

Senate Bill 219

By: Senators Harbison of the 15th, Loudermilk of the 52nd, McKoon of the 29th, Jeffares of the 17th and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 adopt the "Interstate Compact on Educational Opportunity for Military Children"; to provide
3 for a short title; to provide for the purpose and policy of said compact; to define the
4 terminology used in said compact; to provide for applicability; to provide for educational
5 records and enrollment; to provided for placement and attendance; to provide for eligibility;
6 to provide for graduation; to provide for state coordination services; to create the Interstate
7 Commission on Educational Opportunity for Military Children; to provide for the members
8 of the interstate commission and their service; to provide for an executive committee and its
9 membership and duties; to provide for the powers, duties, organization, and operations of the
10 commission; to provide for oversight, enforcement, and dispute resolution; to provide for
11 financing of the interstate commission; to provide for member states, an effective date, and
12 amendments; to provide for withdrawal and dissolution; to provide for binding effect and
13 other laws; to repeal certain laws; to provide for other related matters; to repeal conflicting
14 laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
18 adding a new chapter to read as follows:

19 style="text-align:center">"CHAPTER 17

20 20-17-1.

21 This chapter shall be known and may be cited as the 'Interstate Compact on Educational
22 Opportunity for Military Children.'

23 20-17-2.
 24 'The Interstate Compact on Educational Opportunity for Military Children' is enacted into
 25 law and entered into by the State of Georgia with any and all states legally joining therein
 26 in the form substantially as follows:

27 Interstate Compact on Educational Opportunity for Military Children

28 The Contracting States solemnly agree that:

29 ARTICLE I

30 PURPOSE

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

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

37 B. Facilitating the student placement process through which children of military families
 38 are not disadvantaged by variations in attendance requirements, scheduling, sequencing,
 39 grading, course content, or assessment;

40 C. Facilitating the qualification and eligibility for enrollment, educational programs, and
 41 participation in extracurricular academic, athletic, and social activities;

42 D. Facilitating the on-time graduation of children of military families;

43 E. Providing for the promulgation and enforcement of administrative rules implementing
 44 the provisions of this compact;

45 F. Providing for the uniform collection and sharing of information between and among
 46 member states, schools, and military families under this compact;

47 G. Promoting coordination between this compact and other compacts affecting military
 48 children; and

49 H. Promoting flexibility and cooperation between the educational system, parents, and
 50 the student in order to achieve educational success for the student.

51 ARTICLE II

52 DEFINITIONS

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

- 54 A. "Active duty" means full-time duty status in the active uniformed service of the
55 United States, including members of the National Guard and Reserve on active duty
56 orders pursuant to 10 U.S.C. Sections 1209 and 1211.
- 57 B. "Children of military families" means school-aged children in the household of an
58 active duty member enrolled in kindergarten through grade 12.
- 59 C. "Compact commissioner" means the voting representative of each compacting state
60 appointed pursuant to Article VIII of this compact.
- 61 D. "Deployment" means the period one month prior to the service members' departure
62 from their home station on military orders though six months after return to their home
63 station.
- 64 E. "Educational records" means those official records, files, and data directly related to
65 a student and maintained by the school or local education agency, including, but not
66 limited to, records encompassing all the material kept in the student's cumulative folder,
67 such as general identifying data; records of attendance and of academic work completed;
68 records of achievement and results of evaluative tests; health data; disciplinary status; test
69 protocols; and individualized education programs.
- 70 F. "Extracurricular activities" means a voluntary activity sponsored by the school or local
71 education agency or an organization sanctioned by the local education agency.
72 Extracurricular activities include, but are not limited to, preparation for and involvement
73 in public performances, contests, athletic competitions, demonstrations, displays, and
74 club activities.
- 75 G. "Interstate Commission on Educational Opportunity for Military Children" or
76 "Interstate Commission" means the commission that is created under Article IX of this
77 compact.
- 78 H. "Local education agency" means a public authority legally constituted by the state as
79 an administrative agency to provide control of and direction for kindergarten through
80 grade 12 public educational institutions.
- 81 I. "Member state" means a state that has enacted this compact.
- 82 J. "Military installation" means a base, camp, post, station, yard, center, homeport
83 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
84 including any leased facility, which is located within any of the several states, the District
85 of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam,
86 American Samoa, the Northern Marianas Islands, and any other United States Territory.
87 Such term does not include any facility used primarily for civil works, rivers and harbors
88 projects, or flood control projects.
- 89 K. "Nonmember state" means a state that has not enacted this compact.

