

By the Committee on Education Pre-K - 12; and Senators Storms, Baker, Diaz de la Portilla, Alexander, Fasano, Villalobos, Bennett, Constantine, Crist, Dean, Gaetz and Wise

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1 A bill to be entitled

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

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30 the Interstate Compact on Educational Opportunity for
31 Military Children to each of the states approving the
32 compact; creating s. 1000.38, F.S.; authorizing the
33 Governor to designate a Compact Commissioner and Military
34 Family Education Liaison; creating duties and
35 responsibilities; creating s. 1000.39, F.S.; creating the
36 State Advisory Council for the Interstate Compact on
37 Educational Opportunity for Military Children; providing a
38 purpose; requiring the council to make specified
39 recommendations; providing membership; providing terms for
40 certain members; prohibiting compensation for members,
41 except reimbursement for per diem and travel expenses;
42 providing for records and open meetings; requiring the
43 Department of Education to provide administrative support;
44 prescribing procedures if the council is abolished;
45 providing for future legislative review and repeal of ss.
46 1000.36, 1000.37, 1000.38, and 1000.39, F.S.; providing a
47 contingent effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 1000.36, Florida Statutes, is created to
52 read:

53 1000.36 Interstate Compact on Educational
54 Opportunity for Military Children.--The Governor is authorized
55 and directed to execute the Interstate Compact on Educational
56 Opportunity for Military Children on behalf of this state with
57 any other state or states legally joining therein in the form
58 substantially as follows:

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59 Interstate Compact on Educational
60 Opportunity for Military Children

61 ARTICLE I

62 PURPOSE.--It is the purpose of this compact to remove
63 barriers to educational success imposed on children of military
64 families because of frequent moves and deployment of their
65 parents by:

66 A. Facilitating the timely enrollment of children of
67 military families and ensuring that they are not placed at a
68 disadvantage due to difficulty in the transfer of education
69 records from the previous school district or variations in
70 entrance or age requirements.

71 B. Facilitating the student placement process through which
72 children of military families are not disadvantaged by variations
73 in attendance requirements, scheduling, sequencing, grading,
74 course content, or assessment.

75 C. Facilitating the qualification and eligibility for
76 enrollment, educational programs, and participation in
77 extracurricular academic, athletic, and social activities.

78 D. Facilitating the on-time graduation of children of
79 military families.

80 E. Providing for the adoption and enforcement of
81 administrative rules implementing this compact.

82 F. Providing for the uniform collection and sharing of
83 information between and among member states, schools, and
84 military families under this compact.

85 G. Promoting coordination between this compact and other
86 compacts affecting military children.

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87 H. Promoting flexibility and cooperation between the
88 educational system, parents, and the student in order to achieve
89 educational success for the student.

90 ARTICLE II

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

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

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

100 C. "Compact commissioner" means the voting representative
101 of each compacting state appointed under Article VIII of this
102 compact.

103 D. "Deployment" means the period 1 month before the service
104 members' departure from their home station on military orders
105 through 6 months after return to their home station.

106 E. "Educational records" or "education records" means
107 those official records, files, and data directly related to a
108 student and maintained by the school or local education agency,
109 including, but not limited to, records encompassing all the
110 material kept in the student's cumulative folder such as general
111 identifying data, records of attendance and of academic work
112 completed, records of achievement and results of evaluative
113 tests, health data, disciplinary status, test protocols, and
114 individualized education programs.

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115 F. "Extracurricular activities" means a voluntary activity
116 sponsored by the school or local education agency or an
117 organization sanctioned by the local education agency.

118 Extracurricular activities include, but are not limited to,
119 preparation for and involvement in, public performances,
120 contests, athletic competitions, demonstrations, displays, and
121 club activities.

122 G. "Interstate Commission on Educational Opportunity for
123 Military Children" means the commission that is created under
124 Article IX of this compact, which is generally referred to as the
125 Interstate Commission.

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

130 I. "Member state" means a state that has enacted this
131 compact.

132 J. "Military installation" means a base, camp, post,
133 station, yard, center, homeport facility for any ship, or other
134 activity under the jurisdiction of the Department of Defense,
135 including any leased facility, which is located within any of the
136 several states, the District of Columbia, the Commonwealth of
137 Puerto Rico, the United States Virgin Islands, Guam, American
138 Samoa, the Northern Marianas Islands, and any other United States
139 Territory. The term does not include any facility used primarily
140 for civil works, rivers and harbors projects, or flood control
141 projects.

