

By Senator Storms

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1 A bill to be entitled
2 An act relating to the Interstate Compact on
3 Educational Opportunity for Military Children; creating
4 s. 1000.36, F.S.; directing the Governor to execute the
5 Interstate Compact on Educational Opportunity for
6 Military Children on behalf of this state with any
7 other state or states legally adopting the compact;
8 providing definitions; providing applicability;
9 providing for the transfer of education records from a
10 sending to a receiving state; requiring that children
11 of military personnel be enrolled in classes at current
12 grade level; providing for eligibility for graduation;
13 providing for a state council to coordinate agencies
14 and schools; providing for membership on the council;
15 creating the Interstate Commission on Educational
16 Opportunity for Military Children; providing for
17 membership, organization, meetings, operations, powers,
18 and duties; creating an executive committee; requiring
19 the commission to adopt rules; providing for a legal
20 challenge to the adopted rules; providing for
21 oversight, enforcement, and dispute resolution;
22 providing procedures to suspend or terminate member
23 states; authorizing the commission to levy and collect
24 an annual assessment from each member state; providing
25 the method for the compact to become effective and
26 binding on the member states; providing procedures for
27 the withdrawal of a member state; providing
28 severability; providing for the effect of the compact
29 on member states' laws; creating s. 1000.37, F.S.;

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30 requiring the Secretary of State to furnish a copy of
31 the enrolled act enacting the Interstate Compact on
32 Educational Opportunity for Military Children to each
33 of the states approving the compact; providing an
34 effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Section 1000.36, Florida Statutes, is created to
39 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.

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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 service
91 members' departure from their home station on military orders
92 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 the
112 Interstate Commission.

113 H. "Local education agency" means a public authority
114 legally constituted by the state as an administrative agency to

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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 the
123 several states, the District of Columbia, the Commonwealth of
124 Puerto Rico, the United States Virgin Islands, Guam, American
125 Samoa, the Northern Marianas Islands, and any other United States
126 Territory. The term does not include any facility used primarily
127 for civil works, rivers and harbors projects, or flood control
128 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 Commission,
139 and has the force and effect of statutory law in a member state,
140 and includes the amendment, repeal, or suspension of an existing
141 rule.

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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 District
146 of Columbia, the Commonwealth of Puerto Rico, the United States
147 Virgin Islands, Guam, American Samoa, the Northern Marianas
148 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 there from 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:

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169 1. Active duty members of the uniformed services, including
170 members of the National Guard and Reserve on active-duty orders
171 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 period
174 of 1 year after medical discharge or retirement; and

175 3. Members of the uniformed services who die on active duty
176 or as a result of injuries sustained on active duty for a period
177 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 as
184 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

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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 validation
201 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 shall
204 request the student's official education record from the school
205 in the sending state. Upon receipt of the request, the school in
206 the sending state shall process and furnish the official
207 education records to the school in the receiving state within 10
208 days or within such time as is reasonably determined under the
209 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, regardless
221 of age. A student who has satisfactorily completed the
222 prerequisite grade level in the local education agency in the
223 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

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

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

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

251
252 A school in the receiving state is not precluded from performing
253 subsequent evaluations to ensure appropriate placement and
254 continued enrollment of the student in the courses.

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283 A. When considering the eligibility of a child for
284 enrolling in a school:

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

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

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

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

304 ARTICLE VII

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

308 A. Local education agency administrative officials shall
309 wave specific courses required for graduation if similar course
310 work has been satisfactorily completed in another local education
311 agency or shall provide reasonable justification for denial. If a

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312 waiver is not granted to a student who would qualify to graduate
313 from the sending school, the local education agency must provide
314 an alternative means of acquiring required coursework so that
315 graduation may occur on time.

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

323 C. If a military student transfers at the beginning or
324 during his or her senior year and is not eligible to graduate
325 from the receiving local education agency after all alternatives
326 have been considered, the sending and receiving local education
327 agencies must ensure the receipt of a diploma from the sending
328 local education agency, if the student meets the graduation
329 requirements of the sending local education agency. If one of the
330 states in question is not a member of this compact, the member
331 state shall use its best efforts to facilitate the on-time
332 graduation of the student in accordance with Sections A and B of
333 this Article.

334 ARTICLE VIII

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

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

352 B. The state council of each member state shall appoint or
353 designate a military family education liaison to assist military
354 families and the state in facilitating the implementation of this
355 compact.