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

92 M. "Rule" means a written statement by the Interstate Commission promulgated pursuant
 93 to Article XII of this compact that is of general applicability, implements, interprets, or
 94 prescribes a policy or provision of the compact, or an organizational, procedural, or
 95 practice requirement of the Interstate Commission, and has the force and effect of
 96 statutory law in a member state, and includes the amendment, repeal, or suspension of an
 97 existing rule.

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

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

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

105 Q. "Transition" means the formal and physical process of transferring from school to
 106 school or the period of time in which a student moves from one school in the sending
 107 state to another school in the receiving state.

108 R. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, or Coast
 109 Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric
 110 Administration and Public Health Services.

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

113 ARTICLE III

114 APPLICABILITY

115 A. Except as otherwise provided in Section B of this article, this compact shall apply to
 116 the children of:

117 (1) Active duty members of the uniformed services as defined in this compact,
 118 including members of the National Guard and Reserve on active duty orders pursuant
 119 to 10 U.S.C. Sections 1209 and 1211;

120 (2) Members or veterans of the uniformed services who are severely injured and
 121 medically discharged or retired for a period of one year after medical discharge or
 122 retirement; and

123 (3) Members of the uniformed services who die on active duty or as a result of injuries
 124 sustained on active duty for a period of one year after death.

125 B. The provisions of this interstate compact shall only apply to local education agencies
 126 as defined in this compact.

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

128 (1) Inactive members of the national guard and military reserves;

129 (2) Members of the uniformed services now retired, except as provided in Section A
 130 of this article;

131 (3) Veterans of the uniformed services, except as provided in Section A of this article;
 132 and

133 (4) Other United States Department of Defense personnel and other federal agency
 134 civilian and contract employees not defined as active duty members of the uniformed
 135 services.

136 ARTICLE IV

137 EDUCATIONAL RECORDS & ENROLLMENT

138 A. Unofficial or "hand-carried" education records — In the event that official education
 139 records cannot be released to the parents for the purpose of transfer, the custodian of the
 140 records in the sending state shall prepare and furnish to the parent a complete set of
 141 unofficial educational records containing uniform information as determined by the
 142 Interstate Commission. Upon receipt of the unofficial education records by a school in
 143 the receiving state, the school shall enroll and appropriately place the student based on
 144 the information provided in the unofficial records pending validation by the official
 145 records, as quickly as possible.

146 B. Official education records and transcripts — Simultaneous with the enrollment and
 147 conditional placement of the student, the school in the receiving state shall request the
 148 student's official education record from the school in the sending state. Upon receipt of
 149 this request, the school in the sending state will process and furnish the official education
 150 records to the school in the receiving state within ten days or within such time as is
 151 reasonably determined under the rules promulgated by the Interstate Commission.

152 C. Immunizations — Compacting states shall give 30 days from the date of enrollment
 153 or within such time as is reasonably determined under the rules promulgated by the
 154 Interstate Commission for students to obtain any immunization required by the receiving
 155 state. For a series of immunizations, initial vaccinations must be obtained within 30 days
 156 or within such time as is reasonably determined under the rules promulgated by the
 157 Interstate Commission.

158 D. Kindergarten and first grade entrance age — Students shall be allowed to continue
 159 their enrollment at grade level in the receiving state commensurate with their grade level.

160 including kindergarten, from a local education agency in the sending state at the time of
 161 transition, regardless of age. A student who has satisfactorily completed the prerequisite
 162 grade level in the local education agency in the sending state shall be eligible for
 163 enrollment in the next highest grade level in the receiving state, regardless of age. A
 164 student transferring after the start of the school year in the receiving state shall enter the
 165 school in the receiving state on their validated level from an accredited school in the
 166 sending state.

