collection and sharing of  
70 information between and among member states, schools, and  
71 military families under this compact.

72 G. Promoting coordination between this compact and other  
73 compacts affecting military children.

74 H. Promoting flexibility and cooperation between the  
75 educational system, parents, and the student in order to achieve  
76 educational success for the student.

77 ARTICLE II

78 DEFINITIONS.--As used in this compact, unless the context  
79 clearly requires a different construction, the term:

80 A. "Active duty" means the full-time duty status in the  
81 active uniformed service of the United States, including members  
82 of the National Guard and Reserve on active duty orders pursuant  
83 to 10 U.S.C. ss. 1209 and 1211.

84 B. "Children of military families" means school-aged  
85 children, enrolled in kindergarten through 12th grade, in the  
86 household of an active-duty member.

87 C. "Compact commissioner" means the voting representative  
88 of each compacting state appointed under Article VIII of this  
89 compact.

90 D. "Deployment" means the period 1 month before the  
91 service members' departure from their home station on military  
92 orders though 6 months after return to their home station.

93 E. "Educational records" or "education records" means  
94 those official records, files, and data directly related to a  
95 student and maintained by the school or local education agency,  
96 including, but not limited to, records encompassing all the  
97 material kept in the student's cumulative folder such as general  
98 identifying data, records of attendance and of academic work  
99 completed, records of achievement and results of evaluative  
100 tests, health data, disciplinary status, test protocols, and  
101 individualized education programs.

102 F. "Extracurricular activities" means a voluntary activity  
103 sponsored by the school or local education agency or an  
104 organization sanctioned by the local education agency.  
105 Extracurricular activities include, but are not limited to,  
106 preparation for and involvement in public performances,  
107 contests, athletic competitions, demonstrations, displays, and  
108 club activities.

109 G. "Interstate Commission on Educational Opportunity for  
110 Military Children" means the commission that is created under

111 Article IX of this compact, which is generally referred to as  
 112 the Interstate Commission.

113 H. "Local education agency" means a public authority  
 114 legally constituted by the state as an administrative agency to  
 115 provide control of, and direction for, kindergarten through 12th  
 116 grade public educational institutions.

117 I. "Member state" means a state that has enacted this  
 118 compact.

119 J. "Military installation" means a base, camp, post,  
 120 station, yard, center, homeport facility for any ship, or other  
 121 activity under the jurisdiction of the Department of Defense,  
 122 including any leased facility, which is located within any of  
 123 the several states, the District of Columbia, the Commonwealth  
 124 of Puerto Rico, the United States Virgin Islands, Guam, American  
 125 Samoa, the Northern Marianas Islands, and any other United  
 126 States Territory. The term does not include any facility used  
 127 primarily for civil works, rivers and harbors projects, or flood  
 128 control projects.

129 K. "Nonmember state" means a state that has not enacted  
 130 this compact.

131 L. "Receiving state" means the state to which a child of a  
 132 military family is sent, brought, or caused to be sent or  
 133 brought.

134 M. "Rule" means a written statement by the Interstate  
 135 Commission adopted under Article XII of this compact which is of  
 136 general applicability, implements, interprets, or prescribes a  
 137 policy or provision of the compact, or an organizational,  
 138 procedural, or practice requirement of the Interstate

139 Commission, and has the force and effect of statutory law in a  
 140 member state, and includes the amendment, repeal, or suspension  
 141 of an existing rule.

142 N. "Sending state" means the state from which a child of a  
 143 military family is sent, brought, or caused to be sent or  
 144 brought.

145 O. "State" means a state of the United States, the  
 146 District of Columbia, the Commonwealth of Puerto Rico, the  
 147 United States Virgin Islands, Guam, American Samoa, the Northern  
 148 Marianas Islands, and any other United States Territory.

149 P. "Student" means the child of a military family for whom  
 150 the local education agency receives public funding and who is  
 151 formally enrolled in kindergarten through 12th grade.

152 Q. "Transition" means:

153 1. The formal and physical process of transferring from  
 154 school to school; or

155 2. The period of time in which a student moves from one  
 156 school in the sending state to another school in the receiving  
 157 state.

158 R. "Uniformed services" means the Army, Navy, Air Force,  
 159 Marine Corps, Coast Guard as well as the Commissioned Corps of  
 160 the National Oceanic and Atmospheric Administration, and Public  
 161 Health Services.

162 S. "Veteran" means a person who served in the uniformed  
 163 services and who was discharged or released therefrom under  
 164 conditions other than dishonorable.