142 K. "Nonmember state" means a state that has not enacted
143 this compact.

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144 L. "Receiving state" means the state to which a child of a
145 military family is sent, brought, or caused to be sent or
146 brought.

147 M. "Rule" means a written statement by the Interstate
148 Commission adopted under Article XII of this compact which is of
149 general applicability, implements, interprets, or prescribes a
150 policy or provision of the compact, or an organizational,
151 procedural, or practice requirement of the Interstate Commission,
152 and has the force and effect of statutory law in a member state,
153 and includes the amendment, repeal, or suspension of an existing
154 rule.

155 N. "Sending state" means the state from which a child of a
156 military family is sent, brought, or caused to be sent or
157 brought.

158 O. "State" means a state of the United States, the District
159 of Columbia, the Commonwealth of Puerto Rico, the United States
160 Virgin Islands, Guam, American Samoa, the Northern Marianas
161 Islands, and any other United States Territory.

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

165 Q. "Transition" means:

166 1. The formal and physical process of transferring from
167 school to school; or

168 2. The period of time in which a student moves from one
169 school in the sending state to another school in the receiving
170 state.

171 R. "Uniformed services" means the Army, Navy, Air Force,
172 Marine Corps, Coast Guard as well as the Commissioned Corps of

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173 the National Oceanic and Atmospheric Administration, and Public
174 Health Services.

175 S. "Veteran" means a person who served in the uniformed
176 services and who was discharged or released there from under
177 conditions other than dishonorable.

178 ARTICLE III

179 APPLICABILITY.--

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

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

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

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

191 B. This interstate compact applies to local education
192 agencies.

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

194 1. Inactive members of the national guard and military
195 reserves;

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

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

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

203 ARTICLE IV

204 EDUCATIONAL RECORDS AND ENROLLMENT.--

205 A. If a child's official education records cannot be
206 released to the parents for the purpose of transfer, the
207 custodian of the records in the sending state shall prepare and
208 furnish to the parent a complete set of unofficial educational
209 records containing uniform information as determined by the
210 Interstate Commission. Upon receipt of the unofficial education
211 records by a school in the receiving state, that school shall
212 enroll and appropriately place the student based on the
213 information provided in the unofficial records pending validation
214 by the official records, as quickly as possible.

215 B. Simultaneous with the enrollment and conditional
216 placement of the student, the school in the receiving state shall
217 request the student's official education record from the school
218 in the sending state. Upon receipt of the request, the school in
219 the sending state shall process and furnish the official
220 education records to the school in the receiving state within 10
221 days or within such time as is reasonably determined under the
222 rules adopted by the Interstate Commission.

223 C. Compact states must give 30 days from the date of
224 enrollment or within such time as is reasonably determined under
225 the rules adopted by the Interstate Commission, for students to
226 obtain any immunization required by the receiving state. For a
227 series of immunizations, initial vaccinations must be obtained

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228 within 30 days or within such time as is reasonably determined
229 under the rules promulgated by the Interstate Commission.

230 D. Students shall be allowed to continue their enrollment
231 at grade level in the receiving state commensurate with their
232 grade level, including kindergarten, from a local education
233 agency in the sending state at the time of transition, regardless
234 of age. A student who has satisfactorily completed the
235 prerequisite grade level in the local education agency in the
236 sending state is eligible for enrollment in the next highest
237 grade level in the receiving state, regardless of age. A student
238 transferring after the start of the school year in the receiving
239 state shall enter the school in the receiving state on their
240 validated level from an accredited school in the sending state.

241 ARTICLE V

242 PLACEMENT AND ATTENDANCE.--

243 A. If a student transfers before or during the school year,
244 the receiving state school shall initially honor placement of the
245 student in educational courses based on the student's enrollment
246 in the sending state school or educational assessments conducted
247 at the school in the sending state if the courses are offered.
248 Course placement includes, but is not limited to, Honors,
249 International Baccalaureate, Advanced Placement, vocational,
250 technical, and career pathways courses. Continuing the student's
251 academic program from the previous school and promoting placement
252 in academically and career challenging courses should be
253 paramount when considering placement. A school in the receiving
254 state is not precluded from performing subsequent evaluations to
255 ensure appropriate placement and continued enrollment of the
256 student in the courses.