167 ARTICLE V

168 PLACEMENT & ATTENDANCE

169 A. Course placement — When the student transfers before or during the school year, the
 170 receiving state school shall initially honor placement of the student in educational courses
 171 based on the student's enrollment in the sending state school or educational assessments
 172 conducted at the school in the sending state if the courses are offered. Course placement
 173 includes, but is not limited to, honors, international baccalaureate, advanced placement,
 174 vocational, technical, and career pathways courses. Continuing the student's academic
 175 program from the previous school and promoting placement in academically and career
 176 challenging courses should be paramount when considering placement. This does not
 177 preclude the school in the receiving state from performing subsequent evaluations to
 178 ensure appropriate placement and continued enrollment of the student in the course.

179 B. Educational program placement — The receiving state school shall initially honor
 180 placement of the student in educational programs based on current educational
 181 assessments conducted at the school in the sending state or participation or placement in
 182 like programs in the sending state. Such programs include, but are not limited to, gifted
 183 and talented programs and English as a second language. This does not preclude the
 184 school in the receiving state from performing subsequent evaluations to ensure
 185 appropriate placement of the student.

186 C. Special education services.

187 (1) In compliance with the federal requirements of the Individuals with Disabilities
 188 Education Act, 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially
 189 provide comparable services to a student with disabilities based on his or her current
 190 Individualized Education Program.

191 (2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29
 192 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42
 193 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable
 194 accommodations and modifications to address the needs of incoming students with

195 disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal
 196 access to education. This does not preclude the school in the receiving state from
 197 performing subsequent evaluations to ensure appropriate placement of the student.

198 D. Placement flexibility — Local education agency administrative officials shall have
 199 flexibility in waiving course or program prerequisites or other preconditions for
 200 placement in courses or programs offered under the jurisdiction of the local education
 201 agency.

202 E. Absence as related to deployment activities — A student whose parent or legal
 203 guardian is an active duty member of the uniformed services, as defined by the compact,
 204 and has been called to duty for, is on leave from, or immediately returned from
 205 deployment to a combat zone or combat support posting shall be granted additional
 206 excused absences at the discretion of the local education agency superintendent to visit
 207 with his or her parent or legal guardian relative to such leave or deployment of the parent
 208 or guardian.

209 ARTICLE VI
 210 ELIGIBILITY

211 A. Eligibility for enrollment.

212 (1) Special power of attorney, relative to the guardianship of a child of a military
 213 family and executed under applicable law, shall be sufficient for the purposes of
 214 enrollment and all other actions requiring parental participation and consent.

215 (2) A local education agency shall be prohibited from charging local tuition to a
 216 transitioning military child placed in the care of a noncustodial parent or other person
 217 standing in loco parentis who lives in a jurisdiction other than that of the custodial
 218 parent.

219 (3) A transitioning military child placed in the care of a noncustodial parent or other
 220 person standing in loco parentis who lives in a jurisdiction other than that of the
 221 custodial parent may continue to attend the school in which he or she was enrolled
 222 while residing with the custodial parent.

223 B. Eligibility for extracurricular participation — State and local education agencies shall
 224 facilitate the opportunity for transitioning military children's inclusion in extracurricular
 225 activities, regardless of application deadlines, to the extent they are otherwise qualified.

226

ARTICLE VII

227

GRADUATION

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

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

236 B. Exit exams — States shall accept exit or end-of-course exams required for graduation
 237 from the sending state, national norm-referenced achievement tests, or alternative testing
 238 in lieu of testing requirements for graduation in the receiving state. In the event the
 239 above alternatives cannot be accommodated by the receiving state for a student
 240 transferring in his or her senior year, then the provisions of Section C of this article shall
 241 apply.

242 C. Transfers during Senior year — Should a military student transferring at the
 243 beginning or during his or her senior year be ineligible to graduate from the receiving
 244 local education agency after all alternatives have been considered, the sending and
 245 receiving local education agencies shall ensure the receipt of a diploma from the sending
 246 local education agency if the student meets the graduation requirements of the sending
 247 local education agency. In the event that one of the states in question is not a member of
 248 this compact, the member state shall use best efforts to facilitate the on-time graduation
 249 of the student in accordance with Sections A and B of this article.