356 C. The compact commissioner responsible for the
357 administration and management of the state's participation in the
358 compact shall be appointed by the Governor or as otherwise
359 determined by each member state.

360 D. The compact commissioner and the military family
361 education liaison shall be ex officio members of the state
362 council, unless either is already a full voting member of the
363 state council.

364 ARTICLE IX

365 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
366 MILITARY CHILDREN.--The member states hereby create the
367 "Interstate Commission on Educational Opportunity for Military
368 Children." The activities of the Interstate Commission are the

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369 formation of public policy and are a discretionary state
370 function. The Interstate Commission shall:

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

377 B. Consist of one Interstate Commission voting
378 representative from each member state who shall be that state's
379 compact commissioner.

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

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

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

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

393 C. Consist of ex officio, nonvoting representatives who are
394 members of interested organizations. The ex officio members, as
395 defined in the bylaws, may include, but not be limited to,
396 members of the representative organizations of military family
397 advocates, local education agency officials, parent and teacher

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398 groups, the United States Department of Defense, the Education
399 Commission of the States, the Interstate Agreement on the
400 Qualification of Educational Personnel, and other interstate
401 compacts affecting the education of children of military members.

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

405 E. Establish an executive committee, whose members shall
406 include the officers of the Interstate Commission and such other
407 members of the Interstate Commission as determined by the bylaws.
408 Members of the executive committee shall serve a 1-year term.
409 Members of the executive committee are entitled to one vote each.
410 The executive committee shall have the power to act on behalf of
411 the Interstate Commission, with the exception of rulemaking,
412 during periods when the Interstate Commission is not in session.
413 The executive committee shall oversee the day-to-day activities
414 of the administration of the compact including enforcement and
415 compliance with the compact, its bylaws and rules, and other such
416 duties as deemed necessary. The United States Department of
417 Defense shall serve as an ex officio, nonvoting member of the
418 executive committee.

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

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

432 1. Relate solely to the Interstate Commission's internal
433 personnel practices and procedures;

434 2. Disclose matters specifically exempted from disclosure
435 by federal and state statute;

436 3. Disclose trade secrets or commercial or financial
437 information which is privileged or confidential;

438 4. Involve accusing a person of a crime, or formally
439 censuring a person;

440 5. Disclose information of a personal nature where
441 disclosure would constitute a clearly unwarranted invasion of
442 personal privacy;

443 6. Disclose investigative records compiled for law
444 enforcement purposes; or

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

447 H. For a meeting, or portion of a meeting, closed pursuant
448 to this provision, the Interstate Commission's legal counsel or
449 designee shall certify that the meeting may be closed and shall
450 reference each relevant exemptible provision. The Interstate
451 Commission shall keep minutes which shall fully and clearly
452 describe all matters discussed in a meeting and shall provide a
453 full and accurate summary of actions taken, and the reasons
454 therefore, including a description of the views expressed and the

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455 record of a roll call vote. All documents considered in
456 connection with an action shall be identified in such minutes.
457 All minutes and documents of a closed meeting shall remain under
458 seal, subject to release by a majority vote of the Interstate
459 Commission.

460 I. The Interstate Commission shall collect standardized
461 data concerning the educational transition of the children of
462 military families under this compact as directed through its
463 rules which shall specify the data to be collected, the means of
464 collection and data exchange and reporting requirements. The
465 methods of data collection, exchange and reporting shall, in so
466 far as is reasonably possible, conform to current technology and
467 coordinate its information functions with the appropriate
468 custodian of records as identified in the bylaws and rules.

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

477 ARTICLE X

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

480 A. Provide for dispute resolution among member states.

481 B. Adopt rules and take all necessary actions to effect the
482 goals, purposes, and obligations as enumerated in this compact.
483 The rules have the force and effect of statutory law and are

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484 binding in the compact states to the extent and in the manner
485 provided in this compact.

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

489 D. Enforce compliance with the compact provisions, the
490 rules adopted by the Interstate Commission, and the bylaws, using
491 all necessary and proper means, including, but not limited to,
492 the use of judicial process.

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

495 F. Purchase and maintain insurance and bonds.

496 G. Borrow, accept, hire, or contract for services of
497 personnel.

498 H. Establish and appoint committees, including, but not
499 limited to, an executive committee as required by Article IX,
500 Section E, which shall have the power to act on behalf of the
501 Interstate Commission in carrying out its powers and duties
502 hereunder.