165 ARTICLE III

166 APPLICABILITY.--

167 A. Except as otherwise provided in Section C, this compact  
 168 applies to the children of:

169 1. Active duty members of the uniformed services,  
 170 including members of the National Guard and Reserve on active-  
 171 duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;

172 2. Members or veterans of the uniformed services who are  
 173 severely injured and medically discharged or retired for a  
 174 period of 1 year after medical discharge or retirement; and

175 3. Members of the uniformed services who die on active  
 176 duty or as a result of injuries sustained on active duty for a  
 177 period of 1 year after death.

178 B. This interstate compact applies to local education  
 179 agencies.

180 C. This compact does not apply to the children of:

181 1. Inactive members of the national guard and military  
 182 reserves;

183 2. Members of the uniformed services now retired, except  
 184 as provided in Section A;

185 3. Veterans of the uniformed services, except as provided  
 186 in Section A; and

187 4. Other United States Department of Defense personnel and  
 188 other federal agency civilian and contract employees not defined  
 189 as active-duty members of the uniformed services.

190 ARTICLE IV

191 EDUCATIONAL RECORDS AND ENROLLMENT.--

192 A. If a child's official education records cannot be  
 193 released to the parents for the purpose of transfer, the  
 194 custodian of the records in the sending state shall prepare and

195 furnish to the parent a complete set of unofficial educational  
196 records containing uniform information as determined by the  
197 Interstate Commission. Upon receipt of the unofficial education  
198 records by a school in the receiving state, that school shall  
199 enroll and appropriately place the student based on the  
200 information provided in the unofficial records pending  
201 validation by the official records, as quickly as possible.

202 B. Simultaneous with the enrollment and conditional  
203 placement of the student, the school in the receiving state  
204 shall request the student's official education record from the  
205 school in the sending state. Upon receipt of the record, the  
206 school in the sending state shall process and furnish the  
207 official education records to the school in the receiving state  
208 within 10 days or within such time as is reasonably determined  
209 under the rules adopted by the Interstate Commission.

210 C. Compact states must give 30 days from the date of  
211 enrollment or within such time as is reasonably determined under  
212 the rules adopted by the Interstate Commission for students to  
213 obtain any immunization required by the receiving state. For a  
214 series of immunizations, initial vaccinations must be obtained  
215 within 30 days or within such time as is reasonably determined  
216 under the rules promulgated by the Interstate Commission.

217 D. Students shall be allowed to continue their enrollment  
218 at grade level in the receiving state commensurate with their  
219 grade level, including kindergarten, from a local education  
220 agency in the sending state at the time of transition,  
221 regardless of age. A student who has satisfactorily completed  
222 the prerequisite grade level in the local education agency in



223 the sending state is eligible for enrollment in the next highest  
224 grade level in the receiving state, regardless of age. A student  
225 transferring after the start of the school year in the receiving  
226 state shall enter the school in the receiving state on their  
227 validated level from an accredited school in the sending state.

228 ARTICLE V

229 PLACEMENT AND ATTENDANCE.--

230 A. If a student transfers before or during the school  
231 year, the receiving state school shall initially honor placement  
232 of the student in educational courses based on the student's  
233 enrollment in the sending state school or educational  
234 assessments conducted at the school in the sending state if the  
235 courses are offered. Course placement includes, but is not  
236 limited to, Honors, International Baccalaureate, Advanced  
237 Placement, vocational, technical, and career pathways courses.  
238 Continuing the student's academic program from the previous  
239 school and promoting placement in academically and career  
240 challenging courses should be paramount when considering  
241 placement. A school in the receiving state is not precluded from  
242 performing subsequent evaluations to ensure appropriate  
243 placement and continued enrollment of the student in the  
244 courses.

245 B. The receiving state school must initially honor  
246 placement of the student in educational programs based on  
247 current educational assessments conducted at the school in the  
248 sending state or participation or placement in like programs in  
249 the sending state. Such programs include, but are not limited  
250 to:

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- 251       1. Gifted and talented programs; and  
252       2. English as a second language (ESL).

253  
254       A school in the receiving state is not precluded from performing  
255       subsequent evaluations to ensure appropriate placement and  
256       continued enrollment of the student in the courses.

257       C. A receiving state must initially provide comparable  
258       services to a student with disabilities based on his or her  
259       current individualized education program (IEP) in compliance  
260       with the requirements of the Individuals with Disabilities  
261       Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving  
262       state must make reasonable accommodations and modifications to  
263       address the needs of incoming students with disabilities,  
264       subject to an existing section 504 or title II plan, to provide  
265       the student with equal access to education, in compliance with  
266       the provisions of Section 504 of the Rehabilitation Act, 29  
267       U.S.C.A. s. 794, and with title II of the Americans with  
268       Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the  
269       receiving state is not precluded from performing subsequent  
270       evaluations to ensure appropriate placement and continued  
271       enrollment of the student in the courses.