250

ARTICLE VIII

251

STATE COORDINATION

252 A. Each member state shall, through the creation of a state council or use of an existing
 253 body or board, provide for the coordination among its agencies of government, local
 254 education agencies, and military installations concerning the state's participation in, and
 255 compliance with, this compact and Interstate Commission activities. While each member
 256 state may determine the membership of its own state council, its membership must
 257 include at least the state superintendent of education, superintendent of a school district
 258 with a high concentration of military children, representative from a military installation,
 259 one representative each from the legislative and executive branches of government, and

260 other offices and stakeholder groups the state council deems appropriate. A member state
 261 that does not have a school district deemed to contain a high concentration of military
 262 children may appoint a superintendent from another school district to represent local
 263 education agencies on the state council.

264 B. The state council of each member state shall appoint or designate a military family
 265 education liaison to assist military families and the state in facilitating the implementation
 266 of this compact.

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

270 D. The compact commissioner and the military family education liaison designated
 271 herein shall be ex-officio members of the state council, unless either is already a full
 272 voting member of the state council.

273 ARTICLE IX

274 INTERSTATE COMMISSION ON EDUCATIONAL 275 OPPORTUNITY FOR MILITARY CHILDREN

276 The member states hereby create the "Interstate Commission on Educational Opportunity
 277 for Military Children." The activities of the Interstate Commission are the formation of
 278 public policy and are a discretionary state function. The Interstate Commission shall:

279 (1) Be a body corporate and joint agency of the member states and shall have all the
 280 responsibilities, powers, and duties set forth herein and such additional powers as may
 281 be conferred upon it by a subsequent concurrent action of the respective legislatures of
 282 the member states in accordance with the terms of this compact;

283 (2) Consist of one Interstate Commission voting representative from each member state
 284 who shall be that state's compact commissioner and:

285 A. Each member state represented at a meeting of the Interstate Commission is entitled
 286 to one vote;

287 B. A majority of the total member states shall constitute a quorum for the transaction
 288 of business, unless a larger quorum is required by the bylaws of the Interstate
 289 Commission;

290 C. A representative shall not delegate a vote to another member state. In the event the
 291 compact commissioner is unable to attend a meeting of the Interstate Commission, the
 292 Governor or state council may delegate voting authority to another person from their
 293 state for a specified meeting; and

294 D. The bylaws may provide for meetings of the Interstate Commission to be conducted
295 by telecommunication or electronic communication;

296 (3) Consist of ex-officio, nonvoting representatives who are members of interested
297 organizations. Such ex-officio members, as defined in the bylaws, may include, but not
298 be limited to, members of the representative organizations of military family advocates,
299 local education agency officials, parent and teacher groups, the United States Department
300 of Defense, the Education Commission of the States, the Interstate Agreement on the
301 Qualification of Educational Personnel, and other interstate compacts affecting the
302 education of children of military members;

303 (4) Meet at least once each calendar year. The chairperson may call additional meetings
304 and, upon the request of a simple majority of the member states, shall call additional
305 meetings;

306 (5) Establish an executive committee, whose members shall include the officers of the
307 Interstate Commission and such other members of the Interstate Commission as
308 determined by the bylaws. Members of the executive committee shall serve a one-year
309 term. Members of the executive committee shall be entitled to one vote each. The
310 executive committee shall have the power to act on behalf of the Interstate Commission,
311 with the exception of rulemaking, during periods when the Interstate Commission is not
312 in session. The executive committee shall oversee the day-to-day activities of the
313 administration of the compact, including enforcement and compliance with the provisions
314 of the compact, its bylaws and rules, and other such duties as deemed necessary. The
315 United States Department of Defense, shall serve as an ex-officio, nonvoting member of
316 the executive committee;

317 (6) Establish bylaws and rules that provide for conditions and procedures under which
318 the Interstate Commission shall make its information and official records available to the
319 public for inspection or copying. The Interstate Commission may exempt from
320 disclosure information or official records to the extent they would adversely affect
321 personal privacy rights or proprietary interests;

322 (7) Public notice shall be given by the Interstate Commission of all meetings, and all
323 meetings shall be open to the public, except as set forth in the rules or as otherwise
324 provided in the compact. The Interstate Commission and its committees may close a
325 meeting, or portion thereof, where it determines by two-thirds vote that an open meeting
326 would be likely to:

327 A. Relate solely to the Interstate Commission's internal personnel practices and
328 procedures;

329 B. Disclose matters specifically exempted from disclosure by federal and state statute;

- 330 C. Disclose trade secrets or commercial or financial information which is privileged
 331 or confidential;
- 332 D. Involve accusing a person of a crime, or formally censuring a person;
- 333 E. Disclose information of a personal nature where disclosure would constitute a
 334 clearly unwarranted invasion of personal privacy;
- 335 F. Disclose investigative records compiled for law enforcement purposes; or
- 336 G. Specifically relate to the Interstate Commission's participation in a civil action or
 337 other legal proceeding;
- 338 (8) For a meeting, or portion of a meeting, closed pursuant to this provision, the
 339 Interstate Commission's legal counsel or designee shall certify that the meeting may be
 340 closed and shall reference each relevant exemptible provision. The Interstate
 341 Commission shall keep minutes which shall fully and clearly describe all matters
 342 discussed in a meeting and shall provide a full and accurate summary of actions taken,
 343 and the reasons therefor, including a description of the views expressed and the record
 344 of a roll-call vote. All documents considered in connection with an action shall be
 345 identified in such minutes. All minutes and documents of a closed meeting shall remain
 346 under seal, subject to release by a majority vote of the Interstate Commission;
- 347 (9) The Interstate Commission shall collect standardized data concerning the educational
 348 transition of the children of military families under this compact as directed through its
 349 rules which shall specify the data to be collected, the means of collection, and data
 350 exchange and reporting requirements. Such methods of data collection, exchange, and
 351 reporting shall, in so far as is reasonably possible, conform to current technology and
 352 coordinate its information functions with the appropriate custodian of records as
 353 identified in the bylaws and rules; and
- 354 (10) The Interstate Commission shall create a process that permits military officials,
 355 education officials, and parents to inform the Interstate Commission if and when there are
 356 alleged violations of the compact or its rules or when issues subject to the jurisdiction of
 357 the compact or its rules are not addressed by the state or local education agency. This
 358 section shall not be construed to create a private right of action against the Interstate
 359 Commission or any member state.

360 ARTICLE X

361 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

362 The Interstate Commission shall have the following powers:

- 363 (1) To provide for dispute resolution among member states;

- 364 (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and
365 obligations as enumerated in this compact. The rules shall have the force and effect of
366 statutory law and shall be binding in the compact states to the extent and in the manner
367 provided in this compact;
- 368 (3) To issue, upon request of a member state, advisory opinions concerning the meaning
369 or interpretation of the interstate compact, its bylaws, rules, and actions;
- 370 (4) To enforce compliance with the compact provisions, the rules promulgated by the
371 Interstate Commission, and the bylaws, using all necessary and proper means, including,
372 but not limited to, the use of judicial process;
- 373 (5) To establish and maintain offices which shall be located within one or more of the
374 member states;
- 375 (6) To purchase and maintain insurance and bonds;
- 376 (7) To borrow, accept, hire, or contract for services of personnel;
- 377 (8) To establish and appoint committees, including, but not limited to, an executive
378 committee as required by Article IX, Section (5) of this compact which shall have the
379 power to act on behalf of the Interstate Commission in carrying out its powers and duties
380 hereunder;
- 381 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and
382 to fix their compensation, define their duties, and determine their qualifications; and to
383 establish the Interstate Commission's personnel policies and programs relating to conflicts
384 of interest, rates of compensation, and qualifications of personnel;
- 385 (10) To accept any and all donations and grants of money, equipment, supplies,
386 materials, and services, and to receive, utilize, and dispose of it;
- 387 (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
388 improve, or use any property, real, personal, or mixed;
- 389 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
390 of any property, real, personal, or mixed;
- 391 (13) To establish a budget and make expenditures;
- 392 (14) To adopt a seal and bylaws governing the management and operation of the
393 Interstate Commission;
- 394 (15) To report annually to the legislatures, governors, judiciary, and state councils of the
395 member states concerning the activities of the Interstate Commission during the
396 preceding year. Such reports shall also include any recommendations that may have been
397 adopted by the Interstate Commission;
- 398 (16) To coordinate education, training, and public awareness regarding the compact, its
399 implementation, and operation for officials and parents involved in such activity;
- 400 (17) To establish uniform standards for the reporting, collecting, and exchanging of data;

- 401 (18) To maintain corporate books and records in accordance with the bylaws;
 402 (19) To perform such functions as may be necessary or appropriate to achieve the
 403 purposes of this compact; and
 404 (20) To provide for the uniform collection and sharing of information between and
 405 among member states, schools, and military families under this compact.