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257 B. The receiving state school must initially honor
258 placement of the student in educational programs based on current
259 educational assessments conducted at the school in the sending
260 state or participation or placement in like programs in the
261 sending state. Such programs include, but are not limited to:

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

264
265 A school in the receiving state is not precluded from performing
266 subsequent evaluations to ensure appropriate placement and
267 continued enrollment of the student in the courses.

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

282 D. Local education agency administrative officials may
283 waive course or program prerequisites, or other preconditions for
284 placement in courses or programs offered under the jurisdiction
285 of the local education agency.

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315 extracurricular activities, regardless of application deadlines,
316 to the extent they are otherwise qualified.

317 ARTICLE VII

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

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

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

336 C. If a military student transfers at the beginning or
337 during his or her senior year and is not eligible to graduate
338 from the receiving local education agency after all alternatives
339 have been considered, the sending and receiving local education
340 agencies must ensure the receipt of a diploma from the sending
341 local education agency, if the student meets the graduation
342 requirements of the sending local education agency. If one of the
343 states in question is not a member of this compact, the member

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344 state shall use its best efforts to facilitate the on-time
345 graduation of the student in accordance with Sections A and B of
346 this Article.

347 ARTICLE VIII

348 STATE COORDINATION.--Each member state shall, through the
349 creation of a state council or use of an existing body or board,
350 provide for the coordination among its agencies of government,
351 local education agencies, and military installations concerning
352 the state's participation in, and compliance with, this compact
353 and Interstate Commission activities.

354 A. Each member state may determine the membership of its
355 own state council but the membership must include at least: the
356 state superintendent of education, the superintendent of a school
357 district that has a high concentration of military children, a
358 representative from a military installation, one representative
359 each from the legislative and executive branches of government,
360 and other offices and stakeholder groups the state council deems
361 appropriate. A member state that does not have a school district
362 deemed to contain a high concentration of military children may
363 appoint a superintendent from another school district to
364 represent local education agencies on the state council.

365 B. The state council of each member state shall appoint or
366 designate a military family education liaison to assist military
367 families and the state in facilitating the implementation of this
368 compact.

369 C. The compact commissioner responsible for the
370 administration and management of the state's participation in the
371 compact shall be appointed by the Governor or as otherwise
372 determined by each member state.

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373 D. The compact commissioner and the military family
374 education liaison shall be ex officio members of the state
375 council, unless either is already a full voting member of the
376 state council.

377 ARTICLE IX

378 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
379 MILITARY CHILDREN.--The member states hereby create the
380 "Interstate Commission on Educational Opportunity for Military
381 Children." The activities of the Interstate Commission are the
382 formation of public policy and are a discretionary state
383 function. The Interstate Commission shall:

384 A. Be a body corporate and joint agency of the member
385 states and shall have all the responsibilities, powers, and
386 duties set forth herein, and such additional powers as may be
387 conferred upon it by a subsequent concurrent action of the
388 respective legislatures of the member states in accordance with
389 the terms of this compact.

390 B. Consist of one Interstate Commission voting
391 representative from each member state who shall be that state's
392 compact commissioner.

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

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

398 3. A representative shall not delegate a vote to another
399 member state. In the event the compact commissioner is unable to
400 attend a meeting of the Interstate Commission, the Governor or

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401 state council may delegate voting authority to another person
402 from their state for a specified meeting.

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

406 C. Consist of ex officio, nonvoting representatives who are
407 members of interested organizations. The ex officio members, as
408 defined in the bylaws, may include, but not be limited to,
409 members of the representative organizations of military family
410 advocates, local education agency officials, parent and teacher
411 groups, the United States Department of Defense, the Education
412 Commission of the States, the Interstate Agreement on the
413 Qualification of Educational Personnel, and other interstate
414 compacts affecting the education of children of military members.