503 I. Elect or appoint such officers, attorneys, employees,
504 agents, or consultants, and to fix their compensation, define
505 their duties, and determine their qualifications; and to
506 establish the Interstate Commission's personnel policies and
507 programs relating to conflicts of interest, rates of
508 compensation, and qualifications of personnel.

509 J. Accept any and all donations and grants of money,
510 equipment, supplies, materials, and services, and to receive,
511 utilize, and dispose of it.

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512 K. Lease, purchase, accept contributions or donations of,
513 or otherwise to own, hold, improve, or use any property, real,
514 personal, or mixed.

515 L. Sell, convey, mortgage, pledge, lease, exchange,
516 abandon, or otherwise dispose of any property, real, personal, or
517 mixed.

518 M. Establish a budget and make expenditures.

519 N. Adopt a seal and bylaws governing the management and
520 operation of the Interstate Commission.

521 O. Report annually to the legislatures, governors,
522 judiciary, and state councils of the member states concerning the
523 activities of the Interstate Commission during the preceding
524 year. Such reports shall also include any recommendations that
525 may have been adopted by the Interstate Commission.

526 P. Coordinate education, training, and public awareness
527 regarding the compact, its implementation, and operation for
528 officials and parents involved in such activity.

529 Q. Establish uniform standards for the reporting,
530 collecting, and exchanging of data.

531 R. Maintain corporate books and records in accordance with
532 the bylaws.

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

535 T. Provide for the uniform collection and sharing of
536 information between and among member states, schools, and
537 military families under this compact.

538 ARTICLE XI

539 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

545 1. Establishing the fiscal year of the Interstate
546 Commission;

547 2. Establishing an executive committee and such other
548 committees as may be necessary;

549 3. Providing for the establishment of committees and for
550 governing any general or specific delegation of authority or
551 function of the Interstate Commission;

552 4. Providing reasonable procedures for calling and
553 conducting meetings of the Interstate Commission and ensuring
554 reasonable notice of each such meeting;

555 5. Establishing the titles and responsibilities of the
556 officers and staff of the Interstate Commission;

557 6. Providing a mechanism for concluding the operations of
558 the Interstate Commission and the return of surplus funds that
559 may exist upon the termination of the compact after the payment
560 and reserving of all of its debts and obligations.

561 7. Providing "start up" rules for initial administration of
562 the compact.

563 B. The Interstate Commission shall, by a majority of the
564 members, elect annually from among its members a chairperson, a
565 vice chairperson, and a treasurer, each of whom shall have such
566 authority and duties as may be specified in the bylaws. The
567 chairperson or, in the chairperson's absence or disability, the
568 vice chairperson, shall preside at all meetings of the Interstate

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569 Commission. The officers so elected shall serve without
570 compensation or remuneration from the Interstate Commission;
571 provided that, subject to the availability of budgeted funds, the
572 officers shall be reimbursed for ordinary and necessary costs and
573 expenses incurred by them in the performance of their
574 responsibilities as officers of the Interstate Commission.

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

577 1. Managing the affairs of the Interstate Commission in a
578 manner consistent with the bylaws and purposes of the Interstate
579 Commission;

580 2. Overseeing an organizational structure within, and
581 appropriate procedures for the Interstate Commission to provide
582 for the adoption of rules, operating procedures, and
583 administrative and technical support functions; and

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

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

596 E. The Interstate Commission's executive director and its
597 employees are immune from suit and liability, either personally

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598 or in their official capacity, for a claim for damage to or loss
599 of property or personal injury or other civil liability caused or
600 arising out of, or relating to, an actual or alleged act, error,
601 or omission that occurred, or that such person had a reasonable
602 basis for believing occurred, within the scope of Interstate
603 Commission employment, duties, or responsibilities, provided that
604 the person is not protected from suit or liability for damage,
605 loss, injury, or liability caused by the intentional or willful
606 and wanton misconduct of the person.

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

618 2. The Interstate Commission shall defend the executive
619 director and its employees and, subject to the approval of the
620 Attorney General or other appropriate legal counsel of the member
621 state represented by an Interstate Commission representative,
622 shall defend an Interstate Commission representative in any civil
623 action seeking to impose liability arising out of an actual or
624 alleged act, error, or omission that occurred within the scope of
625 Interstate Commission employment, duties, or responsibilities, or
626 that the defendant had a reasonable basis for believing occurred

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627 within the scope of Interstate Commission employment, duties, or
628 responsibilities, provided that the actual or alleged act, error,
629 or omission did not result from intentional or willful and wanton
630 misconduct on the part of the person.