406 ARTICLE XI

407 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

- 412 (1) Establishing the fiscal year of the Interstate Commission;
 413 (2) Establishing an executive committee, and such other committees as may be
 414 necessary;
 415 (3) Providing for the establishment of committees and for governing any general or
 416 specific delegation of authority or function of the Interstate Commission;
 417 (4) Providing reasonable procedures for calling and conducting meetings of the
 418 Interstate Commission, and ensuring reasonable notice of each such meeting;
 419 (5) Establishing the titles and responsibilities of the officers and staff of the Interstate
 420 Commission;
 421 (6) Providing a mechanism for concluding the operations of the Interstate Commission
 422 and the return of surplus funds that may exist upon the termination of the compact after
 423 the payment and reserving of all of its debts and obligations; and
 424 (7) Providing "start up" rules for initial administration of the compact.

425 B. The Interstate Commission shall, by a majority of the members, elect annually from
 426 among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall
 427 have such authority and duties as may be specified in the bylaws. The chairperson or, in
 428 the chairperson's absence or disability, the vice chairperson shall preside at all meetings
 429 of the Interstate Commission. The officers so elected shall serve without compensation
 430 or remuneration from the Interstate Commission; provided, however, that subject to the
 431 availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary
 432 costs and expenses incurred by them in the performance of their responsibilities as
 433 officers of the Interstate Commission.

434 C. Executive Committee, Officers, and Personnel.

435 (1) The executive committee shall have such authority and duties as may be set forth
 436 in the bylaws, including, but not limited to:

437 (i) Managing the affairs of the Interstate Commission in a manner consistent with the
 438 bylaws and purposes of the Interstate Commission;

439 (ii) Overseeing an organizational structure within, and appropriate procedures for, the
 440 Interstate Commission to provide for the creation of rules, operating procedures, and
 441 administrative and technical support functions; and

442 (iii) Planning, implementing, and coordinating communications and activities with
 443 other state, federal, and local government organizations in order to advance the goals
 444 of the Interstate Commission.

445 (2) The executive committee may, subject to the approval of the Interstate
 446 Commission, appoint or retain an executive director for such period, upon such terms
 447 and conditions and for such compensation, as the Interstate Commission may deem
 448 appropriate. The executive director shall serve as secretary to the Interstate
 449 Commission, but shall not be a member of the Interstate Commission. The executive
 450 director shall hire and supervise such other persons as may be authorized by the
 451 Interstate Commission.

452 D. The Interstate Commission's executive director and its employees shall be immune
 453 from suit and liability, either personally or in their official capacity, for a claim for
 454 damage to or loss of property or personal injury or other civil liability caused or arising
 455 out of or relating to an actual or alleged act, error, or omission that occurred, or that such
 456 person had a reasonable basis for believing occurred, within the scope of Interstate
 457 Commission employment, duties, or responsibilities; provided, however, that such person
 458 shall not be protected from suit or liability for damage, loss, injury, or liability caused by
 459 the intentional or willful and wanton misconduct of such person.

460 (1) The liability of the Interstate Commission's executive director and employees or
 461 Interstate Commission representatives, acting within the scope of such person's
 462 employment or duties for acts, errors, or omissions occurring within such person's state,
 463 may not exceed the limits of liability set forth under the Constitution and laws of that
 464 state for state officials, employees, and agents. The Interstate Commission is
 465 considered to be an instrumentality of the states for the purposes of any such action.
 466 Nothing in this subsection shall be construed to protect such person from suit or
 467 liability for damage, loss, injury, or liability caused by the intentional or willful and
 468 wanton misconduct of such person.