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

418 E. Establish an executive committee, whose members shall
419 include the officers of the Interstate Commission and such other
420 members of the Interstate Commission as determined by the bylaws.
421 Members of the executive committee shall serve a 1-year term.
422 Members of the executive committee are entitled to one vote each.
423 The executive committee shall have the power to act on behalf of
424 the Interstate Commission, with the exception of rulemaking,
425 during periods when the Interstate Commission is not in session.
426 The executive committee shall oversee the day-to-day activities
427 of the administration of the compact including enforcement and
428 compliance with the compact, its bylaws and rules, and other such
429 duties as deemed necessary. The United States Department of

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430 Defense shall serve as an ex officio, nonvoting member of the
431 executive committee.

432 F. Establish bylaws and rules that provide for conditions
433 and procedures under which the Interstate Commission shall make
434 its information and official records available to the public for
435 inspection or copying. The Interstate Commission may exempt from
436 disclosure information or official records to the extent they
437 would adversely affect personal privacy rights or proprietary
438 interests.

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

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

447 2. Disclose matters specifically exempted from disclosure
448 by federal and state statute;

449 3. Disclose trade secrets or commercial or financial
450 information which is privileged or confidential;

451 4. Involve accusing a person of a crime, or formally
452 censuring a person;

453 5. Disclose information of a personal nature where
454 disclosure would constitute a clearly unwarranted invasion of
455 personal privacy;

456 6. Disclose investigative records compiled for law
457 enforcement purposes; or

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

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

473 I. The Interstate Commission shall collect standardized
474 data concerning the educational transition of the children of
475 military families under this compact as directed through its
476 rules which shall specify the data to be collected, the means of
477 collection and data exchange and reporting requirements. The
478 methods of data collection, exchange and reporting shall, in so
479 far as is reasonably possible, conform to current technology and
480 coordinate its information functions with the appropriate
481 custodian of records as identified in the bylaws and rules.

482 J. The Interstate Commission shall create a procedure that
483 permits military officials, education officials, and parents to
484 inform the Interstate Commission if and when there are alleged
485 violations of the compact or its rules or when issues subject to
486 the jurisdiction of the compact or its rules are not addressed by

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487 the state or local education agency. This section does not create
488 a private right of action against the Interstate Commission or
489 any member state.

490 ARTICLE X

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

493 A. Provide for dispute resolution among member states.

494 B. Adopt rules and take all necessary actions to effect the
495 goals, purposes, and obligations as enumerated in this compact.
496 The rules have the force and effect of statutory law and are
497 binding in the compact states to the extent and in the manner
498 provided in this compact.

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

502 D. Enforce compliance with the compact provisions, the
503 rules adopted by the Interstate Commission, and the bylaws, using
504 all necessary and proper means, including, but not limited to,
505 the use of judicial process.

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

508 F. Purchase and maintain insurance and bonds.

509 G. Borrow, accept, hire, or contract for services of
510 personnel.

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

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516 I. Elect or appoint such officers, attorneys, employees,
517 agents, or consultants, and to fix their compensation, define
518 their duties, and determine their qualifications; and to
519 establish the Interstate Commission's personnel policies and
520 programs relating to conflicts of interest, rates of
521 compensation, and qualifications of personnel.

522 J. Accept any and all donations and grants of money,
523 equipment, supplies, materials, and services, and to receive,
524 utilize, and dispose of it.

525 K. Lease, purchase, accept contributions or donations of,
526 or otherwise to own, hold, improve, or use any property, real,
527 personal, or mixed.

528 L. Sell, convey, mortgage, pledge, lease, exchange,
529 abandon, or otherwise dispose of any property, real, personal, or
530 mixed.

531 M. Establish a budget and make expenditures.

532 N. Adopt a seal and bylaws governing the management and
533 operation of the Interstate Commission.

534 O. Report annually to the legislatures, governors,
535 judiciary, and state councils of the member states concerning the
536 activities of the Interstate Commission during the preceding
537 year. Such reports shall also include any recommendations that
538 may have been adopted by the Interstate Commission.

539 P. Coordinate education, training, and public awareness
540 regarding the compact, its implementation, and operation for
541 officials and parents involved in such activity.

542 Q. Establish uniform standards for the reporting,
543 collecting, and exchanging of data.

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544 R. Maintain corporate books and records in accordance with
545 the bylaws.