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

644 ARTICLE XII

645 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--The
646 Interstate Commission shall adopt rules to effectively and
647 efficiently implement this act to achieve the purposes of this
648 compact.

649 A. If the Interstate Commission exercises its rulemaking
650 authority in a manner that is beyond the scope of the purposes of
651 this act, or the powers granted hereunder, the action undertaken
652 by the Interstate Commission is invalid and has no force or
653 effect.

654 B. Rules must be adopted pursuant to a rulemaking process
655 that substantially conforms to the "Model State Administrative

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656 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
657 1 (2000) as amended, as may be appropriate to the operations of
658 the Interstate Commission.

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

668 D. If a majority of the legislatures of the compacting
669 states rejects a rule by enactment of a statute or resolution in
670 the same manner used to adopt the compact, then the rule is
671 invalid and has no further force and effect in any compacting
672 state.

673 ARTICLE XIII

674 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.--

675 A. The executive, legislative, and judicial branches of
676 state government in each member state shall enforce this compact
677 and shall take all actions necessary and appropriate to
678 effectuate the compact's purposes and intent. The provisions of
679 this compact and the rules adopted under it have the force and
680 effect of statutory law.

681 B. All courts shall take judicial notice of the compact and
682 its adopted rules in any judicial or administrative proceeding in
683 a member state pertaining to the subject matter of this compact

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684 which may affect the powers, responsibilities, or actions of the
685 Interstate Commission.

686 C. The Interstate Commission is entitled to receive all
687 service of process in any such proceeding, and has standing to
688 intervene in the proceeding for all purposes. Failure to provide
689 service of process to the Interstate Commission renders a
690 judgment or order void as to the Interstate Commission, this
691 compact, or its adopted rules.

692 D. If the Interstate Commission determines that a member
693 state has defaulted in the performance of its obligations or
694 responsibilities under this compact, or the bylaws or the adopted
695 rules, the Interstate Commission shall:

696 1. Provide written notice to the defaulting state and other
697 member states, of the nature of the default, the means of curing
698 the default, and any action taken by the Interstate Commission.
699 The Interstate Commission must specify the conditions by which
700 the defaulting state must cure its default.

701 2. Provide remedial training and specific technical
702 assistance regarding the default.

703 3. If the defaulting state fails to cure the default,
704 terminate the defaulting state from the compact upon an
705 affirmative vote of a majority of the member states and all
706 rights, privileges, and benefits conferred by this compact shall
707 be terminated from the effective date of termination. A cure of
708 the default does not relieve the offending state of obligations
709 or liabilities incurred during the period of the default.

710 E. Suspension or termination of membership in the compact
711 may not be imposed on a member until all other means of securing
712 compliance have been exhausted. Notice of the intent to suspend

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713 or terminate membership must be given by the Interstate
714 Commission to the Governor, the majority and minority leaders of
715 the defaulting state's legislature, and each of the member
716 states.

717 F. A state that has been suspended or terminated is
718 responsible for all assessments, obligations, and liabilities
719 incurred through the effective date of suspension or termination
720 including obligations, the performance of which extends beyond
721 the effective date of suspension or termination.

722 G. The remaining member states of the Interstate Commission
723 do not bear any costs arising from a state that has been found to
724 be in default or that has been suspended or terminated from the
725 compact, unless otherwise mutually agreed upon in writing between
726 the Interstate Commission and the defaulting state.

727 H. A defaulting state may appeal the action of the
728 Interstate Commission by petitioning the United States District
729 Court for the District of Columbia or the federal district where
730 the Interstate Commission has its principal offices. The
731 prevailing party shall be awarded all costs of such litigation
732 including reasonable attorney's fees.

733 I. The Interstate Commission shall attempt, upon the
734 request of a member state, to resolve disputes that are subject
735 to the compact and that may arise among member states and between
736 member and nonmember states. The Interstate Commission shall
737 promulgate a rule providing for both mediation and binding
738 dispute resolution for disputes as appropriate.

739 1. The Interstate Commission, in the reasonable exercise of
740 its discretion, shall enforce the provisions and rules of this
741 compact.

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

753 3. The remedies herein are not the exclusive remedies of
754 the Interstate Commission. The Interstate Commission may avail
755 itself of any other remedies available under state law or the
756 regulation of a profession.