272       D. Local education agency administrative officials may  
273       waive course or program prerequisites, or other preconditions  
274       for placement in courses or programs offered under the  
275       jurisdiction of the local education agency.

276       E. A student whose parent or legal guardian is an active-  
277       duty member of the uniformed services and has been called to  
278       duty for, is on leave from, or immediately returned from

279 deployment to, a combat zone or combat support posting shall be  
 280 granted additional excused absences at the discretion of the  
 281 local education agency superintendent to visit with his or her  
 282 parent or legal guardian relative to such leave or deployment of  
 283 the parent or guardian.

284 ARTICLE VI

285 ELIGIBILITY.--

286 A. When considering the eligibility of a child for  
 287 enrolling in a school:

288 1. A special power of attorney relative to the  
 289 guardianship of a child of a military family and executed under  
 290 applicable law is sufficient for the purposes of enrolling the  
 291 child in school and for all other actions requiring parental  
 292 participation and consent.

293 2. A local education agency is prohibited from charging  
 294 local tuition to a transitioning military child placed in the  
 295 care of a noncustodial parent or other person standing in loco  
 296 parentis who lives in a school's jurisdiction different from  
 297 that of the custodial parent.

298 3. A transitioning military child, placed in the care of a  
 299 noncustodial parent or other person standing in loco parentis  
 300 who lives in a school's jurisdiction different from that of the  
 301 custodial parent, may continue to attend the school in which he  
 302 or she was enrolled while residing with the custodial parent.

303 B. State and local education agencies must facilitate the  
 304 opportunity for transitioning military children's inclusion in  
 305 extracurricular activities, regardless of application deadlines,  
 306 to the extent they are otherwise qualified.

## ARTICLE VII

GRADUATION.--In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency must provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. States shall accept exit or end-of-course exams required for graduation from the sending state; national norm-referenced achievement tests; or alternative testing, in lieu of testing requirements for graduation in the receiving state. If these alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Article VII, Section C shall apply.

C. If a military student transfers at the beginning or during his or her senior year and is not eligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies must ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. If one of the states in question is not a member of this compact, the member state shall use its best efforts to facilitate the on-

335 time graduation of the student in accordance with Sections A and  
 336 B of this Article.

337 ARTICLE VIII

338 STATE COORDINATION.--Each member state shall, through the  
 339 creation of a state council or use of an existing body or board,  
 340 provide for the coordination among its agencies of government,  
 341 local education agencies, and military installations concerning  
 342 the state's participation in, and compliance with, this compact  
 343 and Interstate Commission activities.

344 A. Each member state may determine the membership of its  
 345 own state council but the membership must include at least: the  
 346 state superintendent of education, the superintendent of a  
 347 school district that has a high concentration of military  
 348 children, a representative from a military installation, one  
 349 representative each from the legislative and executive branches  
 350 of government, and other offices and stakeholder groups the  
 351 state council deems appropriate. A member state that does not  
 352 have a school district deemed to contain a high concentration of  
 353 military children may appoint a superintendent from another  
 354 school district to represent local education agencies on the  
 355 state council.

356 B. The state council of each member state shall appoint or  
 357 designate a military family education liaison to assist military  
 358 families and the state in facilitating the implementation of  
 359 this compact.

360 C. The compact commissioner responsible for the  
 361 administration and management of the state's participation in

362 the compact shall be appointed by the Governor or as otherwise  
363 determined by each member state.

364 D. The compact commissioner and the military family  
365 education liaison shall be ex officio members of the state  
366 council, unless either is already a full voting member of the  
367 state council.

368 ARTICLE IX

369 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR  
370 MILITARY CHILDREN.--The member states hereby create the  
371 "Interstate Commission on Educational Opportunity for Military  
372 Children." The activities of the Interstate Commission are the  
373 formation of public policy and are a discretionary state  
374 function. The Interstate Commission shall:

375 A. Be a body corporate and joint agency of the member  
376 states and shall have all the responsibilities, powers, and  
377 duties set forth herein, and such additional powers as may be  
378 conferred upon it by a subsequent concurrent action of the  
379 respective legislatures of the member states in accordance with  
380 the terms of this compact.

381 B. Consist of one Interstate Commission voting  
382 representative from each member state who shall be that state's  
383 compact commissioner.

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

386 2. A majority of the total member states shall constitute  
387 a quorum for the transaction of business, unless a larger quorum  
388 is required by the bylaws of the Interstate Commission.

