

Senate Bill 227

By: Senator Loudermilk of the 52nd

**AS PASSED**

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 provide 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 United States  
 84 Department of Defense, including any leased facility, which is located within any of the  
 85 several states, the District of Columbia, the Commonwealth of Puerto Rico, the United  
 86 States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any  
 87 other United States Territory. Such term does not include any facility used primarily for  
 88 civil works, rivers and harbors 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 includes the amendment, repeal,  
 96 or suspension of an existing rule.

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

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

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

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

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

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

### 112 ARTICLE III

#### 113 APPLICABILITY

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

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

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

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

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

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

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

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

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

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

#### 135 ARTICLE IV

#### 136 EDUCATIONAL RECORDS & ENROLLMENT

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

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

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

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

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

## 166 ARTICLE V

### 167 PLACEMENT & ATTENDANCE

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

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

185 C. Special education services.

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

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

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

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

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

## 208 ARTICLE VI

### 209 ELIGIBILITY

210 A. Eligibility for enrollment.

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

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

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

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

225

ARTICLE VII

226

GRADUATION

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

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

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

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

249

ARTICLE VIII

250

STATE COORDINATION

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

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

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

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

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

## 272 ARTICLE IX

### 273 INTERSTATE COMMISSION ON EDUCATIONAL 274 OPPORTUNITY FOR MILITARY CHILDREN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

328 C. Disclose trade secrets or commercial or financial information which is privileged  
329 or confidential;

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

## ARTICLE X

### POWERS AND DUTIES OF THE INTERSTATE COMMISSION

- 359 The Interstate Commission shall have the following powers:
- 360 (1) To provide for dispute resolution among member states;  
 361 (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and  
 362 obligations as enumerated in this compact. The rules shall be binding in the compact  
 363 states to the extent and in the manner provided in this compact;

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

400 (20) To provide for the uniform collection and sharing of information between and  
 401 among member states, schools, and military families under this compact.

402 ARTICLE XI

403 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

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

408 (1) Establishing the fiscal year of the Interstate Commission;

409 (2) Establishing an executive committee, and such other committees as may be  
 410 necessary;

411 (3) Providing for the establishment of committees and for governing any general or  
 412 specific delegation of authority or function of the Interstate Commission;

413 (4) Providing reasonable procedures for calling and conducting meetings of the  
 414 Interstate Commission, and ensuring reasonable notice of each such meeting;

415 (5) Establishing the titles and responsibilities of the officers and staff of the Interstate  
 416 Commission;

417 (6) Providing a mechanism for concluding the operations of the Interstate Commission  
 418 and the return of surplus funds that may exist upon the termination of the compact after  
 419 the payment and reserving of all of its debts and obligations; and

420 (7) Providing "start up" rules for initial administration of the compact.

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

430 C. Executive Committee, Officers, and Personnel.

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

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

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

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

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

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

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

465 (2) The Interstate Commission shall defend the executive director and its employees  
 466 and, subject to the approval of the Attorney General or other appropriate legal counsel  
 467 of the member state represented by an Interstate Commission representative, shall  
 468 defend such Interstate Commission representative in any civil action seeking to impose  
 469 liability arising out of an actual or alleged act, error, or omission that occurred within  
 470 the scope of Interstate Commission employment, duties, or responsibilities, or that the  
 471 defendant had a reasonable basis for believing occurred within the scope of Interstate

472 Commission employment, duties, or responsibilities, provided that the actual or alleged  
 473 act, error, or omission did not result from intentional or willful and wanton misconduct  
 474 on the part of such person.

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

## 484 ARTICLE XII

### 485 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

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ARTICLE XIII

507

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

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A. Oversight.

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

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

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

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

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

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(2) Provide remedial training and specific technical assistance regarding the default;  
(3) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;  
(4) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

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

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

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

553 C. Dispute Resolution.

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

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

559 D. Enforcement.

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

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

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

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ARTICLE XIV

574

FINANCING OF THE INTERSTATE COMMISSION

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

577 B. The Interstate Commission may levy on and collect an annual assessment from each  
 578 member state to cover the cost of the operations and activities of the Interstate  
 579 Commission and its staff which must be in a total amount sufficient to cover the Interstate  
 580 Commission's annual budget as approved each year. The aggregate annual assessment  
 581 amount shall be allocated based upon a formula to be determined by the Interstate  
 582 Commission, which shall promulgate a rule binding upon all member states.

583 C. The Interstate Commission shall not incur obligations of any kind prior to securing  
 584 the funds adequate to meet the same; nor shall the Interstate Commission pledge the  
 585 credit of any of the member states.

586 D. The Interstate Commission shall keep accurate accounts of all receipts and  
 587 disbursements. The receipts and disbursements of the Interstate Commission shall be  
 588 subject to the audit and accounting procedures established under its bylaws. However,  
 589 all receipts and disbursements of funds handled by the Interstate Commission shall be  
 590 audited yearly by a certified or licensed public accountant, and the report of the audit  
 591 shall be included in and become part of the annual report of the Interstate Commission.

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ARTICLE XV

593

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

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

595 B. This compact shall become effective and binding upon legislative enactment of this  
 596 compact into law by no less than ten of the states. The effective date shall be no earlier  
 597 than December 1, 2011. Thereafter, it shall become effective and binding as to any other  
 598 member state upon enactment of the compact into law by that state. The Governors of  
 599 nonmember states or their designees shall be invited to participate in the activities of the  
 600 Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

601 C. The Interstate Commission may propose amendments to the compact for enactment  
 602 by the member states. No amendment shall become effective and binding upon the  
 603 Interstate Commission and the member states unless and until it is enacted into law by  
 604 unanimous consent of the member states.

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ARTICLE XVI

606

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.

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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

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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.

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

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**ARTICLE XVIII**

639

**BINDING EFFECT OF COMPACT AND OTHER LAWS**

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**A. Other Laws.**

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

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

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**B. Binding Effect of the Compact.**

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

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

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(3) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent

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of the conflict with the constitutional provision in question in that member state."

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**SECTION 2.**

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

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**SECTION 3.**

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