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

548 T. Provide for the uniform collection and sharing of
549 information between and among member states, schools, and
550 military families under this compact.

551 ARTICLE XI

552 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.--

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

558 1. Establishing the fiscal year of the Interstate
559 Commission;

560 2. Establishing an executive committee and such other
561 committees as may be necessary;

562 3. Providing for the establishment of committees and for
563 governing any general or specific delegation of authority or
564 function of the Interstate Commission;

565 4. Providing reasonable procedures for calling and
566 conducting meetings of the Interstate Commission and ensuring
567 reasonable notice of each such meeting;

568 5. Establishing the titles and responsibilities of the
569 officers and staff of the Interstate Commission;

570 6. Providing a mechanism for concluding the operations of
571 the Interstate Commission and the return of surplus funds that

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572 may exist upon the termination of the compact after the payment
573 and reserving of all of its debts and obligations.

574 7. Providing "start up" rules for initial administration of
575 the compact.

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

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

590 1. Managing the affairs of the Interstate Commission in a
591 manner consistent with the bylaws and purposes of the Interstate
592 Commission;

593 2. Overseeing an organizational structure within, and
594 appropriate procedures for the Interstate Commission to provide
595 for the adoption of rules, operating procedures, and
596 administrative and technical support functions; and

597 3. Planning, implementing, and coordinating communications
598 and activities with other state, federal, and local government
599 organizations in order to advance the goals of the Interstate
600 Commission.

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601 D. The executive committee may, subject to the approval of
602 the Interstate Commission, appoint or retain an executive
603 director for such period, upon such terms and conditions and for
604 such compensation, as the Interstate Commission may deem
605 appropriate. The executive director shall serve as secretary to
606 the Interstate Commission, but is not a member of the Interstate
607 Commission. The executive director shall hire and supervise such
608 other persons as may be authorized by the Interstate Commission.

609 E. The Interstate Commission's executive director and its
610 employees are immune from suit and liability, either personally
611 or in their official capacity, for a claim for damage to or loss
612 of property or personal injury or other civil liability caused or
613 arising out of, or relating to, an actual or alleged act, error,
614 or omission that occurred, or that such person had a reasonable
615 basis for believing occurred, within the scope of Interstate
616 Commission employment, duties, or responsibilities, provided that
617 the person is not protected from suit or liability for damage,
618 loss, injury, or liability caused by the intentional or willful
619 and wanton misconduct of the person.

620 1. The liability of the Interstate Commission's executive
621 director and employees or Interstate Commission representatives,
622 acting within the scope of the person's employment or duties for
623 acts, errors, or omissions occurring within the person's state
624 may not exceed the limits of liability set forth under the
625 constitution and laws of that state for state officials,
626 employees, and agents. The Interstate Commission is considered to
627 be an instrumentality of the states for the purposes of any such
628 action. This subsection does not protect the person from suit or

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

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

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

657 ARTICLE XII

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658 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.--The
659 Interstate Commission shall adopt rules to effectively and
660 efficiently implement this act to achieve the purposes of this
661 compact.

662 A. If the Interstate Commission exercises its rulemaking
663 authority in a manner that is beyond the scope of the purposes of
664 this act, or the powers granted hereunder, the action undertaken
665 by the Interstate Commission is invalid and has no force or
666 effect.

667 B. Rules must be adopted pursuant to a rulemaking process
668 that substantially conforms to the "Model State Administrative
669 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
670 1 (2000) as amended, as may be appropriate to the operations of
671 the Interstate Commission.

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

681 D. If a majority of the legislatures of the compacting
682 states rejects a rule by enactment of a statute or resolution in
683 the same manner used to adopt the compact, then the rule is
684 invalid and has no further force and effect in any compacting
685 state.

686 ARTICLE XIII

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687 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.--

688 A. The executive, legislative, and judicial branches of
689 state government in each member state shall enforce this compact
690 and shall take all actions necessary and appropriate to
691 effectuate the compact's purposes and intent. The provisions of
692 this compact and the rules adopted under it have the force and
693 effect of statutory law.

694 B. All courts shall take judicial notice of the compact and
695 its adopted rules in any judicial or administrative proceeding in
696 a member state pertaining to the subject matter of this compact
697 which may affect the powers, responsibilities, or actions of the
698 Interstate Commission.