389        3. A representative shall not delegate a vote to another  
 390 member state. In the event the compact commissioner is unable to  
 391 attend a meeting of the Interstate Commission, the Governor or  
 392 state council may delegate voting authority to another person  
 393 from their state for a specified meeting.

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

397        C. Consist of ex officio, nonvoting representatives who  
 398 are members of interested organizations. The ex officio members,  
 399 as defined in the bylaws, may include, but not be limited to,  
 400 members of the representative organizations of military family  
 401 advocates, local education agency officials, parent and teacher  
 402 groups, the United States Department of Defense, the Education  
 403 Commission of the States, the Interstate Agreement on the  
 404 Qualification of Educational Personnel, and other interstate  
 405 compacts affecting the education of children of military  
 406 members.

407        D. Meet at least once each calendar year. The chairperson  
 408 may call additional meetings and, upon the request of a simple  
 409 majority of the member states, shall call additional meetings.

410        E. Establish an executive committee, whose members shall  
 411 include the officers of the Interstate Commission and such other  
 412 members of the Interstate Commission as determined by the  
 413 bylaws. Members of the executive committee shall serve a 1-year  
 414 term. Members of the executive committee are entitled to one  
 415 vote each. The executive committee shall have the power to act  
 416 on behalf of the Interstate Commission, with the exception of

417 rulemaking, during periods when the Interstate Commission is not  
 418 in session. The executive committee shall oversee the day-to-day  
 419 activities of the administration of the compact including  
 420 enforcement and compliance with the compact, its bylaws and  
 421 rules, and other such duties as deemed necessary. The United  
 422 States Department of Defense shall serve as an ex officio,  
 423 nonvoting member of the executive committee.

424 F. Establish bylaws and rules that provide for conditions  
 425 and procedures under which the Interstate Commission shall make  
 426 its information and official records available to the public for  
 427 inspection or copying. The Interstate Commission may exempt from  
 428 disclosure information or official records to the extent they  
 429 would adversely affect personal privacy rights or proprietary  
 430 interests.

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

- 437 1. Relate solely to the Interstate Commission's internal  
 438 personnel practices and procedures;
- 439 2. Disclose matters specifically exempted from disclosure  
 440 by federal and state statute;
- 441 3. Disclose trade secrets or commercial or financial  
 442 information which is privileged or confidential;
- 443 4. Involve accusing a person of a crime, or formally  
 444 censuring a person;



445 5. Disclose information of a personal nature where  
446 disclosure would constitute a clearly unwarranted invasion of  
447 personal privacy;

448 6. Disclose investigative records compiled for law  
449 enforcement purposes; or

450 7. Specifically relate to the Interstate Commission's  
451 participation in a civil action or other legal proceeding.

452 H. For a meeting, or portion of a meeting, closed pursuant  
453 to this provision, the Interstate Commission's legal counsel or  
454 designee shall certify that the meeting may be closed and shall  
455 reference each relevant exemptible provision. The Interstate  
456 Commission shall keep minutes which shall fully and clearly  
457 describe all matters discussed in a meeting and shall provide a  
458 full and accurate summary of actions taken, and the reasons  
459 therefore, including a description of the views expressed and  
460 the record of a roll call vote. All documents considered in  
461 connection with an action shall be identified in such minutes.  
462 All minutes and documents of a closed meeting shall remain under  
463 seal, subject to release by a majority vote of the Interstate  
464 Commission.

465 I. The Interstate Commission shall collect standardized  
466 data concerning the educational transition of the children of  
467 military families under this compact as directed through its  
468 rules which shall specify the data to be collected, the means of  
469 collection and data exchange, and reporting requirements. The  
470 methods of data collection, exchange, and reporting shall, in so  
471 far as is reasonably possible, conform to current technology and

472 coordinate its information functions with the appropriate  
 473 custodian of records as identified in the bylaws and rules.

474 J. The Interstate Commission shall create a procedure that  
 475 permits military officials, education officials, and parents to  
 476 inform the Interstate Commission if and when there are alleged  
 477 violations of the compact or its rules or when issues subject to  
 478 the jurisdiction of the compact or its rules are not addressed  
 479 by the state or local education agency. This section does not  
 480 create a private right of action against the Interstate  
 481 Commission or any member state.

482 ARTICLE X

483 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.--The  
 484 Interstate Commission has the power to:

485 A. Provide for dispute resolution among member states.

486 B. Adopt rules and take all necessary actions to effect  
 487 the goals, purposes, and obligations as enumerated in this  
 488 compact. The rules have the force and effect of statutory law  
 489 and are binding in the compact states to the extent and in the  
 490 manner provided in this compact.