757 ARTICLE XIV

758 FINANCING OF THE INTERSTATE COMMISSION.--

759 A. The Interstate Commission shall pay, or provide for the
760 payment of, the reasonable expenses of its establishment,
761 organization, and ongoing activities.

762 B. The Interstate Commission may levy on and collect an
763 annual assessment from each member state to cover the cost of the
764 operations and activities of the Interstate Commission and its
765 staff which must be in a total amount sufficient to cover the
766 Interstate Commission's annual budget as approved each year. The
767 aggregate annual assessment amount shall be allocated based upon
768 a formula to be determined by the Interstate Commission, which
769 shall adopt a rule binding upon all member states.

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770 C. The Interstate Commission may not incur any obligation
771 of any kind before securing the funds adequate to meet the
772 obligation and the Interstate Commission may not pledge the
773 credit of any of the member states, except by and with the
774 permission of the member state.

775 D. The Interstate Commission shall keep accurate accounts
776 of all receipts and disbursements. The receipts and disbursements
777 of the Interstate Commission are subject to audit and accounting
778 procedures established under its bylaws. However, all receipts
779 and disbursements of funds handled by the Interstate Commission
780 shall be audited yearly by a certified or licensed public
781 accountant and the report of the audit shall be included in and
782 become part of the annual report of the Interstate Commission.

783 ARTICLE XV

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

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

786 B. The compact shall take effect and be binding upon
787 legislative enactment of the compact into law by not less than 10
788 of the states. The effective date shall be no earlier than
789 December 1, 2007. Thereafter, it shall become effective and
790 binding as to any other member state upon enactment of the
791 compact into law by that state. The governors of nonmember states
792 or their designees shall be invited to participate in the
793 activities of the Interstate Commission on a nonvoting basis
794 before adoption of the compact by all states.

795 C. The Interstate Commission may propose amendments to the
796 compact for enactment by the member states. An amendment does not
797 become effective and binding upon the Interstate Commission and

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798 the member states until the amendment is enacted into law by
799 unanimous consent of the member states.

800 ARTICLE XVI

801 WITHDRAWAL AND DISSOLUTION.--

802 A. Once in effect, the compact continues in force and
803 remains binding upon each and every member state, provided that a
804 member state may withdraw from the compact, specifically
805 repealing the statute that enacted the compact into law.

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

811 2. The withdrawing state must immediately notify the
812 chairperson of the Interstate Commission in writing upon the
813 introduction of legislation repealing this compact in the
814 withdrawing state. The Interstate Commission shall notify the
815 other member states of the withdrawing state's intent to withdraw
816 within 60 days after its receipt thereof.

817 3. A withdrawing state is responsible for all assessments,
818 obligations, and liabilities incurred through the effective date
819 of withdrawal, including obligations, the performance of which
820 extend beyond the effective date of withdrawal.

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

824 B. This compact shall dissolve effective upon the date of
825 the withdrawal or default of the member state which reduces the
826 membership in the compact to one member state.

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827 C. Upon the dissolution of this compact, the compact
828 becomes void and has no further force or effect, and the business
829 and affairs of the Interstate Commission shall be concluded and
830 surplus funds shall be distributed in accordance with the bylaws.

831 ARTICLE XVII

832 SEVERABILITY AND CONSTRUCTION.--

833 A. The provisions of this compact shall be severable, and
834 if any phrase, clause, sentence, or provision is deemed
835 unenforceable, the remaining provisions of the compact shall be
836 enforceable.

837 B. The provisions of this compact shall be liberally
838 construed to effectuate its purposes.

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

841 ARTICLE XVIII

842 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

843 A. This compact does not prevent the enforcement of any
844 other law of a member state that is not inconsistent with this
845 compact.

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

848 C. All lawful actions of the Interstate Commission,
849 including all rules and bylaws promulgated by the Interstate
850 Commission, are binding upon the member states.

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

853 E. If any part of this compact exceeds the constitutional
854 limits imposed on the Legislature of any member state, the

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855 provision shall be ineffective to the extent of the conflict with
856 the constitutional provision in question in that member state.

857 Section 2. Section 1000.37, Florida Statutes, is created to
858 read:

859 1000.37 Copies to other states approving.--After the
860 effective date of this act, the Secretary of State shall furnish
861 to each of the states approving the Interstate Compact on
862 Educational Opportunity for Military Children an enrolled copy of
863 this act.

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