469 (2) The Interstate Commission shall defend the executive director and its employees
 470 and, subject to the approval of the Attorney General or other appropriate legal counsel
 471 of the member state represented by an Interstate Commission representative, shall

472 defend such Interstate Commission representative in any civil action seeking to impose
 473 liability arising out of an actual or alleged act, error, or omission that occurred within
 474 the scope of Interstate Commission employment, duties, or responsibilities, or that the
 475 defendant had a reasonable basis for believing occurred within the scope of Interstate
 476 Commission employment, duties, or responsibilities, provided that the actual or alleged
 477 act, error, or omission did not result from intentional or willful and wanton misconduct
 478 on the part of such person.

479 (3) To the extent not covered by the state involved, member state, or the Interstate
 480 Commission, the representatives or employees of the Interstate Commission shall be
 481 held harmless in the amount of a settlement or judgment, including attorney's fees and
 482 costs, obtained against such persons arising out of an actual or alleged act, error, or
 483 omission that occurred within the scope of Interstate Commission employment, duties,
 484 or responsibilities, or that such persons had a reasonable basis for believing occurred
 485 within the scope of Interstate Commission employment, duties, or responsibilities,
 486 provided that the actual or alleged act, error, or omission did not result from intentional
 487 or willful and wanton misconduct on the part of such persons.

488 ARTICLE XII

489 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

490 A. Rulemaking Authority — The Interstate Commission shall promulgate reasonable
 491 rules in order to effectively and efficiently achieve the purposes of this compact; provided
 492 however, that in the event the Interstate Commission exercises its rulemaking authority
 493 in a manner that is beyond the scope of the purposes of this compact, or the powers
 494 granted hereunder, then such an action by the Interstate Commission shall be invalid and
 495 have no force or effect.

496 B. Rulemaking Procedure — Rules shall be made pursuant to a rulemaking process that
 497 substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act,
 498 Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the
 499 operations of the Interstate Commission.

500 C. Not later than 30 days after a rule is promulgated, any person may file a petition for
 501 judicial review of the rule, provided that the filing of such a petition shall not stay or
 502 otherwise prevent the rule from becoming effective unless the court finds that the
 503 petitioner has a substantial likelihood of success. The court shall give deference to the
 504 actions of the Interstate Commission consistent with applicable law and shall not find the
 505 rule to be unlawful if the rule represents a reasonable exercise of the Interstate
 506 Commission's authority.

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

510 ARTICLE XIII

511 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

512 A. Oversight.

513 (1) The executive, legislative, and judicial branches of state government in each
 514 member state shall enforce this compact and shall take all actions necessary and
 515 appropriate to effectuate the compact's purposes and intent. The provisions of this
 516 compact and the rules promulgated hereunder shall have standing as statutory law.

517 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
 518 administrative proceeding in a member state pertaining to the subject matter of this
 519 compact which may affect the powers, responsibilities, or actions of the Interstate
 520 Commission.

521 (3) The Interstate Commission shall be entitled to receive all service of process in any
 522 such proceeding and shall have standing to intervene in the proceeding for all purposes.
 523 Failure to provide service of process to the Interstate Commission shall render a
 524 judgment or order void as to the Interstate Commission, this compact, or promulgated
 525 rules.

526 B. Default, Technical Assistance, Suspension, and Termination — If the Interstate
 527 Commission determines that a member state has defaulted in the performance of its
 528 obligations or responsibilities under this compact, or the bylaws or promulgated rules, the
 529 Interstate Commission shall:

530 (1) Provide written notice to the defaulting state and other member states of the nature
 531 of the default, the means of curing the default, and any action taken by the Interstate
 532 Commission. The Interstate Commission shall specify the conditions by which the
 533 defaulting state must cure its default;

534 (2) Provide remedial training and specific technical assistance regarding the default;

535 (3) If the defaulting state fails to cure the default, the defaulting state shall be
 536 terminated from the compact upon an affirmative vote of a majority of the member
 537 states, and all rights, privileges, and benefits conferred by this compact shall be
 538 terminated from the effective date of termination. A cure of the default does not relieve
 539 the offending state of obligations or liabilities incurred during the period of the default;