491 C. Issue, upon request of a member state, advisory  
 492 opinions concerning the meaning or interpretation of the  
 493 interstate compact, its bylaws, rules, and actions.

494 D. Enforce compliance with the compact provisions, the  
 495 rules adopted by the Interstate Commission, and the bylaws,  
 496 using all necessary and proper means, including, but not limited  
 497 to, the use of judicial process.

498 E. Establish and maintain offices that shall be located  
 499 within one or more of the member states.

- 500        F. Purchase and maintain insurance and bonds.
- 501        G. Borrow, accept, hire, or contract for services of
- 502 personnel.
- 503        H. Establish and appoint committees, including, but not
- 504 limited to, an executive committee as required by Article IX,
- 505 Section E, which shall have the power to act on behalf of the
- 506 Interstate Commission in carrying out its powers and duties
- 507 hereunder.
- 508        I. Elect or appoint such officers, attorneys, employees,
- 509 agents, or consultants, and to fix their compensation, define
- 510 their duties, and determine their qualifications; and to
- 511 establish the Interstate Commission's personnel policies and
- 512 programs relating to conflicts of interest, rates of
- 513 compensation, and qualifications of personnel.
- 514        J. Accept any and all donations and grants of money,
- 515 equipment, supplies, materials, and services, and to receive,
- 516 utilize, and dispose of it.
- 517        K. Lease, purchase, accept contributions or donations of,
- 518 or otherwise to own, hold, improve, or use any property, real,
- 519 personal, or mixed.
- 520        L. Sell, convey, mortgage, pledge, lease, exchange,
- 521 abandon, or otherwise dispose of any property, real, personal,
- 522 or mixed.
- 523        M. Establish a budget and make expenditures.
- 524        N. Adopt a seal and bylaws governing the management and
- 525 operation of the Interstate Commission.
- 526        O. Report annually to the legislatures, governors,
- 527 judiciary, and state councils of the member states concerning

528 the activities of the Interstate Commission during the preceding  
529 year. Such reports shall also include any recommendations that  
530 may have been adopted by the Interstate Commission.

531 P. Coordinate education, training, and public awareness  
532 regarding the compact, its implementation, and operation for  
533 officials and parents involved in such activity.

534 Q. Establish uniform standards for the reporting,  
535 collecting, and exchanging of data.

536 R. Maintain corporate books and records in accordance with  
537 the bylaws.

538 S. Perform such functions as may be necessary or  
539 appropriate to achieve the purposes of this compact.

540 T. Provide for the uniform collection and sharing of  
541 information between and among member states, schools, and  
542 military families under this compact.

543 ARTICLE XI

544 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

550 1. Establishing the fiscal year of the Interstate  
551 Commission;

552 2. Establishing an executive committee and such other  
553 committees as may be necessary;

554 3. Providing for the establishment of committees and for  
555 governing any general or specific delegation of authority or  
556 function of the Interstate Commission;

557 4. Providing reasonable procedures for calling and  
558 conducting meetings of the Interstate Commission and ensuring  
559 reasonable notice of each such meeting;

560 5. Establishing the titles and responsibilities of the  
561 officers and staff of the Interstate Commission;

562 6. Providing a mechanism for concluding the operations of  
563 the Interstate Commission and the return of surplus funds that  
564 may exist upon the termination of the compact after the payment  
565 and reserving of all of its debts and obligations.

566 7. Providing "start up" rules for initial administration  
567 of the compact.

568 B. The Interstate Commission shall, by a majority of the  
569 members, elect annually from among its members a chairperson, a  
570 vice chairperson, and a treasurer, each of whom shall have such  
571 authority and duties as may be specified in the bylaws. The  
572 chairperson or, in the chairperson's absence or disability, the  
573 vice chairperson shall preside at all meetings of the Interstate  
574 Commission. The officers so elected shall serve without  
575 compensation or remuneration from the Interstate Commission;  
576 provided that, subject to the availability of budgeted funds,  
577 the officers shall be reimbursed for ordinary and necessary  
578 costs and expenses incurred by them in the performance of their  
579 responsibilities as officers of the Interstate Commission.