699 C. The Interstate Commission is entitled to receive all
700 service of process in any such proceeding, and has standing to
701 intervene in the proceeding for all purposes. Failure to provide
702 service of process to the Interstate Commission renders a
703 judgment or order void as to the Interstate Commission, this
704 compact, or its adopted rules.

705 D. If the Interstate Commission determines that a member
706 state has defaulted in the performance of its obligations or
707 responsibilities under this compact, or the bylaws or the adopted
708 rules, the Interstate Commission shall:

709 1. Provide written notice to the defaulting state and other
710 member states, of the nature of the default, the means of curing
711 the default, and any action taken by the Interstate Commission.
712 The Interstate Commission must specify the conditions by which
713 the defaulting state must cure its default.

714 2. Provide remedial training and specific technical
715 assistance regarding the default.

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

723 E. Suspension or termination of membership in the compact
724 may not be imposed on a member until all other means of securing
725 compliance have been exhausted. Notice of the intent to suspend
726 or terminate membership must be given by the Interstate
727 Commission to the Governor, the majority and minority leaders of
728 the defaulting state's legislature, and each of the member
729 states.

730 F. A state that has been suspended or terminated is
731 responsible for all assessments, obligations, and liabilities
732 incurred through the effective date of suspension or termination
733 including obligations, the performance of which extends beyond
734 the effective date of suspension or termination.

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

740 H. A defaulting state may appeal the action of the
741 Interstate Commission by petitioning the United States District
742 Court for the District of Columbia or the federal district where
743 the Interstate Commission has its principal offices. The

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744 prevailing party shall be awarded all costs of such litigation
745 including reasonable attorney's fees.

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

752 1. The Interstate Commission, in the reasonable exercise of
753 its discretion, shall enforce the provisions and rules of this
754 compact.

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

766 3. The remedies herein are not the exclusive remedies of
767 the Interstate Commission. The Interstate Commission may avail
768 itself of any other remedies available under state law or the
769 regulation of a profession.

770 ARTICLE XIV

771 FINANCING OF THE INTERSTATE COMMISSION.--

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772 A. The Interstate Commission shall pay, or provide for the
773 payment of, the reasonable expenses of its establishment,
774 organization, and ongoing activities.

775 B. The Interstate Commission may levy on and collect an
776 annual assessment from each member state to cover the cost of the
777 operations and activities of the Interstate Commission and its
778 staff which must be in a total amount sufficient to cover the
779 Interstate Commission's annual budget as approved each year. The
780 aggregate annual assessment amount shall be allocated based upon
781 a formula to be determined by the Interstate Commission, which
782 shall adopt a rule binding upon all member states.

783 C. The Interstate Commission may not incur any obligation
784 of any kind before securing the funds adequate to meet the
785 obligation and the Interstate Commission may not pledge the
786 credit of any of the member states, except by and with the
787 permission of the member state.

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

796 ARTICLE XV

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

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

799 B. The compact shall take effect and be binding upon
800 legislative enactment of the compact into law by not less than 10

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801 of the states. The effective date shall be no earlier than
802 December 1, 2007. Thereafter, it shall become effective and
803 binding as to any other member state upon enactment of the
804 compact into law by that state. The governors of nonmember states
805 or their designees shall be invited to participate in the
806 activities of the Interstate Commission on a nonvoting basis
807 before adoption of the compact by all states.

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

813 ARTICLE XVI

814 WITHDRAWAL AND DISSOLUTION.--

815 A. Once in effect, the compact continues in force and
816 remains binding upon each and every member state, provided that a
817 member state may withdraw from the compact, specifically
818 repealing the statute that enacted the compact into law.

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

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

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830 3. A withdrawing state is responsible for all assessments,
831 obligations, and liabilities incurred through the effective date
832 of withdrawal, including obligations, the performance of which
833 extend beyond the effective date of withdrawal.

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

837 B. This compact shall dissolve effective upon the date of
838 the withdrawal or default of the member state which reduces the
839 membership in the compact to one member state.

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

844 ARTICLE XVII

845 SEVERABILITY AND CONSTRUCTION.--

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

850 B. The provisions of this compact shall be liberally
851 construed to effectuate its purposes.

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

854 ARTICLE XVIII

855 BINDING EFFECT OF COMPACT AND OTHER LAWS.--

856 A. This compact does not prevent the enforcement of any
857 other law of a member state that is not inconsistent with this
858 compact.