540 (4) Suspension or termination of membership in the compact shall be imposed only
 541 after all other means of securing compliance have been exhausted. Notice of intent to

542 suspend or terminate shall be given by the Interstate Commission to the Governor, the
543 majority and minority leaders of the defaulting state's legislature, and each of the
544 member states;

545 (5) The state which has been suspended or terminated is responsible for all
546 assessments, obligations, and liabilities incurred through the effective date of
547 suspension or termination, including obligations, the performance of which extends
548 beyond the effective date of suspension or termination;

549 (6) The Interstate Commission shall not bear any costs relating to any state that has
550 been found to be in default or which has been suspended or terminated from the
551 compact unless otherwise mutually agreed upon in writing between the Interstate
552 Commission and the defaulting state; and

553 (7) The defaulting state may appeal the action of the Interstate Commission by
554 petitioning the United States District Court for the District of Columbia or the federal
555 district where the Interstate Commission has its principal offices. The prevailing party
556 shall be awarded all costs of such litigation including reasonable attorney's fees.

557 C. Dispute Resolution.

558 (1) The Interstate Commission shall attempt, upon the request of a member state, to
559 resolve disputes which are subject to the compact and which may arise among member
560 states and between member and nonmember states.

561 (2) The Interstate Commission shall promulgate a rule providing for both mediation
562 and binding dispute resolution for disputes as appropriate.

563 D. Enforcement.

564 (1) The Interstate Commission, in the reasonable exercise of its discretion, shall
565 enforce the provisions and rules of this compact.

566 (2) The Interstate Commission may, by majority vote of the members, initiate legal
567 action in the United State District Court for the District of Columbia or, at the
568 discretion of the Interstate Commission, in the federal district where the Interstate
569 Commission has its principal offices, to enforce compliance with the provisions of the
570 compact, its promulgated rules, and bylaws against a member state in default. The
571 relief sought may include both injunctive relief and damages. In the event judicial
572 enforcement is necessary, the prevailing party shall be awarded all costs of such
573 litigation, including reasonable attorney's fees.

574 (3) The remedies herein shall not be the exclusive remedies of the Interstate
575 Commission. The Interstate Commission may avail itself of any other remedies
576 available under state law or the regulation of a profession.

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ARTICLE XIV

578

FINANCING OF THE INTERSTATE COMMISSION

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

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B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate

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Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment

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amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

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C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the

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credit of any of the member states, except by and with the authority of the member state.

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D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be

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subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be

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audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

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ARTICLE XV

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MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

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B. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than ten of the states. The effective date shall be no earlier

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than December 1, 2011. Thereafter, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The Governors of

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nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

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C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the

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Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

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ARTICLE XVI

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WITHDRAWAL AND DISSOLUTION

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A. Withdrawal.

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(1) Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

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

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

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(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

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

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B. Dissolution of Compact.

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(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

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

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ARTICLE XVII

637

SEVERABILITY AND CONSTRUCTION

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

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

642 C. Nothing in this compact shall be construed to prohibit the applicability of other
 643 interstate compacts to which the states are members.

644 ARTICLE XVIII

645 BINDING EFFECT OF COMPACT AND OTHER LAWS

646 A. Other Laws.

647 (1) Nothing herein shall prevent the enforcement of any other law of a member state
 648 that is not inconsistent with this compact.

649 (2) All member states' laws conflicting with this compact are superseded to the extent
 650 of the conflict.

651 B. Binding Effect of the Compact.

652 (1) All lawful actions of the Interstate Commission, including all rules and bylaws
 653 promulgated by the Interstate Commission, are binding upon the member states.

654 (2) All agreements between the Interstate Commission and the member states are
 655 binding in accordance with their terms.

656 (3) In the event any provision of this compact exceeds the constitutional limits imposed
 657 on the legislature of any member state, such provision shall be ineffective to the extent
 658 of the conflict with the constitutional provision in question in that member state."

659 **SECTION 2.**

660 On the date this Act becomes effective as provided in Article XV of this compact, Article 35
 661 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to education of
 662 military dependents, shall be repealed in its entirety.

663 **SECTION 3.**

664 All laws and parts of laws in conflict with this Act are repealed.