580 C. The executive committee has the authority and duties as  
581 may be set forth in the bylaws, including, but not limited to:

582       1. Managing the affairs of the Interstate Commission in a  
583 manner consistent with the bylaws and purposes of the Interstate  
584 Commission;

585       2. Overseeing an organizational structure within, and  
586 appropriate procedures for, the Interstate Commission to provide  
587 for the adoption of rules, operating procedures, and  
588 administrative and technical support functions; and

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

593       D. The executive committee may, subject to the approval of  
594 the Interstate Commission, appoint or retain an executive  
595 director for such period, upon such terms and conditions and for  
596 such compensation, as the Interstate Commission may deem  
597 appropriate. The executive director shall serve as secretary to  
598 the Interstate Commission, but is not a member of the Interstate  
599 Commission. The executive director shall hire and supervise such  
600 other persons as may be authorized by the Interstate Commission.

601       E. The Interstate Commission's executive director and its  
602 employees are immune from suit and liability, either personally  
603 or in their official capacity, for a claim for damage to or loss  
604 of property or personal injury or other civil liability caused  
605 or arising out of, or relating to, an actual or alleged act,  
606 error, or omission that occurred, or that such person had a  
607 reasonable basis for believing occurred, within the scope of  
608 Interstate Commission employment, duties, or responsibilities,  
609 provided that the person is not protected from suit or liability

610 for damage, loss, injury, or liability caused by the intentional  
611 or willful and wanton misconduct of the person.

612 1. The liability of the Interstate Commission's executive  
613 director and employees or Interstate Commission representatives,  
614 acting within the scope of the person's employment or duties,  
615 for acts, errors, or omissions occurring within the person's  
616 state may not exceed the limits of liability set forth under the  
617 constitution and laws of that state for state officials,  
618 employees, and agents. The Interstate Commission is considered  
619 to be an instrumentality of the states for the purposes of any  
620 such action. This subsection does not protect the person from  
621 suit or liability for damage, loss, injury, or liability caused  
622 by the intentional or willful and wanton misconduct of the  
623 person.

624 2. The Interstate Commission shall defend the executive  
625 director and its employees and, subject to the approval of the  
626 Attorney General or other appropriate legal counsel of the  
627 member state represented by an Interstate Commission  
628 representative, shall defend an Interstate Commission  
629 representative in any civil action seeking to impose liability  
630 arising out of an actual or alleged act, error, or omission that  
631 occurred within the scope of Interstate Commission employment,  
632 duties, or responsibilities, or that the defendant had a  
633 reasonable basis for believing occurred within the scope of  
634 Interstate Commission employment, duties, or responsibilities,  
635 provided that the actual or alleged act, error, or omission did  
636 not result from intentional or willful and wanton misconduct on  
637 the part of the person.

638       3. To the extent not covered by the state involved, a  
639 member state, the Interstate Commission, and the representatives  
640 or employees of the Interstate Commission shall be held harmless  
641 in the amount of a settlement or judgment, including attorney's  
642 fees and costs, obtained against a person arising out of an  
643 actual or alleged act, error, or omission that occurred within  
644 the scope of Interstate Commission employment, duties, or  
645 responsibilities, or that the person had a reasonable basis for  
646 believing occurred within the scope of Interstate Commission  
647 employment, duties, or responsibilities, provided that the  
648 actual or alleged act, error, or omission did not result from  
649 intentional or willful and wanton misconduct on the part of the  
650 person.

651                                   ARTICLE XII

652       RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--The  
653 Interstate Commission shall adopt rules to effectively and  
654 efficiently implement this act to achieve the purposes of this  
655 compact.

656       A. If the Interstate Commission exercises its rulemaking  
657 authority in a manner that is beyond the scope of the purposes  
658 of this act, or the powers granted hereunder, the action  
659 undertaken by the Interstate Commission is invalid and has no  
660 force or effect.

661       B. Rules must be adopted pursuant to a rulemaking process  
662 that substantially conforms to the "Model State Administrative  
663 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.  
664 1 (2000) as amended, as may be appropriate to the operations of  
665 the Interstate Commission.



666 C. No later than 30 days after a rule is adopted, a person  
 667 may file a petition for judicial review of the rule. The filing  
 668 of the petition does not stay, or otherwise prevent the rule  
 669 from becoming effective, unless a court finds that the  
 670 petitioner has a substantial likelihood of success on the merits  
 671 of the petition. The court shall give deference to the actions  
 672 of the Interstate Commission consistent with applicable law and  
 673 shall not find the rule to be unlawful if the rule represents a  
 674 reasonable exercise of the Interstate Commission's authority.

675 D. If a majority of the legislatures of the compacting  
 676 states rejects a rule by enactment of a statute or resolution in  
 677 the same manner used to adopt the compact, then the rule is  
 678 invalid and has no further force and effect in any compacting  
 679 state.

680 ARTICLE XIII

681 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.--

682 A. The executive, legislative, and judicial branches of  
 683 state government in each member state shall enforce this compact  
 684 and shall take all actions necessary and appropriate to  
 685 effectuate the compact's purposes and intent. The provisions of  
 686 this compact and the rules adopted under it have the force and  
 687 effect of statutory law.