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

861 C. All lawful actions of the Interstate Commission,
862 including all rules and bylaws promulgated by the Interstate
863 Commission, are binding upon the member states.

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

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

870 Section 2. Section 1000.37, Florida Statutes, is created to
871 read:

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

877 Section 3. Section 1000.38, Florida Statutes, is created to
878 read:

879 1000.38 Compact Commissioner and Military Family Education
880 Liaison.--

881 (1) In furtherance of Articles VIII and IX of the
882 Interstate Compact on Educational Opportunity for Military
883 Children, the Governor shall designate:

884 (a) A Compact Commissioner who shall be responsible for the
885 administration and management of this state's participation in
886 the compact and who shall serve as this state's voting
887 representative on the Interstate Commission on Educational

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888 Opportunity for Military Children.

889 (b) A Military Family Education Liaison from the list of
890 recommendations provided under s. 1000.39(2), who shall be
891 responsible for assisting military families and the state in
892 facilitating the implementation of the compact.

893 (2) The commissioner and liaison shall serve at the
894 pleasure of the Governor.

895 Section 4. Section 1000.39, Florida Statutes, is created to
896 read:

897 1000.39 State Advisory Council for the Interstate Compact
898 on Educational Opportunity for Military Children.--

899 (1) Pursuant to Article VIII of the Interstate Compact for
900 Educational Opportunity for Military Children in s. 1000.36, the
901 State Council on Interstate Educational Opportunity for Military
902 Children is created.

903 (2) (a) The purpose of the council is to provide advice and
904 make recommendations regarding this state's compliance with the
905 compact and participation in the Interstate Commission on
906 Educational Opportunity for Military Children.

907 (b) No later than 3 months after its formation, and
908 whenever requested by the Governor thereafter, the council shall
909 provide the Governor with the names of at least three, but no
910 more than five, persons who the council recommends to serve as
911 the Military Family Education Liaison.

912 (3) The council shall consist of the following seven
913 members:

914 (a) The Commissioner of Education or his or her designee;

915 (b) The superintendent, or his or her designee, for the
916 school district having the highest percentage per capita of

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917 military children during the previous school year;

918 (c) Two members appointed by the Commissioner of Education,
919 one of whom shall represent a military installation located
920 within this state and one of whom shall represent the executive
921 branch and possess experience in assisting military families in
922 obtaining educational services for their children. The term of
923 each member appointed under this paragraph shall be for 4 years;
924 however, in order to provide for staggered terms, the
925 Commissioner of Education shall initially appoint one member to a
926 term of 2 years and one member to a term of 3 years.

927 (d) One member appointed by, and who shall serve at the
928 pleasure of, the President of the Senate and the Speaker of the
929 House of Representatives.

930 (e) The Compact Commissioner and the Military Family
931 Education Liaison designated by the Governor under s. 1000.38,
932 who shall serve as nonvoting, ex officio members of the council.

933 (4) Council members shall serve without compensation, but
934 are entitled to reimbursement for per diem and travel expenses as
935 provided in s. 112.061.

936 (5) The provisions of s. 24, Art. I of the State
937 Constitution and of chapter 119 and s. 286.011 apply to
938 proceedings and records of the council. Minutes, including a
939 record of all votes cast, must be maintained for all meetings.

940 (6) The department shall provide administrative support to
941 the council.

942 (7) If the council is abolished, its records must be
943 appropriately stored, within 30 days after the effective date of
944 its abolition, by the department or its successor agency. Any
945 property assigned to the council must be reclaimed by the

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946 department or its successor agency. The council may not perform
947 any activities after the effective date of its abolition.

948 Section 5. Sections 1000.36, 1000.37, 1000.38, and 1000.39,
949 Florida Statutes, shall stand repealed 2 years after the
950 effective date of this act, unless reviewed and saved from repeal
951 through reenactment by the Legislature.

952 Section 6. This act shall take effect July 1, 2008, or upon
953 enactment of the Interstate Compact on Educational Opportunity
954 for Military Children into law by nine other states, whichever
955 date occurs later.