688 B. All courts shall take judicial notice of the compact  
 689 and its adopted rules in any judicial or administrative  
 690 proceeding in a member state pertaining to the subject matter of  
 691 this compact which may affect the powers, responsibilities, or  
 692 actions of the Interstate Commission.

693 C. The Interstate Commission is entitled to receive all  
694 service of process in any such proceeding, and has standing to  
695 intervene in the proceeding for all purposes. Failure to provide  
696 service of process to the Interstate Commission renders a  
697 judgment or order void as to the Interstate Commission, this  
698 compact, or its adopted rules.

699 D. If the Interstate Commission determines that a member  
700 state has defaulted in the performance of its obligations or  
701 responsibilities under this compact, or the bylaws or the  
702 adopted rules, the Interstate Commission shall:

703 1. Provide written notice to the defaulting state and  
704 other member states of the nature of the default, the means of  
705 curing the default, and any action taken by the Interstate  
706 Commission. The Interstate Commission must specify the  
707 conditions by which the defaulting state must cure its default.

708 2. Provide remedial training and specific technical  
709 assistance regarding the default.

710 3. If the defaulting state fails to cure the default,  
711 terminate the defaulting state from the compact upon an  
712 affirmative vote of a majority of the member states and all  
713 rights, privileges, and benefits conferred by this compact shall  
714 be terminated from the effective date of termination. A cure of  
715 the default does not relieve the offending state of obligations  
716 or liabilities incurred during the period of the default.

717 E. Suspension or termination of membership in the compact  
718 may not be imposed on a member until all other means of securing  
719 compliance have been exhausted. Notice of the intent to suspend  
720 or terminate membership must be given by the Interstate

721 Commission to the Governor, the majority and minority leaders of  
722 the defaulting state's legislature, and each of the member  
723 states.

724 F. A state that has been suspended or terminated is  
725 responsible for all assessments, obligations, and liabilities  
726 incurred through the effective date of suspension or termination  
727 including obligations, the performance of which extends beyond  
728 the effective date of suspension or termination.

729 G. The remaining member states of the Interstate  
730 Commission do not bear any costs arising from a state that has  
731 been found to be in default or that has been suspended or  
732 terminated from the compact, unless otherwise mutually agreed  
733 upon in writing between the Interstate Commission and the  
734 defaulting state.

735 H. A defaulting state may appeal the action of the  
736 Interstate Commission by petitioning the United States District  
737 Court for the District of Columbia or the federal district where  
738 the Interstate Commission has its principal offices. The  
739 prevailing party shall be awarded all costs of such litigation  
740 including reasonable attorney's fees.

741 I. The Interstate Commission shall attempt, upon the  
742 request of a member state, to resolve disputes that are subject  
743 to the compact and that may arise among member states and  
744 between member and nonmember states. The Interstate Commission  
745 shall promulgate a rule providing for both mediation and binding  
746 dispute resolution for disputes as appropriate.

747 1. The Interstate Commission, in the reasonable exercise  
748 of its discretion, shall enforce the provisions and rules of  
749 this compact.

750 2. The Interstate Commission may, by majority vote of the  
751 members, initiate legal action in the United States District  
752 Court for the District of Columbia or, at the discretion of the  
753 Interstate Commission, in the federal district where the  
754 Interstate Commission has its principal offices to enforce  
755 compliance with the provisions of the compact, or its  
756 promulgated rules and bylaws, against a member state in default.  
757 The relief sought may include both injunctive relief and  
758 damages. In the event judicial enforcement is necessary, the  
759 prevailing party shall be awarded all costs of such litigation,  
760 including reasonable attorney's fees.

761 3. The remedies herein are not the exclusive remedies of  
762 the Interstate Commission. The Interstate Commission may avail  
763 itself of any other remedies available under state law or the  
764 regulation of a profession.

#### 765 ARTICLE XIV

##### 766 FINANCING OF THE INTERSTATE COMMISSION.--

767 A. The Interstate Commission shall pay, or provide for the  
768 payment of, the reasonable expenses of its establishment,  
769 organization, and ongoing activities.

770 B. The Interstate Commission may levy on and collect an  
771 annual assessment from each member state to cover the cost of  
772 the operations and activities of the Interstate Commission and  
773 its staff which must be in a total amount sufficient to cover  
774 the Interstate Commission's annual budget as approved each year.

775 The aggregate annual assessment amount shall be allocated based  
776 upon a formula to be determined by the Interstate Commission,  
777 which shall adopt a rule binding upon all member states.

778 C. The Interstate Commission may not incur any obligation  
779 of any kind before securing the funds adequate to meet the  
780 obligation and the Interstate Commission may not pledge the  
781 credit of any of the member states, except by and with the  
782 permission of the member state.

783 D. The Interstate Commission shall keep accurate accounts  
784 of all receipts and disbursements. The receipts and  
785 disbursements of the Interstate Commission are subject to audit  
786 and accounting procedures established under its bylaws. However,  
787 all receipts and disbursements of funds handled by the  
788 Interstate Commission shall be audited yearly by a certified or  
789 licensed public accountant and the report of the audit shall be  
790 included in and become part of the annual report of the  
791 Interstate Commission.

792 ARTICLE XV

793 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.--

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

795 B. The compact shall take effect and be binding upon  
796 legislative enactment of the compact into law by not less than  
797 10 of the states. The effective date shall be no earlier than  
798 December 1, 2007. Thereafter, it shall become effective and  
799 binding as to any other member state upon enactment of the  
800 compact into law by that state. The governors of nonmember  
801 states or their designees shall be invited to participate in the

802 activities of the Interstate Commission on a nonvoting basis  
803 before adoption of the compact by all states.

804 C. The Interstate Commission may propose amendments to the  
805 compact for enactment by the member states. An amendment does  
806 not become effective and binding upon the Interstate Commission  
807 and the member states until the amendment is enacted into law by  
808 unanimous consent of the member states.

809 ARTICLE XVI

810 WITHDRAWAL AND DISSOLUTION.--

811 A. Once in effect, the compact continues in force and  
812 remains binding upon each and every member state, provided that  
813 a member state may withdraw from the compact, specifically  
814 repealing the statute that enacted the compact into law.

815 1. Withdrawal from the compact occurs when a statute  
816 repealing its membership is enacted by the state, but does not  
817 take effect until 1 year after the effective date of the statute  
818 and until written notice of the withdrawal has been given by the  
819 withdrawing state to the Governor of each other member state.

820 2. The withdrawing state must immediately notify the  
821 chairperson of the Interstate Commission in writing upon the  
822 introduction of legislation repealing this compact in the  
823 withdrawing state. The Interstate Commission shall notify the  
824 other member states of the withdrawing state's intent to  
825 withdraw within 60 days after its receipt thereof.

826 3. A withdrawing state is responsible for all assessments,  
827 obligations, and liabilities incurred through the effective date  
828 of withdrawal, including obligations, the performance of which  
829 extend beyond the effective date of withdrawal.

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

833       B. This compact shall dissolve effective upon the date of  
834 the withdrawal or default of the member state which reduces the  
835 membership in the compact to one member state.

836       C. Upon the dissolution of this compact, the compact  
837 becomes void and has no further force or effect, and the  
838 business and affairs of the Interstate Commission shall be  
839 concluded and surplus funds shall be distributed in accordance  
840 with the bylaws.

841                               ARTICLE XVII

842               SEVERABILITY AND CONSTRUCTION.--

843       A. The provisions of this compact shall be severable, and  
844 if any phrase, clause, sentence, or provision is deemed  
845 unenforceable, the remaining provisions of the compact shall be  
846 enforceable.

847       B. The provisions of this compact shall be liberally  
848 construed to effectuate its purposes.

849       C. This compact does not prohibit the applicability of  
850 other interstate compacts to which the states are members.

851                               ARTICLE XVIII

852               BINDING EFFECT OF COMPACT AND OTHER LAWS.--

853       A. This compact does not prevent the enforcement of any  
854 other law of a member state that is not inconsistent with this  
855 compact.

856       B. All member states' laws conflicting with this compact  
857 are superseded to the extent of the conflict.

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858 C. All lawful actions of the Interstate Commission,  
859 including all rules and bylaws promulgated by the Interstate  
860 Commission, are binding upon the member states.

861 D. All agreements between the Interstate Commission and  
862 the member states are binding in accordance with their terms.

863 E. If any part of this compact exceeds the constitutional  
864 limits imposed on the Legislature of any member state, the  
865 provision shall be ineffective to the extent of the conflict  
866 with the constitutional provision in question in that member  
867 state.

868 Section 2. Section 1000.37, Florida Statutes, is created  
869 to read:

870 1000.37 Copies to other states approving.--After the  
871 effective date of this act, the Secretary of State shall furnish  
872 to each of the states approving the Interstate Compact on  
873 Educational Opportunity for Military Children an enrolled copy  
874 of this act.

875 Section 3. This act shall take effect July 1, 2008.